

## MINUTES

### NEW JERSEY HIGHLANDS COUNCIL MEETING OF OCTOBER 26, 2006

JOHN WEINGART ) CHAIRMAN

KURT ALSTED )  
ELIZABETH CALABRESE ) COUNCIL MEMBERS  
TRACY CARLUCCIO )  
TIM DILLINGHAM )  
MIMI LETTS )  
DEBBIE PASQUARELLI )  
ERIK PETERSON )  
GLEN VETRANO )  
TAHESHA WAY )  
SCOTT WHITENACK )

#### PARTICIPATING VIA TELECONFERENCE:

JANICE KOVACH  
MIKAEL SALOVAARA

#### ABSENT:

JACK SCHRIER

#### CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the 38<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 a.m.

**ROLL CALL:** The members of the Council introduced themselves.

**PLEDGE OF ALLEGIANCE** was then recited.

#### OPEN PUBLIC MEETINGS ACT:

Chairman Weingart announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and that the Highlands Council had sent written notice of the time, date and location of this meeting to pertinent newspapers or circulation throughout the State.

At that time, Ms. Janice Kovach joined the meeting via teleconference. Mr. Weingart advised that the receptionist had a sign in sheet for those members of the public wishing to speak, and asked that speakers kindly sign in.

#### MINUTES OF OCTOBER 5, 2006:

Ms. Mimi Letts motioned to approve, Mr. Scott Whitenack seconded. Ms. Elizabeth Calabrese and Ms. Debbie Pasquarelli abstained, with 7 members in favor, the minutes of October 5<sup>th</sup> could not be approved. Later in the meeting when Mr. Glen Vetrano and Mr. Erik Peterson arrived, the prior motion made and seconded was

restated. Mr. Vetrano, Ms. Calabrese, and Ms. Pasquarelli abstained, 8 members were in favor, and the minutes of October 5, 2006 were APPROVED.

### **MINUTES OF OCTOBER 12, 2006:**

Mr. Weingart noted that the Council would postpone the vote on the minutes of October 12<sup>th</sup>, 2006 until other members that were present at the October 12<sup>th</sup> meeting were present to vote on them.

### **CHAIRMAN'S REPORT:**

Chairman Weingart advised the original Council schedule proposed that the draft Regional Master Plan would be presented at this meeting for a vote, but noted that the schedule was revised and advised the new date for vote on the proposed draft plan is November 30<sup>th</sup>, 2006. He stated that the major item on the Council's revised meeting agenda today is to hear additional public comments on the various topics discussed at the Council's work sessions. Once the draft Regional Master Plan is released, the Council will hold a 60 day public comment period with 6 public hearings in January 2007.

Mr. Weingart noted the Council will attempt to schedule one or two additional meetings before November 30<sup>th</sup>, 2006 and asked that the members check with Ms. Denise Guidotti to provide their availability for possible meeting dates. Mr. Weingart asked if any members had reports or questions and since none did, he turned to Mr. Dante Di Pirro for the Executive Director's report.

### **EXECUTIVE DIRECTOR'S REPORT:**

Mr. Di Pirro stated as a follow up to the Chairman's comments regarding the draft plan, that staff is working very hard to review and deliver sections of the map and plan to the members. He noted staff has a strong sense of urgency to complete the draft well and on time. He advised that staff has been using a process to review portions as they are completed and has a workable schedule and list of necessary tasks outlined to keep on target. Mr. Di Pirro said that there is a consistent vision and format for the sections of the document which will be reviewed by the Council. The first group of sections has already been provided to the members, and Mr. Balzano will continue to work on the map for the Council's review, and Mr. Borden will continue oversight of the writing team.

Mr. Di Pirro stated the second and final sections of the plan will be distributed to members over the next two weeks. Council members are invited to provide input over the next couple weeks. Mr. Di Pirro stated that when the members are satisfied with the draft and determine a vote is appropriate, the next phase will be public release of the plan to gather input.

Mr. Di Pirro noted that the staff and Council look forward to hearing from the public to gain their feedback regarding all the topics that have been discussed by the Council at its recent work sessions. He advised that feedback will be incorporated into the draft plan.

