

Disclaimer

These minutes reflect the actions taken by the Commission during its April 11, 2014 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on April 28, 2014.

PINELANDS COMMISSION MEETING¹

Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

April 11, 2014

Commissioners Present

Candace Ashmun, Alan W. Avery, Jr., Bill Brown, Joe DiBello, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, Robert Jackson, Ed Lloyd, Ed McGlinchey, Richard Prickett, D'Arcy Rohan Green and Chairman Mark Lohbauer. Also present were Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Gary Quinn and Fran Witt.

Chairman Mark Lohbauer called the meeting to order at 9:34 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

Mr. Charles Horner said in the absence of Executive Director Wittenberg, he will be facilitating today's meeting. Mr. Horner called the roll and announced the presence of a quorum.

The Commission and public in attendance pledged allegiance to the Flag.

Chairman Lohbauer advised his fellow Commissioners that Commissioner Witt has been in and out of the hospital. He said he wishes Commissioner Witt well.

Minutes

Chairman Lohbauer presented the amended set of the March 14, 2014 Commission meeting minutes. Commissioner Avery moved the adoption of the minutes. Commissioner Earlen seconded the motion.

Commissioner Lloyd suggested further amending the minutes to remove the current strike through of the motion and by adding a statement that the Governor vetoed the motion related to staff compensation.

Commissioner Ashmun said she doesn't believe we should change the minutes at all and that the changes should be addressed as part of the discussion in this meeting's minutes. She said the minutes should reflect what actually happened.

Commissioner McGlinchey said any change to the minutes is usually because of error.

DAG Heinzerling recommended adding a secretary's note under the vetoed motion.

Commissioner Avery and Commissioner Earlen said they would agree to the change that DAG Heinzerling suggested.

Ms. Stacey Roth noted that only one action from the March 14, 2014 meeting was vetoed, that being the said motion.

Commissioner Ashmun said that in the history of the Commission the minutes have never been vetoed.

Commissioner Lloyd said he thought the Governor's letter was unfortunate. He said the motion was made to get compensation for staff and so the mission of the Pinelands can carry on. He said he would like to work with the Governor to find a way to get staff the compensation they deserve. He said he believes that using monies from the Pinelands Conservation Fund (PCF) for staff compensation is an appropriate use. He said that when the Commission received PCF monies, it was divided into three categories, Land Acquisition, Conservation Planning & Research and Community Planning & Design. He said in his mind most of the work staff does falls into the latter two categories.

He said these funds were not raised through taxpayer dollars; they were received from projects that did not meet standards of the Plan.

Commissioner Ashmun said that the Commission partnered with both private entities and public agencies to preserve 7,000 acres with monies from the Conectiv MOA. She said that resulted in more work for staff, with no extra compensation.

Commissioner Jackson said we as Commissioners know how hard our staff works and their well being is very important. He said it is hard to accept accusations of frivolously giving money away. He said if expending money on our staff isn't a good idea than what is. He said each Commissioner thought very seriously about the motion.

Commissioner McGlinchey said some of information contained in the Governor's letter is inaccurate and he feels the Commission should respond in some matter to clarify those inaccuracies. He said since 2009 the Commission has spent 1 million dollars of PCF monies. He said the 5% raise will equate to about \$123,000, which is probably right around the same amount as the lawyer fees incurred for contract negotiations. He said he did not like the tone of the letter and said he is not a thief. He said getting staff raises is very important to him. He said our staff is already under paid and they are under staffed and they have not received a raise in a very long time.

Commissioner Galletta said he agrees with Commissioner McGlinchey. He said staff deserve raises and the decision to do so was not made frivolously.

Commissioner Jackson and Commissioner Rohan Green both agreed that responding back to the Governor in writing was not a good idea.

Commissioner McGlinchey remained adamant that the inaccuracies in the Governor's letter need to be addressed.

Mr. Horner said staff appreciates the Commissioners attempt to get raises for them, but staff would not encourage the Commission to respond in writing to the Governor's letter.

Commissioner Lloyd agreed with Commissioners Jackson and Rohan Green. He said he would like to find a way to continue conversations with the Governor to get staff the compensation they deserve. He said he believes the record has begun to be clarified today. He said we need to be clear to ourselves, staff and the public that we believe the PCF monies can be used for compensation to our staff.

Commissioner McGlinchey said we tried meeting with the Governor's office.

Chairman Lohbauer said he waited to comment on this matter until today. He said having the minutes vetoed was not a proud moment. He said he was troubled by the language in the Governor's letter. He said about six months ago a number of Commissioners met with the Governor's office and expressed concern over compensation for Pinelands Commission staff. At that meeting, we were asked to continue the process of collective bargaining. He

said after four years, we are no closer to an agreement. He said the veto occurred and the problem remains, but we will continue to work on finding a solution.

The minutes of the March 14, 2014 Commission meeting were adopted by a vote of 12 to 0, with Commissioner Rohan Green abstaining.

Committee Chairs' Reports

Plan Review Committee

Commissioner Ashmun said the Plan Review Committee is scheduled to meet today, immediately following the full Commission meeting. She thanked those Commissioners who submitted Plan Review suggestions.

Personnel & Budget Committee

Commissioner Prickett updated the Commission on action from the April 1, 2014 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the March 4, 2014 meeting.

Ms. Wittenberg provided an update on the FY2014 budget status, including the multitude of steps required to complete the budget. Due to extremely low application fees, an analysis of fees for the last three fiscal years was conducted and discussed. Because application fees are not expected to reach the budgeted amount, budget revisions will be forthcoming, and they will be discussed with the Committee. Ms. Wittenberg confirmed that the FY2013 audit will begin the first week in April, and she said Commissioner McGlinchey is the newest member of the Audit Committee.

