

## MINUTES

### NEW JERSEY HIGHLANDS COUNCIL MEETING OF NOVEMBER 30, 2006

JOHN WEINGART	)	CHAIRMAN
KURT ALSTED	)	COUNCIL MEMBERS
ELIZABETH CALABRESE	)	
TRACY CARLUCCIO	)	
TIM DILLINGHAM	)	
JANICE KOVACH	)	
MIMI LETTS	)	
DEBBIE PASQUARELLI	)	
ERIK PETERSON	)	
MIKAEL SALOVAARA	)	
JACK SCHRIER	)	
GLEN VETRANO	)	
TAHESHA WAY	)	
SCOTT WHITENACK	)	

#### **CALL TO ORDER:**

The Chairman of the Council, Mr. John Weingart, called the 41<sup>st</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:30 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.

#### **APPROVAL OF MINUTES:**

Chairman Weingart advised that the Council did not have minutes to vote on at the meeting and would therefore address them at its next meeting.

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

Chairman Weingart reported that he attended a State Planning Commission (SPC) meeting which focused on coordination with the Highlands Council. He noted that the SPC would like to meet with staff and Council members as soon as possible to discuss procedural issues. Mr. Weingart further advised that a meeting could take place as early as the following week, and noted that Mr. Di Pirro would also be meeting with SPC to enter discussions to develop a Memorandum of Understanding and other coordination issues.

Mr. Weingart reported that the two Highlands Council meetings which had been scheduled for December 7<sup>th</sup> and 21<sup>st</sup> are cancelled, and that there will instead be committee meetings scheduled for December. He advised that the 2007 Council meeting schedule is not yet final. Mr. Weingart said that committee structures may be revised, and a committee designated to focus on municipal and county consistency.

Mr. Weingart advised that the Council would address the proposed 2007 Highlands Council budget and vote on a Resolution whether to adopt. He commended the staff for the incredible amount of time they have spent over the last two years, and especially over the Thanksgiving holiday and days leading up to the current meeting.

Mr. Weingart reported that all major policy statements in the draft Regional Master Plan have been reviewed by the Council members, but noted they have not had a chance to review the completed version which is in front of them today since changes and work was still being completed right up to the day before. He noted that the process for the meeting after the vote on 2007 Budget Resolution will be to have staff make a presentation of the draft RMP and how it is organized. Mr. Weingart said he will introduce a motion and take comments from members and the public. He then turned the meeting to Mr. Dante Di Pirro.

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

Mr. Di Pirro reported that in lieu of an Executive Director's report he would not delay the draft plan review and turned to Ms. Debbie Pasquarelli for the Budget and Finance Committee Report.

#### **COMMITTEE REPORTS:**

Ms. Pasquarelli noted that the **Budget and Finance Committee** met on November 27, 2006 to discuss the year-end 2006 Highlands fiscal statement. She advised that the members' meeting packets contained the Chair Report of that meeting, as well as supporting documents to the Resolution proposing the 2007 Highlands Council budget. She reported that a realistic budget has been worked out and reported that the Office of Management and Budget has also asked the committee to examine and report on the 2008 budget. She noted that the committee will meet again in December. At the November 27, 2006 meeting, a grants tracking program was discussed. The committee also reviewed the lease with the town of Chester for the building. She asked the Council to consider the Resolution and noted the committee recommended it for approval.

#### **CONSIDERATION OF RESOLUTION APPROVING THE BUDGET OF THE HIGHLANDS COUNCIL (voting matter):**

Ms. Pasquarelli made a motion to approve, Ms. Janice Kovach seconded, Mr. Weingart asked for any comments or questions from members or the public, and none were received. All members were in favor, APPROVED.

#### **COMMITTEE REPORTS CONTINUED:**

Mr. Kurt Alstede Chair of the **Agriculture Subcommittee** reported that a meeting was held on November 24, 2006 and advised that the committee met to discuss cluster development on farms. He stated the committee discussed preservation of prime soils, and also allowing some construction provided resource protections and all necessary restrictions are met. Mr. Alstede noted that the committee recommended that at least 80% be preserved as a farm, with the remaining 20% left for possible cluster development. He noted that a final decision was put on hold regarding what extent certain soil types were listed, and will leave that question to the Council to decide.

Ms. Carluccio noted that a correction could be made to the middle of the fourth paragraph where it states, "a consensus was reached..." because a qualifier ought to be added since she did not support as originally proposed, but would ask the following language be added "with consideration of how resources will be used in

the RMP.” Also, Ms. Carluccio said that in the first line where it states “Mr. Dillingham” it should say “Mr. Di Pirro”.

Ms. Pasquarelli agreed that there was not a full consensus reached because although members were sure of the direction they wanted to take there wasn’t an agreement on how to get there. Mr. Weingart then turned the meeting to Mr. Di Pirro for the draft RMP introduction.

### **PRESENTATION OF DRAFT REGIONAL MASTER PLAN:**

Mr. Di Pirro said staff is to be commended and acknowledged for the huge amounts of time they have devoted to the development of the draft plan. He also acknowledged that this day was a momentous day for the Council and is the beginning of a very important process. Mr. Di Pirro reminded that this plan is not the end point, but is the starting point. He advised that discussions will continue and the Council will need strong input from the public and state, as well as town and county officials. From the staff’s point of view, Mr. Di Pirro said that all staff were very proud to present the plan to the Council today.