Mr. Weingart asked if there were any questions, and none were received. He advised that at present ten people had signed up to speak, and further advised that the comment session is not intended to be a dialogue session but rather an opportunity for comments to be submitted.

Ms. Pasquarelli asked for clarification regarding the review process for documents already in hand. Mr. Di Pirro replied that the members received a proposed Table of Contents, which illustrates the sections of the plan: a background section, a section that deals with the map, accompanying standards section, and an implementation section. He noted that these plan sections are the various pieces of the Table of Contents which are highlighted for the purpose of illustrating progression – such as how the materials have been revised as a

result of members' input and recommendations as to the policy papers. Mr. Di Pirro stated that as documents are sent to the Council members, the staff would like to receive their input back in a week's time.

Ms. Pasquarelli stated she wanted it clarified what the members should be reviewing as to content. Mr. Di Pirro stated for clarification with regard to members' review, there are two types of sections: those that are not dependent on the map, and those that are. He advised for example that the Forest section is dependent upon the map and therefore the content of that section is not final. He asked that the members examine the formatting of that section which has been designed based on input of the members to date. Mr. Di Pirro stated that the forest section also includes a sample overlay map. Once the draft plan is complete, some changes will be made, but at the outset staff needs certain input for the map.

Ms. Pasquarelli asked where the editing committee fits in to the process. Mr. Di Pirro stated that it reviews the background sections, history of the region, task force materials and the governmental actions that took place. The editing committee has already reviewed the first two sections. Mr. Weingart said that the members will receive the entire document to review, and noted that some style questions have been raised and considered as to certain sections.

Mr. Balzano then asked if he could be excused for the balance of the meeting to continue work on the map.

#### **PUBLIC COMMENT PERIOD:**

**Frank Hannan**, West Milford. Mr. Hannan noted he would comment regarding the economic viability of the Preservation Area. He stated he sits on the Board of Adjustment, but was not speaking today as an official but rather as a private citizen. Mr. Hannan thanked the Council for the opportunity to speak at the meeting and noted that he recently attended a conference where the Governor was speaking and said he was one of about 12 people given the opportunity to ask the Governor a question. Mr. Hannan asked Governor Corzine if it was his intention to compensate the landowners in the Highlands, and the Governor replied without hesitation that it was. Mr. Hannan said that Route 23 has many empty stores, and viability is a big problem. He asked the Council to review the proposed Assembly Bill A3557, and noted there was an identical Senate Bill sponsored by Senator Littell. He said the bill proposes that areas which are 99% in the Highlands Preservation Area be 50% exempt from sales tax, and therefore charged 3.5% sales tax like what is charged in the state's urban areas. Mr. Hannan said he hopes the Council will support the bill and provided copies.

**Ted Koven**, Tewksbury Township. Mr. Koven stated he is a former Mayor and member of the Town Committee. He noted that Tewksbury has had periods of slow development, but also periods of rapid development. He stated that there continues to be a degradation of environmental resources and noted the importance of regional planning and zoning in order to protect water resources.

**Susan Buck**, Oxford Township. Ms. Buck stated she has concern over the Council's process and that she thought too much time was spent debating how to achieve goals rather than completing the plan. Ms. Buck said that the Council has to find a way to balance degradation of resources and the protection of landowners' rights. She stated she thought the Council was drafting the plan, but noted the staff is doing so. Ms. Buck mentioned the TDR booklet done by Regional Plan Association and stated that the Highlands legislation is impossible and said that there are aspects of the law which make the process impossible to complete the task. Ms. Buck said she has lost confidence in the Council's ability to produce a viable plan.

Ms. Pasquarelli noted with regard to Ms. Buck's comment, that the Council has not resolved some policy issues. Mr. Weingart noted that the Council will meet next on November 9<sup>th</sup>, and again at another meeting prior to November 30<sup>th</sup>, where it will put all unresolved issues on the table. Mr. Weingart advised that staff will then incorporate those changes into the November 30<sup>th</sup> draft plan.

