

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted remotely

All participants were present via Zoom conference

The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

Meeting ID: 833 5477 1666.

October 30, 2020 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Richard Prickett, Sean Earlen, Jordan Howell, Jerome H. Irick, Ed Lloyd and Mark Lohbauer

STAFF PRESENT: Nancy Wittenberg, Stacey P. Roth, Susan R. Grogan, Charles Horner, Ed Wengrowski, John Bunnell, Jessica Lynch, Ernest Deman and Betsy Piner. Rudy Rodas, with the Governor's Authorities Unit, arrived at 9:45 a.m.

1. Call to Order

Chairman Prickett called the meeting to order at 9:32 a.m. and Ms. Wittenberg identified all staff attending or participating in the meeting,

2. Adoption of minutes from the September 25, 2020 CMP Policy and Implementation Committee meeting

Commissioner Irick moved the adoption of the minutes of the September 25, 2020 Committee meeting. Commissioner Lohbauer seconded the motion and the minutes were adopted with all voting in favor.

Commissioner Lohbauer said the Land Use, Climate Impact and Sustainability (LUCIS) Committee, to be conducted immediately following this meeting, will consider a resolution and discuss staffing and administrative matters.

3. Alternate Design Treatment Systems Pilot Program

Commissioner Lohbauer moved the recommendation that the Commission adopt proposed rules for the alternate design wastewater treatment systems pilot program. Commissioner Howell seconded the motion.

Ms. Grogan said that the rule proposal had been published in the New Jersey Register with a 60-day comment period and a formal public hearing, conducted remotely. She said the Commission had received no feedback from anyone on the proposal, that no oral testimony was offered at the

hearing and no written comment submitted, as reflected in the adoption notice. She said the next steps involve forwarding this to the Commission, and upon approval, to the Office of Administrative Law for publication, in late December. She noted that the Governor's Authorities Unit had already reviewed and signed off on the rules.

Chairman Prickett said he was amazed by the amount of work and analysis that had gone into this proposal and said he believed this to have been a successful program so far, and imagined that the homeowners were pleased with their systems.

Ms. Grogan said staff has little interaction with the homeowners; it is more with the applicants and the engineers who design these systems. She deferred to Mr. Wengrowski.

Mr. Wengrowski said he too had little interaction with homeowners but said the Pinelands program has sparked interest in these alternate design septic systems for use throughout the state. He said whereas they are used in the Pinelands for density and lot size, elsewhere they are used to address depth to seasonal high water table issues. He noted that Septi-tech is pleased to be graduating out of the program and there are new technologies that are thrilled to have an opportunity to enter the program.

In response to Chairman Prickett's question as to how many of these systems are installed outside the Pinelands; Mr. Wengrowski said the treatment works approvals are issued by the New Jersey Department of Environmental Protection (NJDEP). Later in the meeting, in response to Commissioner Lloyd's request, Mr. Wengrowski said he would find out from NJDEP.

Chairman Prickett said he had been unaware that these systems were used outside the Pinelands. He said that is beneficial in creating a more universal record and doesn't put the entire burden on the Commission if there are issues with these systems.

Commissioner Irick said in his professional experience with the FAST systems in particular, for which he is a certified designer, there has been very good success both inside and outside the Pinelands. He said that he has found, in several instances, where beds have failed due to sludge buildup at the interface at the LOI (level of infiltration), the installation of the FAST system has restored those beds to useful condition. In addition, this technology is also useful in reducing the horizontal distance between the septic field and a well.

Chairman Prickett said he had always considered the innovative systems in terms of nitrogen reduction and he had not thought about reducing the biological load, but now he's learned that they can also reduce solid waste and decrease the distance between both the wells and the seasonal high water table.

The vote occurred with all voting in favor to recommend the adoption notice for the septic pilot program to the full Commission.

4. Discussion of staff workload and assistance from Commission members

Chairman Prickett said, at the last Commission meeting, Commissioner Lohbauer had requested an agenda item for this meeting related to staff workload and assistance from Commissioners. Chairman Prickett said he would like the P&I Committee and the Executive Director to consider having the LUCIS Committee's review of the CMP be concurrent with the five-year Plan Review that had last been initiated in 2012. He said possibly the LUCIS Committee could serve as the Plan Review Committee.