Mr. Di Pirro began a power point demonstration which illustrated that the Highlands Region has nearly 860,000 acres which makes up 65% of the State’s drinking water. 115 billion gallons of water are consumed each year. There is a critical need to ensure there is adequate water for the future.

Another slide illustrated that between 3,000 and 5,000 acres were lost each year to development of which two-thirds were forest, and the other third farmland. Mr. Di Pirro noted that the slide also displayed how development and sprawl has been scattered throughout the region. Back in 1907, the Highlands watersheds were noted for their benefits and resources and now 100 years later, the Council is called to the charge of protecting those benefits.

The staff has done an enormous amount of research to discover and map many areas that have never been mapped before. It has been said among staff that we cannot protect resources if it is not known what resources exist. Mr. Di Pirro noted that the comprehensive, science based land use plan is the first regional water analysis at the subwatershed level and will be shared at the municipal level with all 88 Highlands municipalities.

Mr. Di Pirro said by viewing the next map on the power point, pink areas designate where water supplies are constrained; aqua portions are also under constraint because they export water out of the HUC 14 subwatersheds. He advised that 54% of the watersheds are already exceeding water availability. On the eastern side of the Region they fill the reservoirs. The bottom line is that the resource assessment provides a new level of detail to help protect water resources for the future.

Funding is a huge issue and over the next 10 years, over \$750 million dollars from county and municipal open space taxes, and private preservation funds will be obtained. The plan calls for additional State preservation funding. The power point also displayed areas that were already preserved, as well as areas of priority for preservation. Mr. Di Pirro emphasized that funding is a critical resource and that the Council would not want to put limitations on its ability to advance the plan due to lack of funding.

He noted that there are three major zones: the protection zone which captures water and resources; the conservation zone which captures agriculture; and the planned community zone, the area where we can meet human needs and provide economic viability without compromising resources.

The plan is forward thinking and examines the way we use land. There are techniques that can provide human needs but target where it is appropriate. Mr. Di Pirro advised that an atlas of maps has been completed and will be available to the public.

There are zone standards for protection, conservation, and planned community zones. Significant to note is that this begins the process of discussion and the key points to underscore are: no mandatory growth, promotion of agriculture, protecting agricultural soils and operations, promoting funding and TDR to materially assist assuring that farming will be a part of New Jersey's future. Another priority is to work collaboratively with COAH to ensure towns can get certifications, and make sure we can satisfy COAH obligations consistent with the goals of the Highlands Act.

The TDR program will provide additional funding for preservation needs and a TDR feasibility program. Mr. Di Pirro noted that the Council is determined to have initial capital funding in the TDR bank so that residents wishing to sell can do so. Outside the Highlands, the Act allows the Council to send credits to receiving zones outside the area, such as Clifton in Passaic County, and Newton in Sussex have contacted the Council. Mr. Dennis Kerwin is the Director of Planning in Clifton and came to the meeting, as well as Debra Lockwood, Community Development Director in Newton, who also is in attendance. Mr. Di Pirro thanked them for attending and advised there would be continued coordination with the Office of Smart Growth as well.

Mr. Di Pirro discussed the conformance process will be a friendly process, with clear, straightforward procedures. There are benefits to towns such as the legal shield, presumption of validity and planning grants with \$12 million dollars per year in grant funding already available.

Mr. Di Pirro now asked the science staff to discuss three scenarios: environmentally sensitive areas, promoting agricultural areas, and examples of growth in the Highlands. Mr. Steve Balzano and Roger Keren presented the next portion of the power point demonstration. Mr. Balzano said that as Mr. Di Pirro mentioned, the Region is broken down into three zones and the plan is built on the primary driver to protect, enhance and restore the water quality and quantity in the state. The Highlands generates 115 billion gallons of water a year. The second major driver is to determine the type and amount of human population that the region can support. To do so, it is necessary to define what areas can support growth through the Land Use Capability Map (LUCM).

Mr. Balzano advised that 65% of the Region was identified to be protected depicted in green. The Planned Community zone is shown in purple, which makes up 18%, and the Conservation Zone is also about 18% of the region.

Mr. Balzano explained that the Highlands is a very complex landscape with overlapping resources and development. The Land Use Capability Map clearly illustrates where rivers and water bodies are, as well as flood plain areas. In the Protection Zone the standards are set to strictly protect the resources.

Mr. Balzano also explained by illustration of a power point slide, that there are areas within the Protection Zone that are developed and shown on the LUCM and not designated as in need of the highest level of protection.

When a farm changes to residential development, the LUCM identifies areas where that development will occur to not compromise agricultural practices. The plan has provisions to allow for a limited amount of development where appropriate as long as it does not impair important ecological resources. Highlands farmland is largely going to be unable to support growth or development and will be given a high prioritization for state funds to preserve. Mr. Balzano and Mr. Roger Keren also showed how the layers of the map define the location of resources and buildable areas. As an example, Washington Borough has a C1 stream that runs right through the town, and development exists directly adjacent to the stream. The town has developed a stream protection plan, a restoration program and redevelopment program to address all the requirements in the draft plan as it relates to water quality and provides an opportunity for redevelopment downtown. The plan includes a component that shows capacity and limits with 15 million cells of information incorporated into the model.