**Elizabeth George-Cheniara**, New Jersey Builders Association. Ms. George-Cheniara stated that NJBA emphasizes the Council needs to address brownfields redevelopment and said it is unclear what steps the Council will be taking to accomplish that goal. The other issue NJBA wants the Council to address is the identification of potential growth areas. She stated the Council has not pointed out where development will occur. Also, she noted the NJBA's desire to review the transportation element of the plan and asked when these portions will be available to the public. She provided a copy of her comments in writing.

**David Troast**, Director of Planning, Sparta Township. Mr. Troast thanked the Council for spending so much time on the plan and noted he has read the Council minutes and other documents on the website. He noted he is concerned that certain actions by other bodies of the State may be compromising the Council's work, specifically, the State Planning Commission. It is the Council's obligation to make crystal clear that town centers are 100% exempt from the Regional Master Plan unless they opt-in. He worries that interpretation is key and should be stated up front. Mr. Troast noted the time frame for public comments on the draft plan bothers him because November 30<sup>th</sup> is at the beginning of the holiday season, and said that skeptics will think the Council is doing so because it will not receive as much input as it would during any other time of year. He wants the Council to consider extending the public comment period beyond the 60 days. He also asked who the licensed New Jersey planner on the document would be, noting the plan has to be signed off on by a licensed planner.

Ms. Pasquarelli agreed with Mr. Troast's comment about the schedule and noted that the Plan Development Committee should meet to discuss the matter. Mr. Weingart advised that the Local Participation Committee will meet again before the next Council meeting, and this would be a topic they will consider. Ms. Pasquarelli said the staff recommended dates to the committee, however the Council should take responsibility.

**Andy Drysdale**, Chester Township. Mr. Drysdale stated he lives at 32 E. Fox Chase Road and feels trapped in the Preservation Area by a politically drawn line. He thinks that the NJDEP can not take care of what it already has oversight of and mentioned Waterloo Village. He said that there were buffers referred to at prior Council meetings of 600 and 1000 feet, and said that people in the Preservation Area should contact their legislators as soon as possible. Mr. Drysdale noted that if the State wants to preserve land it should purchase it at pre-Act value from willing sellers.

**David Pfeiffer**, Association of New Jersey Environmental Commissions. Mr. Pfeiffer said he wanted to point out the issue of limestone areas within the Highlands. There is a widespread presence of limestone throughout all 88 municipalities. These areas have had a history of causing problems with groundwater contamination as to development, and noted that Phillipsburg is a prime example. The limestone areas are very sensitive to disturbance by human activities. They are potential natural resource areas and prolific aquifer areas where sands are present which are very important, such as the Flanders well field in Morris County. He said that policy issues that arise when examining methods for planning are interesting with regard to limestone and that if development is pushed off the slopes and put down on flat ground, they are over top of the limestone. When you apply the nitration dilution model, the smaller lots have the most groundwater which is an unanticipated consequence. If there is a prolific aquifer under limestone, the result is smaller lots. He stated that most of the Planning Area delineations tend to follow the large lots. Mr. Pfeiffer said that through preserving farmland, a lot of limestone areas can be saved. Farming must be done with a conscious effort to preserve the limestone resource. He said that it is not good to recharge in heavy amounts in limestone areas. Mr. Pfeiffer noted that site plan review is deferred to the local level for approval and noted that this problem is clearly recognized by towns that have limestone. He asked the Council to prepare a model ordinance for limestone protection to be used during the conformance period. He offered a copy of a model ordinance to the members and said the Highlands Regional Master Plan should recognize vital water supplies for the future of available potable water. Mr. Pfeiffer said ANJEC would also like the Council to address contamination issues and stated that carbonated rock areas should also be classified as critical areas and delineated on the map. He provided his comments in writing.

At that time, Mr. Mikael Salovaara joined the meeting via teleconference.