Policy & Implementation Committee

Chairman Lohbauer updated the Commission on action from the March 28, 2014 Policy and Implementation (P&I) Committee meeting:

The Committee received a presentation on a proposal by Stafford Township to locate a stormwater basin in the Pinelands Forest Area to serve existing development in the Regional Growth Area. Staff is seeking guidance as to the most appropriate approach as this is not permitted under the CMP. The Committee engaged in a lengthy discussion and, and no formal determination was made.

Chairman Lohbauer congratulated Commissioner Brown on his re-appointment to the Commission.

Executive Director's Reports

Ms. Susan R. Grogan said the Pinelands Development Credit Bank Board recently met. She said an update on Pinelands Development Credits (PDC) sales activity and redemptions was provided to the Board. She said the Board discussed general supply and demand issues with PDC's, and estimates of future supply and future demand. Some of the

Board members are interested in an outreach program to inform the public about PDC's. She said a working group will be formed to handle that task.

Ms. Roth reminded Commissioners that it is time to complete Financial Disclosure Statements. She said she would be sending email reminders as the May 15, 2014 deadline approaches.

Mr. Larry Liggett updated the Commission on the following:

- Staff will be meeting soon with the New Jersey Builders Association to discuss stormwater and threatened and endangered species.
- At the upcoming 2014 Pinelands Orientation for Newly Elected Officials, staff will present the rapid landfill study.

Mr. Paul Leakan added that the Pinelands Orientation will be held at the Commission on May 29, 2014 at 4:00 p.m. in conjunction with the Pinelands Municipal Council Meeting.

Commissioner McGlinchey requested an update on a question he had asked at a Policy & Implementation meeting regarding money placed in escrow for landfill closures.

Mr. Horner said he would follow up on that question.

Mr. Leakan said that on the Commission's homepage is a link to a survey regarding the Commission's website redesign initiative. He requested that Commissioners and the public take the survey; it will be available for another 2-3 weeks.

Mr. Charles Horner updated the Commission on the following:

- Staff met with Manchester Township officials to discuss a forest fire fuel break for some existing housing developments located throughout the town. Some items remain to be figured out, such as who will submit the application and what funding options may be available.
- He provided an update on an application for a building addition to an existing Walmart in Hammonton. He said stormwater basin issues remain a problem.

Public Development Projects and Other Permit Matters

Commissioner Galletta moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1995-1676.003) (See Resolution # PC4-14-11). Commissioner McGlinchey seconded the motion.

Commissioner Ashmun asked about parking for the new building.

Mr. Horner said this is a developed site with an existing parking area.

The Commission adopted the resolution by a vote of 13 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

Theresa Lettman, Pinelands Preservation Alliance (PPA) provided comment on Application #1992-0102.006. She said that PPA and the New Jersey Conservation Foundation do not agree with the approach to treat invasive Japanese stiltgrass with herbicide at Greenbank Plantation. (She submitted written comment after the meeting.)

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioner had questions regarding the ordinances not requiring Commission action:

- Egg Harbor Township Ordinance 3-2014

No members of the Commission had questions.

Presentation: 2013 Long-Term Economic Monitoring Program Annual Report

Staff presented the 16th Long-Term Economic Monitoring Report to the Commission. The report attempts to take the temperature of the Pinelands and determine any unusual findings.

Mr. Liggett advised that for the first time, the Commission had purchased data from ESRI. This data enabled staff to report more accurately on split towns. He said that Mr. Joe Sosik recollected all the data and changed the format of the report. He also said staff has undertaken significant efforts to improve quality control of all data in the report.

Mr. Sosik presented the findings of the 2013 Long-Term Economic Monitoring Program. (See presentation slides for additional information.)

Mr. Liggett discussed the fiscal health of Pinelands Municipalities and the need for further special studies based on the analyzed data. Link to the report: http://www.nj.gov/pinelands/landuse/econ/LTEM_Annual_Report-2013.pdf

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Bill Wolfe, Bordentown NJ, said he was sorry to have missed the last Policy and Implementation meeting. He was encouraged to hear that staff was bringing options to the Committee. He said with regard to the Governor's letter, the Commission might consider writing a fact sheet or statement of intent to clarify the misrepresentations. He said the reliance on permit revenue to support a budget is not a good concept and said it turned the Department of Environmental Protection into a permit mill.

Margo Pellegrino, Medford Lakes, said she appreciated the Long Term Economic Monitoring presentation. She said climate change and changing water levels should be included when looking at the fiscal health of the Pinelands.

Peter Ferwerda, Warren Grove expressed concern over a sand mining operation in Little Egg Harbor Township. He also questioned whether the proposed mining operation was meeting all of the requirements of the municipal ordinance and the CMP.

Carleton Montgomery, Pinelands Preservation Alliance, said the Governor's veto letter was disappointing. He said he was happy to hear the conversation at the beginning of the meeting that the Commission will continue to try and get proper compensation for its staff. He said the staff at the Commission is crucial to implementing the rules. He said many people rely on the Commission's staff. He said after listening to today's economic presentation, he would suggest staff analyze Regional Growth Areas and determine ways in which the Commission can help these areas grow successfully and sustainably. He then asked for an update on the South Jersey Gas pipeline application.

Chairman Lohbauer asked the staff whether there had been any meetings with the applicant or other activity on the pipeline application. Ms. Roth said no.

Mr. Wolfe added that the language in the Governor's letter was not inadvertent. He said that the Governor has accused some North Jersey authorities of similar things stated in the letter to Commission, and he said it was more political than anything.

Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Ficaglia seconded the motion. The Commission agreed to adjourn at 11:18 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: _____