Mr. Di Pirro took the opportunity to thank Mr. Rich Sheola, Borough Manager of Washington for their help in participating as an MP<sup>3</sup> grantee. Mr. Di Pirro said the draft plan is going up on the Highlands website where

everyone can view the LUCM and all the individual maps. He noted the atlas is also on the website and in addition, copies will be sent to municipalities, counties, major libraries, and the Council staff will host open houses for any who wish to come in and view the plan and map with staff. Mr. Weingart thanked Mr. Di Pirro, and said assuming the Council makes no significant changes today, asked what will be available and when. Mr. Di Pirro said with no significant changes, the text, map and atlas would be available that day on the website. Mr. Weingart turned the members' attention to consideration of the Resolution in their meeting packets.

**CONSIDERATION OF RESOLUTION TO RELEASE THE DRAFT REGIONAL MASTER PLAN FOR PUBLIC COMMENT (voting matter):**

Mr. Weingart read the entire Resolution aloud and then asked if there was a motion to approve release of the draft Highlands Regional Master Plan.

Mr. Schrier motioned to approve release, Ms. Carluccio and Ms. Letts both seconded the motion.

Mr. Schrier stated what a privilege it was for him to make the motion. He thought it was worth noting that after a 38 minute presentation, it has been 38 months since the Highlands Task Force began its work. Mr. Schrier stated that the staff has done a tremendous job and added his appreciation for having met a wonderful group of people since he began on the Council 38 months ago. There has never been a plan as comprehensively based as this one and it is the most accurate and comprehensive data for the Highlands. Mr. Schrier stated that the Council is setting a standard for adjoining states with Highlands regions within their borders. There have been objections from the start to the Act, and there will no doubt be objections to the plan, but as Mr. Di Pirro said, the Council wants input because it will benefit the plan, and noted as Mr. Balzano said, "it will inform the plan." This effort began within the report from 1907 that the Highlands need protection and it is clear we have to preserve what is left. Theodore Roosevelt was the first environmentalist and some would say that this is something that will benefit everyone in the State. This is a responsibility he takes very seriously, and Mr. Schrier noted that it has not been an easy task.

Ms. Carluccio said the effort today does show we have successfully developed a plan to protect resources with the hope of restoring what has been lost. The passion of the staff, the Council, and members of the public proves that this is a major step. As the plan goes out to the public for comment, Ms. Carluccio said she had no doubt that the draft plan will be greatly improved.

Ms. Letts reiterated what has been said that this is the beginning and not the end, and that it is important for the public to understand this is a draft plan and the Council is seeking their input to assist it. She commended the staff for a fantastic effort and said they worked tirelessly to put this science based product together.

Mr. Mikael Salovaara noted that the third paragraph of the preamble addresses section 11, but asked where it addressed section 12. Mr. Borden said it goes through 11(g). Mr. Salovaara said he would like Mr. Schrier to amend his motion to add the provisions of section 12(b). Mr. Schrier asked if the preamble does cover what Mr. Salovaara requests. Mr. Salovaara said it could be amended to state that the Council is also doing what is said in section 12(b). Mr. Schrier said he would accept and amend his motion if no member opposed; Ms. Pasquarelli seconded Mr. Salovaara's amendment.

Ms. Elizabeth Calabrese said over the last 11 months she has seen the plan develop and noted she is very impressed with the work of the staff. She said she is confident with the input of the public that the Council's plan will be improved.

Mr. Alstede said he remains the only member of the Council who lives in the Highlands Preservation Area. He noted that he spoke to a resident of the Czech Republic and discussed how democracy is there since the iron curtain fell. He said the man told him a story about how it used to be Czechoslovakia, and that the people there

have a joke about how a giant cow was crossing the river and got stuck, with the front of the cow making it to the Czech Republic but with its back legs cemented in, the utter of the cow and back legs in the Soviet. The not funny part of the joke is that for fifteen years the Czech Republic fed that cow but the Soviets got the milk. Mr. Alstede said he afraid this is what we are doing.

Mr. Alstede provided a paper to the members at the meeting entitled “equity” and moved that it be amended to the draft plan. Mr. Salovaara seconded. Mr. Alstede read the entire document aloud to the members and public.

Mr. Weingart noted for clarification that the equity document Mr. Alstede provided is based largely on language contained in the State Plan, and Mr. Alstede agreed it was. Mr. Dillingham said there was a lot of language in the proposed amendment which goes beyond what the Highlands Act provides for. The idea of finding a reasonable equitable solution really comes down to people being concerned about not being able to develop property. He noted the Council has made a great effort to define the scientific and environmental aspects of the region to identify how to prevent harm. Mr. Dillingham said the Act does provide mechanisms about funding and said it is a much more complex issue and amendment that the Council should spend more time debating.