**David Shope**, Long Valley. Mr. Shope stated he owns a farm in Lebanon Township. He asked the Council to discuss agricultural viability further. He pointed to the farmland exemption under the definition of Highlands Regional Farm which refers to a farm unit of no less than 5 acres, and Mr. Shope stated he wanted this designation removed from the glossary. Regarding the statewide policy on equity he read a portion aloud, and asked if this was the Council's policy. Mr. Shope read from an October 21, 2006 article written by an economist that addressed the agriculture business. He provided a copy of the article to the Council and questioned whether agriculture can really be considered a business because the average business' return on equity in the country is 17%.

**Julia Somers**, Highlands Coalition. Ms. Somers said that the Coalition supports the Council and its work and agreed that only a regional plan can protect the resources of northern New Jersey. The Council needs to remain ever mindful of the fact that USGS reports that 64% of the population of New Jersey receives some or all of its water from the Highlands. The work of the Council is very important and is the basis for this plan. We have to look at long term needs of the entire region and adhere to the cautionary principle. Where there is no scientific data available the Council should impose the strictest restriction possible. Ms. Somers stated that tough decisions need to be made and that secondary and cumulative impacts have to be considered to determine the impacts on the Highlands. As to calculating water availability, demand has to be analyzed carefully. Newark anticipates that it will grow by 100,000 which computes to nearly 10 million additional gallons of water per day. She stated uncertainty as to whether that amount is present in the Pequannock watershed now. Ms. Somers said that 5 water supply reservoirs in central New Jersey have closed down due to contamination over the last few years, and have been replaced by Highlands water. She noted many other reservoirs have also closed in Bergen due to contamination, and the Highlands have taken on that burden as well. Ms. Somers said that stream flows to reservoirs cannot be depleted. Ms. Somers noted that Musconetcong water is not currently transferred out of the basin, and there exists a need to transfer to make up deficits. She asked that the Council not only focus on base flow but also on recharge, and that it prioritize areas. Water is the most crucial issue and it is better to err on the side of caution. Ms. Somers concluded by stating the importance of working together to ensure the reinstatement of the Garden State Preservation Trust.

**Steven Shaw**, Counsel for Hunterdon and Warren counties. Regarding follow up on the status of interagency agreements with COAH, DEP, and the Office of Smart Growth, he noted that he met back in April with staff regarding impacts that would occur if an agreement was not in place. The State Planning Commission will need to coordinate with the Council. There is also a potential impact with COAH on receiving areas. Prior to the adoption of the Master Plan, he noted he would like to have a response as to the status of the interagency agreement.

Mr. Weingart advised that Council staff and COAH staff would be meeting the following day. Ms. Letts said the Council needs to address the issue of towns not opting in to the Highlands Regional Master Plan, and their participation in the State Plan process. Ms. Pasquarelli noted she would reiterate at every Council meeting that the Council has to resolve the interagency issues. Ms. Letts noted that conformance with the Regional Master Plan is completely voluntary, and Ms. Pasquarelli said there is an interaction between the Highlands Act and other agencies. Ms. Letts agreed that the Council needs to get the proper documentation in place.

Mr. Steve Shaw stated the hook is from COAH. Mr. Glen Vetrano recalled that over a year ago, he, Ms. Kovach, and Mr. Ben Spinelli attended a meeting with COAH, and they were going to get back to the Council to provide agreements. Mr. Vetrano noted the agreements are critical. Ms. Letts noted that Mr. Borden should bring the Council up to date on this issue as soon as possible, because he was not in the room during these particular comments.

**Phyllis Hantman**, Land Use Administrator, Rockaway Township, since 1984. Ms. Hantman thanked Mr. Shaw and Mr. Troast and said that she appreciated their perspective. She said at the local level everyone points to another agency, and there has to be a very clear direction for towns to follow when they implement and enforce the actions of the Regional Master Plan. Ms. Hantman noted that towns need the mandate and order from the legislative requirements. She said there are conflicting directions present in many towns, and therefore the plan would be unenforceable, and the clarification has to be made as to what agencies deal with what issue. She urged the Council to resolve these overlapping jurisdiction issues.