Commissioner Lohbauer said historically the Commission has been understaffed and that staff is being forced to pick up tasks from other titles as well as those of their own. He said he became more acutely aware of the staff shortage when the issue of the lack of minutes was raised for the LUCIS Committee. He said perhaps there was more that he could do now that his personal workload was reduced and he could be available. He said perhaps the Commissioners should reconsider the requests they make of staff and now that all the meetings are recorded on Zoom, and immediately available, perhaps that could suffice in lieu of minutes. He noted that there are now minutes for today's LUCIS meeting. He said he is here and ready to offer assistance.

Ms. Wittenberg said currently the staffing is down by about six or seven positions.

At 9:49 a.m., DAG Rudy Rodas joined the meeting as the new representative of the Governor's Authorities Unit now that Craig Ambrose has been appointed as a Superior Court judge.

Ms. Wittenberg clarified that staff is not taking on tasks outside their titles as that would not be permitted. She said staff is juggling and she would be consulting with DAG Rodas on the need to fill vacancies.

Commissioner Irick said he too would offer any help he could provide.

Commissioner Lohbauer said of course LUCIS would undertake the CMP review if that was the desire of the Chairman.

Commissioner Lloyd said the CMP review was important but he did not want to assign it to the LUCIS Committee and thought it had traditionally been undertaken by the P&I Committee. He said the climate issues are too important to dilute with Plan Review matters.

Ms. Wittenberg said almost all the upcoming proposed rules are climate related. She said with the long list of rule changes that the Commission will be considering, she did not see how Plan Review was even possible at this time.

Commissioner Lloyd concurred with Ms. Wittenberg and said Plan Review was important but climate rules should take priority.

Ms. Grogan said Plan Review was undertaken by a Plan Review Committee and the last one had been chaired by the late Commissioner Candace McKee Ashmun and composed mainly of P&I Committee members. She said Plan Review is a very labor intensive undertaking and with the current staffing levels, at least within the Planning Office, it is not something she felt could be undertaken at this time. The review requires not only looking at the rules but requires a lot of background material, the generation of data and reviewing of trends. She said it is a five-year interval but there are still a number of outstanding rules for the Commission to consider and adopt before embarking on a new review.

Chairman Prickett said he appreciated the update.

Ms. Wittenberg asked Ms. Roth about the minutes.

Ms. Roth said the Commission is obligated to prepare minutes for the Commission meetings under the statute for the governor's review and approval as well as under the Open Public Meetings Act. She said as a matter of course, minutes from the advisory committees have always been provided although not technically required.

Commissioner Lohbauer said he wanted to leave these matters in the hands of the Executive Director, who is responsible for managing the staff workload.

Chairman Prickett said he believed most Commissioners would lend their expertise if necessary.

Commissioner Irick asked if there is a list of priority workload items, particularly those related to climate issues.

When Ms. Wittenberg responded that she has a long list of items for the LUCIS Committee, Commissioner Irick said the matter should be discussed at the appropriate time.

5. Public Comment

Mr. Richard Dann said he was a Woodbury resident and the lead negotiator for the Communications Workers of America (CWA) on behalf of Pinelands Commission staff. He said the members have asked him to call in on behalf of the workers the union represents. He said the Commission negotiators have refused to meet for more than seven months but now that the State budget has been adopted and the Commission has received its previous funding, fiscal uncertainty is no longer a plausible reason not to negotiate. He asked that the Commission resume negotiations and treat the employees fairly.

After waiting a few minutes for any additional callers, Chairman Prickett thanked Commissioners and staff for participating in today's meeting.

There being no further business, Commissioner Lohbauer moved the adjournment of the meeting. Commissioner Howell seconded the motion and all agreed. The meeting adjourned at 10:02 a.m.

Certified as correct and true.

A handwritten signature in black ink, appearing to read "Betsy Piner". The signature is written in a cursive style with a large initial "B".

Betsy Piner

Principal Planning Assistant

January 19, 2021