Mr. Vetrano said he would like to pick up where Mr. Alstede left off and said that even though the amendment is lengthy, it should not be put off. The word “respect” came up in one of the slides of the 38 minute presentation and if the Council wants respect and understanding from the public and stakeholders, it really needs to address the equity issue so that the Legislature makes it a priority. It is no small fact that 65% of the State’s drinking water comes from the Highlands. Mr. Vetrano noted this legislation passed with bi-partisan support and said new legislation should also pass with bi-partisan support to provide for the funding to show sincerity about protecting the resource of water and protecting people and their land values. Mr. Vetrano said the words “expedite the process” should be included. Mr. Vetrano felt the equity issue is key to the final adoption and that he supports Mr. Alstede’s amendment, although lengthy, it should be addressed.

Mr. Weingart suggested leaving in the first sentence, but taking out the second sentence. Ms. Letts noted she would like another “Whereas” clause that states the Council recognizes the need for another revenue source and possibly another “Wherefore” clause to ask the Legislature to provide the source.

Ms. Pasquarelli commented that her own personal thoughts about releasing the plan were that she would vote in favor of releasing it today because she believed it is based on science and not politics. The Council has listened to public comment more than any other State agency and will continue to do so. The reason behind delaying the release was to gain additional input. Ms. Pasquarelli referred back to the first Council meeting in December of 2004, where she said to the members that she had two personal goals: to stay consistent with the intent of the Act and not mandate growth, and secondly to address the equity issue. She said to fully implement the plan the Council needs to call upon the Legislature and the Governor in a formal way. She said she was only uncomfortable with Mr. Alstede’s amendment because it is difficult to vote on something so lengthy that she had not seen before the meeting. Ms. Pasquarelli suggested the addition of a Whereas clause that states the Council will work on the equity issue and insert language such as Mr. Weingart mentioned to be directed to the Governor and the Legislature that the Council needs a meaningful dialogue to move forward with implementing the RMP.

Ms. Kovach had to leave to attend another meeting, but stayed connected to the meeting via teleconference from her car.

Mr. Weingart asked for a vote on Mr. Alstede’s motion that this statement be included in the draft plan. He stated the Council will vote on the amendment to the resolution to include this language in the body of the plan. Mr. Weingart said the motion is to include these five paragraphs to the draft. Mr. Vetrano noted it is subject to revision. Mr. Schrier thought the Council should look at this critically because he does not agree with voting upon items which are handed down to him at a meeting. Ms. Tahesha Way noted she respected Mr. Alstede’s

stance and is in favor of it, however felt that this was something, even though draft, contains the word “equity” in it. Ms. Way said it goes across the board and that her understanding also was that she wouldn’t feel wholeheartedly about voting without more discussion and word-smithing. She believed the Council should give more credence to the issue.

In Favor were: Mr. Alstede, Ms. Pasquarelli, Ms. Kovach, Mr. Peterson, Mr. Salovaara, and Mr. Vetrano. Opposed were: Ms. Calabrese, Ms. Carluccio, Mr. Dillingham, Ms. Letts, Mr. Schrier, Ms. Way, Mr. Whitenack and Mr. Weingart. With 8 members opposed, the motion could not pass.

Mr. Weingart asked if there were any other amendments. Ms. Letts said the Council should hear from the public but asked that something be added to the Resolution addressing equity, Ms. Pasquarelli noted that she would second the motion if Ms. Letts made it. Mr. Weingart suggested a ten minute break to return with public comment. The Council adjourned briefly from 12:30 p.m. to 12:55 p.m. Ms. Kovach reconnected via teleconference.

### **PUBLIC COMMENTS:**

Mr. Weingart called on municipal officials to comment first.

**Debra Lockwood**, Town of Newton. Ms. Lockwood stated that Newton is interested in TDR and looks forward to working with the Council.

**Richard Sheola**, Borough of Washington. Mr. Sheola expressed appreciation for the accolades offered earlier, and noted he has had a wonderful working relationship with the Council and its staff. He noted with respect to the plan, that the Council get it released so everyone can comment on it. He said that he took part on the Technical Advisory Committees and thinks it is a healthy discourse at this time to view all points of view.

**Harry Poole**, former Mayor of Mansfield Township. Mr. Poole noted he was speaking as a private citizen and strongly agrees that a funding mechanism must be in place for this Act. It would be very distressing without that and he thanked the Council for the opportunity to speak.

**Andy Drysdale**, Chester Township. He said that many mistakes were made by the former Governor in 2004 and also by the DEP. As long as the DEP rules remain in place without funding to compensate land owners there will continue to be mistakes. He said that people in the planning area are not subject to the same rules as the people in the preservation area. He read his comments aloud and provided them in writing. He urged the Council not to vote to release the plan without the funding in place.

**Steve Radner**, Township of Mt. Olive. As to equity Mr. Radner stated the impact is the issue. TDR needs to have flexibility in the plan to address the impacts of TDR. Mt. Olive is 85% in the Preservation Area. We have had many fatal automobile crashes. Mr. Radner stated if there is more development in Newton, it will directly impact the amount of traffic in Mt. Olive. The main roads in Mt. Olive, such as Route 46, are 45mph and the average speed is 64 mph during non-rush hours. There are no deceleration lanes and the plan will disallow any modifications to the roads. Safety has been compromised on the transportation corridors and now has no chance for improvement due to the restrictions of the preservation area. Mr. Weingart asked if Mr. Radner could provide his comments in writing. Mr. Radner said the town needs help. Ms. Letts asked him how much of the free trade zone is in the Preservation Area. He stated that area is in planning zone 5.