**Helen Heinrich**, Farm Bureau. Ms. Heinrich noted that she provided the Executive Director a written summary of the New Jersey Farm Bureau's comments on RMP elements and technical reports. She stated that she appreciated the Council dedicating the meeting today for public comment. As to the summary she provided, she said the Bureau would be happy to address any questions that members have. Ms. Heinrich further noted that the sustainability element for agriculture needs to be addressed by the Council. She asked whether the Council has seen the map as it is being developed in order to get perspective as to how all the layers fit together. She provided a written copy of the Farm Bureau's comments on the RMP elements.

**Bill Honachefsky**. Mr. Honachefsky stated he resides in the Highlands Preservation Area. He noted he is a licensed professional planner and environmental scientist with years of experience in land use planning. Mr. Honachefsky said he has sampled some of the most toxic lands in the state and thought that the site-by-site review process is to blame for contamination. He said science is not perfect, but that is due to the complexities and multiple interactions of governing agencies. He said that the resulting scientific evidence does show that New Jersey needs a resource protection plan. Mr. Honachefsky noted that the Council should attempt to keep the plan simple, and reminded of the fiduciary responsibility to the people residing in the area. He stated that some are only concerned with economics, but without water there can be no farming, no quality of life, and no sustainability. Mr. Honachefsky submitted a copy of an article he had written on April 12, 2006 regarding the Highlands RMP.

**Dick Hodson**, Mayor of Hopatcong. Mr. Hodson said he attended a prior Council meeting and mentioned that some areas included in the Preservation Area shouldn't be there, and vice versa. He noted there should be recognition of those areas. Mr. Hodson also noted that he has been involved in government since 1971 and does worry about promises that were made to elected officials at the time the Highlands Act was adopted. He stated that sewer promises are in jeopardy and that many communities have concerns about infrastructure improvements and need something in writing.

Mr. Vetrano said these were valid points, and the questions Mr. Troast raised as to fairness, noted that many years of good planning have been spent and designated sewer areas have been worked on. They have asked for something in writing and the Council should deliver basic answers so they can move forward.

**Diane Nelson**, Boonton Township. Ms. Nelson said she has been involved in local government as a volunteer and participated with the Upper Rockaway Rivershed Commission. She thanked the Council for the staff reports it has posted on the website. She strongly urged the Council not to delay releasing the draft plan, and said she hopes that in the future the plan is incorporated as a necessary backbone for many local efforts in preservation. She noted a report by the Morris County Park Commission entitled the "Farny Highlands Watershed – A Plan to Protect Water Supplies and to Preserve Forests." She noted that in 1978 and 1979, five towns contracted to investigate hydrology in the Rockaway aquifer. She stated that a few years earlier, the United States EPA produced a report and she hopes the Council has read it. Another notable report was done by an expert who conducted an analysis of the dynamics of the Upper Rockaway River. Ms. Nelson said that in recent years the DEP has failed to follow through with designating the Upper Rockaway River as a Category One stream. Approximately 20 years ago, the watershed association assembled documents to meet the USEPA's designation under the Clean Water Act. She stated that the Upper Rockaway River watershed feeds

the Jersey City reservoir. Ms. Nelson noted there are no excess waters to support more growth and provided a copy of her comments to the Council.

**Joan Fisher**, Director of the Great Swamp Watershed Association. Ms. Fisher thanked the Council for its work establishing the process for production of a plan. She noted support for the Council's efforts and noted that once the plan is released it has to be adequately funded to succeed. The municipalities have to be properly educated on how to utilize the Regional Master Plan to make their home rule more effective. Simplicity and getting various agencies on board is crucial. Ms. Fisher said that there are many difficult issues that have to be addressed but the benefits of protection are felt by as many people as would be felt by not protecting the resources. She thanked the Council for drafting and providing a Regional Master Plan to conserve the Highlands valuable water.

**Lorraine Caruso**, 5 Elizabeth Way, Boonton Township. Ms. Caruso stated she has been in the environmental community for years and said that in her experience, it is unfortunate that most people do not care about protecting resources. Route 80 and 46 have the most intense development corridors in Morris County, and also have the richest supply of groundwater in the County. Glacial till was deposited there, and in Denville it is over 200 feet thick, however she noted that the town refuses to preserve the portion of the township adjacent to the Rockaway River. It is potentially a fantastic water supply area and the town refuses to protect it, nor will the County. She noted the area has a parking lot on top of it now for a hospital. The resulting grease and oils that leak from cars was supposed to be collected by a means of drainage. Ms. Caruso said that when she asked that the ground be tested under the parking lot, she got a contrite response of, "Why test? It is obviously contaminated." Ms. Caruso said there is a tremendous responsibility placed on the Council, and she urged them to stay the course. She said the issue is the water for the Council, but as a botanist she said it is about the forest which has a direct impact on rainfall and water supply. If forests are cut down, the water supply will decrease. Trees regulate CO2 and runoff of silt into streams and she asked the Council not to ignore the importance of the trees. She noted that in Brazil they have done models where massive deforestation has happened, and as forest is converted into grassland, the result is less rainfall.

**Wilma Frey**, NJ Conservation Foundation. She said Ms. Somers and Ms. Caruso covered much of what she was going to say but noted that for over 20 years she has worked on developing measures to protect the region and she strongly supports the Council and the Act. She supports the Council's efforts to complete the Regional Master Plan. Ms. Frey said the plan must have as its foundation the protection of the water supply and resources. The number of people that depend upon the water of the Highlands continues to grow. It is critical that the plan take into account possible future growth and that water not be allocated beyond its capacity. In order to protect, restore and enhance, the wetlands, the forest and all undeveloped lands, it is critical and clear there needs to be strict protection. The Legislature recognized that this protection could not be done by municipalities alone and that it must be regionally based. Ms. Frey stated that it cannot be business as usual anymore and that the agencies need to coordinate to combine efforts to save water for the future.

**Robert Frey**, Pohatcong Township. Mr. Frey stated he is conscious of the limestone issues, and has been adversely affected by the Act. He said he would like an answer about the question of grandfathering in the event a landowner dies.

**Jeff Tittel**. Mr. Tittel thanked the Council for the opportunity to speak and for its work. He said that the extra time to release the plan is a good idea, but noted that every day hundreds of acres are lost which cannot be retrieved. The three major industries in the State depend on water, pharmaceuticals, and tourism. He believes the Act actually helps protect equity. The biggest threat to equity is unplanned growth. The older homes near new roads and developments have had to drill somewhere else for wells. He stated that septic fields failed on new homes because the State did not plan properly. He said that so many streams in the Highlands have suffered by towns pushing out permits. The impacts on forests and endangered species were never even considered when a permit for a bridge is submitted. Mr. Tittel said that the entire area has to be treated as a

whole. The Council has to make up for the mistakes of the past. There was never any environmental study done regarding septic, and they were based on growth data just to support the growth. He said that centers are designated because of a budget voted on three years ago by the former Governor, and is not capacity based. The Council should use the most conservative estimates possible to account for possible future impacts. The Council has to make many tough decisions based on science as to capacity and growth. He said the Council is charged to protect resources and the State cannot survive the way it has been going. Mr. Tittel said this plan is not about waivers and variances, and the plan should not suffer because of local politics.

**Scott Olson**, Byram Township. He shares concerns with Susan Buck as to the transportation capacity analysis. As to the proposed widening project of Route 206 in Byram, he noted he is a vocal opponent, and has provided a copy of his comments to the Council members. He read a portion of his comments aloud and Mr. Olson said that when the DEP responded to the comments he submitted to them, they noted that the Route 206 project was a safety measure for pedestrians and bicyclists. He said that the DEP also cited in its response letter an exemption for the project which was not even applied for by the DOT. He noted that he believes this project is wrong for Byram Township, and wrong for the State. He submitted his comments to the Council in writing.

**Candace Ashmun**, Pinelands Commission. Ms. Ashmun said she came to the meeting to offer support. She said she has been in the same position the Council members are in now a total of three times -- twice with the State Planning Commission, and once with the Pinelands. She urged the Council to keep up the good work. Ms. Ashmun suggested that the Council attempt to come up with a plan that does no harm and to err on the conservative side because new data will arrive and the plan will be changed as time passes. When working with towns on the municipal level data will become refined. Ms. Ashmun also stated that the Council needs to be very clear since municipalities have to implement the RMP and they worry that it will be too difficult. The Council has to make the plan simple enough to be understood, and also designate the uses and densities clearly for towns. Ms. Ashmun said she commiserates with the Council members, and encouraged them not to fear, because they will be able to amend the plan.