**Jim Kelcey**, Independence Township. It is unfair to take away property rights from people who have personally protected their lands. Property rights are a cornerstone for all the other rights in this country. Mr. Kelsey said that there is a need for just compensation. It is the time for the Council to stand up and protect the

property rights and say the Legislature has to address the funding for the taking of land. He urged the Council to vote no to the plan and send the legislation back to the Legislature to be fixed.

**Robert Frey**, Warren County Planning Board. He said the draft plan can be likened to sowing seed on unprepared ground. He asked the Council to vote no until funding exists. He provided written copies of his comments.

**Bonnie Kelcey**, Deputy Mayor of Independence. Ms. Kelcey stated she speaks on her own behalf today and advised that her husband inherited his father's land when he was 7 years old. He cut and sold firewood to have money to take her out on dates. As a young man, he was told "you must hold on to your land" and he has, and she noted that they together have been good stewards. Now with 3 small children, the land is rendered worthless. She supports vigorously what Mr. Alstede said. She urged the Council to vote no on the plan and send it back to the Legislature.

**Dennis Kerwin**, City of Clifton, city planner. Mr. Kerwin said he looks forward to partnering with the Council on TDR to further its goals. He said he felt that it will be the catalyst to making the plan work. Every day he advised he receives a few calls about what his density requirements are. People say they want 40, 60, 80 units per acre. He advised it was desirable to remain around 8 units per acre.

**Kathleen Caren**, Passaic County. Ms. Caren stated she speaks as an individual and thanked the staff and Council members for all their hard work. She noted the County assisted staff and commended Councilmember Way for her keen observation of the meaning of the word "equity." She said she feels deeply for the residents that feel they have lost their property equity. She also stated that they are a minority and that at times you must look at the greater good and pull back and "look beyond the tips of our own noses." She said to Mr. Alstede that he does not speak for her because not everyone in the Preservation Area feels that they have been robbed. She said she has a deep understanding of the need to preserve water. She said another word to think about is "expectation". Nothing in this life is guaranteed. Another word that comes to mind is Enron. Think about all those people that lost money.

**Sam Race**, White Township. Mr. Race advised he owns land in the Preservation Area. As a land owner and a member of the governing body he strongly supported Mr. Alstede's statement to be added to the plan to address the equity issue. People and farmers don't want to develop, they just don't want to lose their equity.

**Wilma Frey**, NJ Highlands Coalition. This is a historic day and the Coalition urges that the Council vote yes to release the plan. She thanked the Council and its staff for completing the work and acknowledged the grueling schedule. She noted she will review the plan and will definitely provide comments. This has been a long time coming and when Mr. Schrier mentioned the 1907 decree, there were also many other supporting reports and statements by governors and environmental commissions to protect the Highlands water resources. There have been many fights over protecting pieces of the Region. Five years ago the State Plan recognized the Highlands as a special resource area. She stated she looked forward to reviewing the plan.

**Scott Olson**, Byram Township. Mr. Olson thanked the Council and staff for a plan being based on science. Equity is such an important factor, that possibly a sentence could be added to the resolution which provides that the equity issue and a stable funding source be provided.

**David Shope**, Long Valley. Mr. Shope said the plan is not complete admittedly by the Council, such as the TDR portion. He noted that Mr. Di Pirro said the plan is complete as to what is required for the draft for release. Mr. Shope said will the portions that will continue to be worked on be tacked on at the end. Mr. Di Pirro replied that the release of the draft will provide the mechanism to improve and update the plan. Mr. Shope said that he believes engineers can build in swamps and make dams and the constraints the Council speaks of are basically words on paper. The Sierra Club approached the environment as the result of a series of negative



assumptions. He believes that the negative assumptions are nothing more than a worry over things that may or may not be.

**Richard Niewenhius**, New Jersey Farm Bureau President. Mr. Niewenhius urged the Council to reconsider the equity statement proposed by Mr. Alstede. He supports the statement and hopes the Council will come up with a revised statement that everyone can agree with before final resolution on release of the draft plan. It should have an equity statement in it. He then read his comments aloud which referred to several points; he said the plan is not really a regional plan but is an environmentalist's dream because there is no balance in the plan. He said that the Legislature is on record, and that Senator Smith said this Act is not meant to hurt farming. He would like the Council members to reconsider the statement proposed by Mr. Alstede. Agriculture is more than prime soils, it's a business, an entity, and a economic source. He said the Council's efforts to partner with the Agriculture Department have been disappointing because they were not invited to the meeting on November 24<sup>th</sup>.

**Amy Hanson**, New Jersey Conservation Foundation. Ms. Hanson thanked the staff and Council on behalf of the New Jersey Conservation Foundation which has been striving for 20 years to protect the resources the Council is working so hard to address.

**Jeff Tittel**. Mr. Tittel said that the impact on property owners is obvious. In 1960 Ringwood had the lowest taxes in Passaic County. They went from \$600 per year to upwards of \$20,000 per year due to sprawl. The effects are horrible, the costs of schools and roads, and new wells. Mr. Tittel said that now in 2006, if it snows it takes over 40 minutes to get over the mountain ridge. He addressed Mr. Alstede's statement, and the mention of DEP's equity policy, and noted it used to be environmental justice. He thought it was good that the Council didn't rush through and put it in. Mr. Tittel also said that the Council needs to do what is right for the people of New Jersey. He stated he did have concerns about the plan but looks forward to seeing it. In conclusion, he noted that back in 1898 there were meetings in Ringwood with Theodore Roosevelt and Edwin Cooper who first spoke about preserving the Highlands.