**Hing Lum**. Mr. Lum said the Council's task is monumental. He thinks there was no way to have a perfect solution to the problems of protecting nature and still providing people with the kinds of comforts they have come to demand. Everything people do affects Mother Nature. He stated that it is not all about the water because if it was, we could look at other solutions and put in desalination plants cheaper than buying the land. With nanotechnology it is possible to get about 1,000 gallons of water for 5 cents, but here he noted the charge is 36 cents for 1,000 gallons. He noted that he does appreciate nature, but thinks that the whole State should be protected rather than placing one portion on a pedestal. Mr. Lum said economics issues have to be considered and the landowners who have made investments should not be penalized. The only way to really preserve is no growth.

**Marianne Smith**, Hardyston Township. Ms. Smith reiterated the concern that was raised by Ms. Hantman of Rockaway, and said that the town planning council is facing many problems due to a lack of direction on the ground. She stated that the DEP's prolonged process to receive answers has created problems. Ms. Smith noted that towns need assistance specifically as to enforcement, and noted that the Council's staff has been very helpful and assisted with issues, but there should be a meeting with all three agencies -- the DEP, the Highlands Council staff, and Hardyston Township. Ms. Smith said the Highlands staff has been diligent in trying to schedule this meeting without success. As to Mayor Hodson's comments, Ms. Smith noted that her municipality has adopted a resolution requesting clarification and provided a copy. She said Hardyston is looking forward to coordinating with the Council on the plan. Mr. Di Pirro said he would have staff follow up after the meeting regarding the scheduling matter.

Ms. Pasquarelli said there is no definitive person to go to at DEP on Highlands questions, and that there should be a designated point of contact at DEP for landowners, local officials, as well as the Council.



**Mike Herson**, Co-Chair, Sierra Club. Mr. Herson said he resides in Oradell near the reservoir. He noted there is a 17 mile long pipeline bringing water to New York. There was a development explosion in New York and he stated that the pipeline connects to the reservoir. There are 2000 additional proposed development units that would also draw from the reservoir and the depletive possibilities are staggering. Mr. Herson said his parents had to re-dig their well twice. He noted there have been higher temperatures recorded which have affected the rate of evaporation of reservoirs. Regarding the Governor's comments as to landowner equity, Mr. Herson said that water is the lifeblood for 5.2 million people and that the Council has been charged to protect that water supply. Every municipality in the state is under huge developmental pressure and Mr. Herson said that poor decisions in the Highlands, can impact virtually everyone in the state. He said the buffers are crucial and that the goals of the Act cannot be compromised. The whole state will turn into Bergen County. He urged the Council to stay the course and keep resources the priority.

**Jim Warren**, Independence Township. Mr. Warren said that his issue is about compensation for landowners and especially those with large amounts of property. Mr. Warren said that people should be compensated for harm inflicted by the Act. In the future, if there is a need for water, compensation for the water being provided should be paid for.

**Tom Dallessio**, Regional Plan Association. Mr. Dallessio thanked the Council for the opportunity to speak at the meeting. He stated that he also emphasizes what Ms. Ashmun stated as to the crucial time the Council faces. He was glad to see the response he received as to comments he provided. Mr. Dallessio said he is also encouraged to see that the Council will consider every comment that is made regarding the plan before it adopts. He noted that RPA will hold its committee meeting in mid-December to discuss the plan, and will compile its comments. Mr. Dallessio anticipated that large contiguous areas will be conserved as a result of the plan and there will be viable areas identified to support growth. Mr. Dallessio said at the recent ANJEC conference regarding TDR, RPA presented information which would be helpful to the Council and he offered to provide it to the members. He said that RPA is engaged in conversations with DEP about the city of Newark and potential growth there. He noted the report categories include Smart Newark, Green Newark, Prosperous Newark, and Family Life in Newark. He said the idea of doing no harm is critical. Mr. Dallessio said that the Council has to be clear and empower the towns to utilize the tools it already has. He concluded by noting that the term "No-build" should mean No-build.

Mr. Weingart said in summary that the Council needs a Local Participation Committee meeting and a Plan Development Committee meeting, and reminded that the next full Council meeting is on November 9<sup>th</sup> at 10:00 a.m. Clear issues are centers and coordination of agencies. Mr. Weingart said that an additional date that works best for everyone between now and November 30<sup>th</sup> needs to be identified, and that the comments received be disseminated to all members. Ms. Pasquarelli suggested that there is also a need for a Budget and Finance Committee meeting.

Ms. Calabrese said the Council has received a great deal of technical information over the last few months, but noted the importance of the public comments it has received at the meeting today. She said they have been extremely helpful, and thanked the public for its input.

Mr. Vetrano said regarding "on the ground" issues of practicality and the fact that it appears DEP has not been the best agency for landowners to seek assistance from, he asked whether the Council could request a loaner employee from DEP to specifically address these ground issues that are delayed. Mr. Weingart noted that he thought the problem is getting someone with authority to make decisions. Mr. Vetrano said the local authorities need access and assistance. Mr. Di Pirro agreed that he should speak to the Commissioner at the DEP. Ms. Pasquarelli noted that it is a manifestation of the Act that the Council and Department work together, and she knows that the Department has been very helpful and has also been very involved, but it could be improved.

Mr. Dillingham said the discussion at the meeting was high quality and thought the Council has received very insightful comments. He noted that as the Council goes through mounds of information that the public doesn't have access to he offered one thought about going back to certain pieces about state agency coordination. He said the Council has focused and talked extensively about harmonization and noted that the information the Council has obtained is cutting edge and addresses details that have never been addressed before. Mr. Dillingham said the Council should be proactive in encouraging everyone to go back and reevaluate past decisions. The State Planning Commission would benefit greatly by reexamining decisions. Mr. Dillingham said this should be on the agenda of a future meeting, and a briefing of the Council as to exactly what is in the Act as to coordination issues. Mr. Di Pirro said that as staff went through the substantive documents at past meetings, it has outlined some of the interaction questions that Mr. Dillingham mentioned. Mr. Di Pirro said the coordination and consistency section of the plan will need to be reviewed by the members.

Ms. Letts noted that when Mr. Di Pirro was out of the room earlier, there were questions raised about a possible conflict with the State Planning Commission and the Highlands plan and told him that they should be followed up on.

Mr. Weingart apologized for the changes to the Council's meeting schedule, and said members should talk to Ms. Guidotti over the next couple days to give their availability in order to schedule the necessary additional meetings he mentioned earlier. He asked if there were any additional questions and none were received.

**ADJOURN:**

Ms. Carluccio motioned to adjourn, Ms. Letts seconded, all were in favor, and the meeting adjourned at 12:45 p.m.

<u>Vote on the Approval of Minutes</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	_____	<u>  x  </u>
Councilmember Calabrese	<u>  x  </u>	_____	_____	_____
Councilmember Carluccio	<u>  x  </u>	_____	_____	_____
Councilmember Dillingham	<u>  x  </u>	_____	_____	_____
Councilmember Kovach	<u>  x  </u>	_____	_____	_____
Councilmember Letts	<u>  x  </u>	_____	_____	_____
Councilmember Pasquarelli	<u>  x  </u>	_____	_____	_____
Councilmember Peterson	_____	_____	_____	<u>  x  </u>
Councilmember Salovaara	<u>  x  </u>	_____	_____	_____
Councilmember Schrier	<u>  x  </u>	_____	_____	_____
Councilmember Vetrano	<u>  x  </u>	_____	_____	_____
Councilmember Way	<u>  x  </u>	_____	_____	_____
Councilmember Weingart	<u>  x  </u>	_____	_____	_____
Councilmember Whitenack	_____	_____	_____	<u>  x  </u>




---

John Weingart, Chairman

Dated: November 9, 2006