**Tracy Kate**, Warren County land owner and active in the forestry community. Mr. Kate stated he is anxious to see what the Council recommends in its plan to protect the resources.

**Helen Heinrich**, New Jersey Farm Bureau. Ms. Heinrich said that she is glad to hear this is just a vote to release to the public because it is understood there is more work to be done. She asked what the deadline was to receive comments, and Mr. Weingart replied it was January 30, 2007. She pointed to the second page of the agriculture subcommittee minutes and stated she was misquoted. The discussion was about the definition of prime not farmland assessment. She said she would like to see more of the restriction layers of the map to see its effects on the agricultural community. Ms. Heinrich also said she hoped that the Council will add language to what it passes today that the equity issue is a high priority.

**David Greenblatt**, Environmental Defense. Mr. Greenblatt urged the Council to release the plan and stated he looks forward to commenting. He noted his recognition that many strategies will be necessary, and that a sound TDR program is crucial. Mr. Greenblatt provided his comments in writing.

**Monique Purcell**, Department of Agriculture. Ms. Purcell said that the Highlands Council has set a framework for the plan, but it is clear much more work is ahead. She read her comments aloud to the Council and public. She said as the plan moves forward, it is critical that farmers and land owners be treated fairly. A dedicated funding source is crucial to provide compensation. Ms. Purcell stated that a viable TDR program was essential. There is also a great need for funding on conservation planning to ensure proper stewardship of resources into the future. Farm families that make a living in the region have to be held in high priority. The plan needs to be fair and responsible and considerate of all those affected.

**Devlin Mackey**, White Township, 8<sup>th</sup> generation farmer. Mr. Mackey said the Governor wanted attention, so he shut the government down in July. The Council has the same opportunity in that it can vote no on releasing the plan until funding is in place. He said as to TDR development rights, the fee is not worth what is being sold. He said he owes a lot more on his property than he could ever sell it for. Mr. Mackey said that he was offered multi-million dollars to sell in the past, but chose to protect it instead. He said the Highlands legislation passed so fast, and that Megan's Law took longer. He urged the Council to send the legislation back to the Legislature to fix it. He noted he is for preserving open space, and has no intention of leaving the Region.

**Mike Herson**, Sierra Club. Mr. Herson noted that Mr. Di Pirro said earlier that there is a community zone to meet human needs. Mr. Herson said that the entire plan should address the human need for water. All the municipalities that use Highlands water should pay for it. Regarding TDR, Mr. Herson said he participated in the planning charrette. TDR receiving areas should not turn into places where the environment gets thrown aside. Clifton is a potential TDR receiving zone, and they suffer from about 2% open space in the city of Clifton. Redevelopment that would create more open space would be beneficial. He noted they are currently seeking to destroy a 7 acre park to build a school. He said he agrees with the farmers in their need for farmland preservation funding. Mr. Herson said Green Acres funding is also funded by Bergen County which pays high taxes. He said that the land values fluctuate up and down and he noted one of Mr. Schrier's statements about Sterling Forest. He was active in preserving the forest and said we should emulate New York State and protect like they do in the Catskill region.

**Steve Calessar**, Gracie and Harrigan Forestry. Mr. Calessar stated he has been involved since the Act was first drafted in 2004, and his firm has also been active participants in the planning charrette. He hopes that technical information that has been shared has also been considered for the plan. He said he brought copies of documents for the Council. Mr. Calessar also said a subject not adequately addressed by the Council is forests and forestry. He said that the maps and its designations are largely based on models. Mr. Calessar noted that the firm will work with the Council through the 60 day comment period.

**Hank Klumpp**, Tewksbury Township. Mr. Klumpp said that he is a farmer with 150 acres in the Preservation Area. He asked if people remember when Governor Corzine shut the government down over the summer because money for funding was not in place. He thought the Council should similarly shut down this legislation because the monies aren't in place. He read his comments aloud to the Council and public. He urged the Council to vote no to releasing the plan. He also provided his comments in writing.

**Deborah Post**, Chester Township. She said the Highlands Act charged the Council to implement its plan six months ago. In September the Governor came to a Council meeting and said – get a plan done, any plan. There is much work left to be done. Ms. Post said this is an ever changing evolving plan which means to her it is a pay to play plan. The farmers are the ones hurt. The Council is under extreme political pressure to get a plan out. She said the Council has a fiduciary and ethical obligation to exercise its power and vote no to releasing an unfunded plan. She noted Mr. Salovaara has admitted in the past that the work hasn't been done, and asked should a student who hasn't done his homework pass. She asked Mr. Alstede if he can vote for a plan that is tragically flawed. She said bold choices are what make great politicians. She read her comments aloud to the Council and public. She said that the Highlands Act is not a stock with fluctuating values. Ms. Post said the big picture is that the Act is legalized theft. She urged the Council to do as the Governor did when he shut the state down because there was no funding. No is a real choice.

**David Peifer**, ANJEC. Mr. Peifer said he urges the Council to release the plan and has been attending the 41 meetings. He is in favor of the Highlands getting as much conformance as possible. Social equity demands that we not undertake illegal or disconcerting actions against a minority. He said that it is very clear that something has to be done to stop more tragic water resource losses in the Highlands. He said that the Council should release and concentrate on quantifying the financial needs and meeting goals of the Act.

**Heather Gracie**, Society of American Foresters. She said she has worked with many forest land owners in New Jersey. A lot of work has gone into preserving their land. She said on behalf of many of the clients she has worked with, they urge the Council to maintain the exemption for those that have forest management plans in place. She said that the Council needs to keep an open mind when it accepts input. She commended the Council and staff because it is hard work and there is a lot to do as to the dedicated funding source so that people continue to be good stewards. Mr. Salovaara said he wanted to remind that he has worked with Heather Gracie and her firm, Mr. Alstede also mentioned he has worked with the firm as well.

**Tom Dallessio**, RPA. Mr. Dallessio said the oldest planning organization says yes to release of the plan. He asked how people could say no to releasing what that they haven't seen. He said he looks forward to the chance to comment on it. He thanked the Council greatly for giving the opportunity to comment.

**Nancy Chambellan**, Warren County Environmental Commission. She commended the Council and staff and noted it has been as long haul. She noted she has attended many Council meetings. She stated that showcasing Washington Borough, that it doesn't mention the Pohatcong superfund site, which is a very big concern for the WCEC. It will be a 40 year process and would like to see how the contamination works into the plan. She noted that her childhood household was unfortunately the recipient of contaminated water and caused deaths due to that contamination. The original point of origin found 20 parts per million when the legal limit is 10 parts per billion. She offered her assistance and WCEC's partnering to work with the Council.

**Larry Farmore**. He thanked the Council for its attention. Mr. Farmore said his family has owned 20 acres on Parker Road for about 50 years. He said that he has been told that his property is virtually worthless. He worries what would happen if his well ran dry or became contaminated. He said that human beings and their values are brought under scrutiny. People have a very personal stake.

**James Kessler**, Mansfield Township, Farmer. Mr. Kessler thanked the Chairman for running a great meeting and said that it has been a good exchange of ideas. He also thanked Mr. Alstede for his statement as well as the Farm Bureau President Mr. Niewenhuis. He also thanked Mr. Peterson for voting in favor of the amendment. Mr. Kessler noted that the farmer is concerned about ending up with a white elephant. If the farmer can't afford to farm, and selling isn't an option, where does that leave him.

**David Pringle**. Mr. Pringle congratulated the Council and staff for getting where it is today and for surviving all the stress. He said that he hopes the underlying data behind the map is released right away. He said the TDR and clustering issues concern him. The draft plan should not be the high water mark. As to the equity issue, he believes some people need a reality check. The plan is moving forward and there is no debate about that. The environmental community is fighting harder for funding than any other group. He said there are a few legislators against reinstating the Garden State Preservation Trust (GSPT). Everyone is concerned about the economic budget situation. He believed the dollars and benefits require a Herculean effort to renew the GSPT. There are only 2 Senators out of the 39 who live in the Highlands Region that are fighting for the Highlands. He said that people need to fight harder to get the GSPT reinstated, and that every one needs to call their legislator and push for this to be done. It is a two-way street as to the land equity issue. He asked who down the shore handed money over to the state when their land values skyrocketed after completion of the Garden State Parkway. Mr. Pringle mentioned air pollution as well. He thanked the Council and asked them to refocus energy to push for funding across the state.

**Jeff Broadhurst**. Mr. Broadhurst mentioned that the Budweiser plant in Newark that is making buckets more money due to receiving the Highlands water to produce their product, and asked if they were paying for this. He said too many people are being robbed of their life's worth and urged the Council to stop them.

**Matt Polsky**. Mr. Polsky said he speaks as a citizen and that he agrees with Mr. Dillingham and Mr. Alstede, and asked how that could be. He agreed with at least part of what each of them are saying. He thinks the

Council needs to make more progress on the equity issue, and noted that everyone has strong feelings about it. He stated it is not science, that it's a social science issue. He proposed that the Council sponsor a special group of sessions to get at the issue, get a philosopher trained to get at this issue. He agrees that the GSPT needs to be reinstated. He also said the water tax should have passed. Mr. Polsky said that the land trust system in this state needs a lot of improvement.

Mr. Weingart asked if there were any more comments and none were received. He then turned the members' attention back to the vote regarding the third amendment, to have an additional Whereas clause to provide for reinstatement of the Garden State Preservation Trust; and also a third Now Therefore Be it Resolved paragraph with one change. Mr. Borden noted the paragraphs in the Whereas clause were taken directly from the text of the plan.

Mr. Salovaara cited section 6 of the Act where the Council should report back to the DEP as to what lands ought to be fee simple. He noted that section 11.a.2(a) also references just compensation, and the Preamble also cites fairness. Mr. Salovaara said that in a fundamental way the Council is looking at the Legislature's intent, which seeks the Council's input as to where just compensation ought to be applied.

Mr. Salovaara added that at the request of Mr. Weingart he had search the Act and found it does not contain the word "equity." Mr. Weingart then suggested that the first Whereas clause, therefore, be changed to take out the word "equity" and replace it with "just compensation" and "fairness."

Mr. Schrier motioned to approve the amended language. He commented that there has been a broad misunderstanding in the public, and stated that the 8 votes were not against funding but were against the language. Mr. Whitenack seconded. Mr. Weingart then asked if the Council was ready to adopt the new Whereas clause and language.

In favor of the amendment were all members: Mr. Schrier, Mr. Whitenack, Mr. Alstede, Mr. Vetrano, Ms. Way, Mr. Weingart, Mr. Salovaara, Ms. Calabrese, Ms. Letts, Mr. Peterson, Ms. Carluccio, Ms. Pasquarelli, and Ms. Kovach via teleconference.

Mr. Salovaara thanked the staff for giving so much of its time. He said the Governor has urged the Council to get the plan out and added he was very aware that the draft being released is a good thing. He noted that he would like to comment on one of Ms. Post's statements about students. Mr. Salovaara wanted to remind the Council that there are a whole series of questions that the Council has to address. He said critique usually comes through louder than any praise. Mr. Salovaara said that he would not vote in favor of the plan today if it was final because there are issues in Section 11 of the Act that he feels have not been addressed. His concerns were about steep slopes, minimum lot sizes, and that the approach to resource assessment is also not exactly what he believes the Legislature's intent was. He said that he believes the legislation is potentially some of the most important legislation since Theodore Roosevelt and is sorry it was done so rushed. If asked if it was close enough to what it should be to vote in favor of, and said that right now he would have to say no. Mr. Salovaara said this draft will likely end up being much closer to a final than he will ever be comfortable with. He plans to abstain but wants it noted that he thinks there is a long way to go.

Mr. Peterson said the Council's staff has been great. He noted that he came into the process when the 6 hour work sessions were taking place and that the staff helped him a lot even at a time when time was very precious. Mr. Peterson stated that the Council needs to go forward. He said that attorneys can spend a great deal of time discussing theories of a case or a contract and then whatever the tolling time is, all of a sudden scramble to get done. He added that the Council should keep working to get the plan to a point where Mr. Salovaara will be comfortable. He said invariably attorneys wrestle with theoretical and philosophical matters they don't do what they need to do until the last minute. We need to buckle down and look carefully at public input. He said he

encourages comments because they help making decisions easier. He congratulated the members of the public that he has seen attending meetings repeatedly.

Mr. Alstede noted that he has many of the concerns Mr. Salovaara has regarding aspects that haven't been addressed. He said he is confident that concerns he has about agriculture issues and quality of life issues in the Highlands such as fairness, compensation, and TDR issues will get resolved. He said however, he would vote no because the Legislature gave the Council a business plan and hasn't given it the finances to carry it out. He said that his life is directly affected, and the decision is not a condemnation of staff, he is just torn between the Legislature's not funding it up front. Mr. Alstede added that he will be committed to working over the next few months on the draft.

Mr. Weingart said that whatever the shortcomings of the document, the one before the Council is a better, more comprehensive document than any other initial regional plan he has seen.

Mr. Schrier agreed that this plan is a far better thing than has ever been done. He agreed that individually all the members have the ability to vote no, but by voting yes to release it, the Council will then have the opportunity to really push for funding.

Ms. Pasquarelli said she meant to commend the staff earlier as well, because she emailed them on Thanksgiving Day and they were in fact working. They have shown much patience and answered all her questions. She thanked her fellow Council members and said she will vote yes for release of the draft plan. She stated she was gratified that the Council has come up with a new terms as to the equity issue.

On the prior motion made and seconded with approved amendments, in favor were: Ms. Letts, Ms. Calabrese, Ms. Carluccio, Ms. Pasquarelli, Mr. Peterson, Mr. Schrier, Mr. Weingart, Ms. Way, Mr. Whitenack, and Mr. Vetrano; Opposed: Mr. Alstede; Abstained: Mr. Salovaara. Therefore, the Resolution was APPROVED.

Mr. Weingart noted that on December 14<sup>th</sup> from 1:00 p.m. to 4:00 p.m., the Council staff would host an open house to the public, with a second on January 5<sup>th</sup>, 2007 also at 1:00 p.m. Mr. Weingart asked the Council to make sure to give their input to Mr. Di Pirro and Ms. Denise Guidotti over the next couple weeks regarding the 2007 Council meeting schedule.

Mr. Di Pirro advised that due to the great volume of maps it would take several hours to get everything up on the web but assured that all would be available as soon as possible that day.

**ADJOURN:**

Mr. Weingart adjourned the meeting at 3:20 p.m.

Vote on the Approval of  
the November 30, 2006 Minutes

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Calabrese	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Carluccio	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Dillingham	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Kovach	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Letts	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Pasquarelli	<u>    </u>	<u>    </u>	<u>    </u>	<u>  x  </u>
Councilmember Peterson	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Salovaara	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Schrier	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Vetrano	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Way	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Weingart	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Councilmember Whitenack	<u>  x  </u>	<u>    </u>	<u>    </u>	<u>    </u>



John Weingart, Chairman

Dated: 1/11/07