

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF AUGUST 21, 2008

PRESENT

JOHN WEINGART) CHAIRMAN

BILL COGGER) COUNCIL MEMBERS

DEBBIE PASQUARELLI)

TRACY CARLUCCIO)

SCOTT WHITENACK)

JACK SCHRIER)

MIMI LETTS)

KURT ALSTEDDE)

TAHESHA WAY)

ERIK PETERSON)

TELECONFERENCE

JANICE KOVACH)

ABSENT

GLEN VETRANO)

TIM DILLINGHAM)

ELIZABETH CALABRESE)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 76th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:12 am.

ROLL CALL

The members introduced themselves.

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 and posted on the Highlands Council website.

APPROVAL OF MINUTES OF JULY 24th, 2008

Mr. Cogger introduced the motion to approve the minutes. Ms. Carluccio seconded the motion. Mr. Vetrano, Mr. Dillingham, and Ms. Calabrese were absent. Ms. Pasquarelli abstained. All other members present voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart explained that the minutes from July 17th are still under review by the Governor. The process under the Highlands Act provides the Governor with thirty business days to review the minutes, which would then be automatically approved if no action is taken. He announced that the next meeting will be on September 18, 2008. He also mentioned that applications for the TDR Bank Board are still being accepted, and that the public is encouraged to apply. The TDR Bank will consist of three members from the Highlands Council so any members who are interested should speak to the Chairman.

Chairman Weingart stated that once the Regional Master Plan is approved and the process of Plan implementation begins, the Council should reexamine the Council's committee structure. The Chairman distributed a draft regarding this restructuring and asked the Council members to reply and offer suggestions on that draft. The new set up will allow for more effective review of issues in the future, which will help to reduce having issues being reviewed by different committees. Lastly, he noted that he attended a meeting with Department of Community Affairs and COAH on the resolution of existing issues including the need for an MOU, and while there is nothing particular to report at this time, there was much productive discussion on how to resolve these issues.

Ms. Letts asked what can be discussed, as the Plans seem to be at odds with COAH's projections. Chairman Weingart explained that the number of affordable housing units to be built within the Highlands Region is being discussed, as is the possibility of lower housing limits. They are looking into having COAH come into conformance with the Highlands projections. He explained how the towns in the Highlands may be put into a difficult position while trying to conform to both the Highlands Plan and the regulations that COAH has set forth. There was discussion about allowing more time for conformance. Ms. Letts stated that opening up the TDR Program throughout the State may help with these issues. Chairman Weingart explained that this will not happen in the immediate future.

Mr. Cogger explained that many towns are working to justify lower numbers but will lose their affordable housing funds if they do not go forward quickly. Mr. Schrier stated that Commissioner Doria stated that there is no requirement for towns to conformance with COAH. Mr. Cogger explained that it was stated that the numbers set forth by COAH are simply guidelines, which differs from what has been said previously. He expressed his concern with the wasting of funds. Chairman Weingart stated that it is important to resolve these issues now and this was expressed at the meeting he attended.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan stated that she wanted to explain what the Council staff has been doing since the last meeting. The Regional Master Plan and technical reports have been worked on to finalize them. There is a newer draft of the Plan with changes that were requested from the Council that has been posted on the website with a note specifying that it is draft, pending the Governor's review. There are still minor edits to be made, but it is available for review. Regarding technical reports, these had to be updated as well since their first release. They will be released along with the release of the Regional Master Plan, after the Governor's review period. Also, the comment response documents for 2006 and 2007 will be updated based on the Council's decisions.

Ms. Swan noted that the interactive map has been available and the Council's website and was updated for the map applications. Just fewer than 1,050 unique users accessed it after the first week. There have been calls from the public and professionals regarding how useful the GIS mapping

information is and stated appreciation for it being accessible to the public. More information has been added to the GIS downloads including: updated critical habitat, sewerage facilities, land use capability zones, land use capability septic system yields, potential Highlands Credit Receiving areas, Preservation Area line, and special environmental zones. These have all been updated.

Throughout interactions with municipalities the Council staff is very conscious of the importance to have updated and accurate information. During outreach to the municipalities, there have been some requests for corrections, but it is necessary for the staff to also review supporting documentation. The staff has made the best of the information that was available. The staff will work with towns on necessary RMP Updates. Ms. Swan explained that regarding the Initial Assessment grant requests, discs will be created for them to be able to verify mapping information even if they do not have GIS capabilities. She noted that there will be a report from the Budget and Finance Committee.

Regarding WQMP procedures and reviews, there was discussion on how to respond to the new rules of the NJDEP. All 7 counties in the Highlands Region are required to update their plans and all of the information has been given to the counties so that they are aware of what is necessary for conformance. A matrix has been created to be sure that NJDEP is aware of all of the elements necessary for consistency; they then determine what the Counties must do in order to have an approved Wastewater Plan. The Council will deliver an RMP consistency template to NJDEP so that they can advise the counties up front of the standards they need to achieve.

In terms of WQMP procedures, a revised version is being drafted and will be posted on the website and then a final draft will be provided to the Council for final approval. In terms of WQMP reviews, the staff put off some during the final stages of Plan development. There were six amendments published in the New Jersey Register, and this is when the consistency review of the staff commences. There have been some adjustments and shifts in the approach regarding where the water for Trump National Golf Club will come from – so although this has already been reviewed by the staff, it will need to be revised to examine these adjustments. Holland Township Wastewater Plan needs to be reviewed and will take time as it is town wide. This application was amended in April 2008 and is being worked on currently. There are two smaller projects; one in Mt. Arlington in the Howard Blvd area, and another named Pilot Travel Center in Union. In addition, Hamilton Farm Golf Club and the EAI or Hamptons at Pohatcong are all being reviewed by the staff. The staff will do a consistency review and then it will be posted so that any further information is forthcoming, and then a final consistency can be forwarded to the Council. The goal is to have these to the Council for the September 18th meeting. The Trump National Golf Club may not be ready for that meeting.

Redevelopment area designation procedures and scenic resource designation procedures – the responses to these are being reviewed and it is planned to put these forward for the Council for the September 18th meeting of the Council.

Regarding the submission of a Petition for Plan Endorsement regarding the State Development and Redevelopment Plan, after the Council resolution was approved, the staff moved ahead with the submission. The Petition was worked on and the template used by the Office Smart Growth was utilized to facilitate their review for consistency. That was sent to the Office of Smart Growth and it is expected that we will appear before the State Planning Commission on September 17th to make a presentation on the Highlands Regional Master Plan. The Petition at this point asked for a pre-

petition meeting, which is the process that they use, where agencies are brought in and can discuss it with the staff. All documents regarding the Petition should be posted on the website tomorrow. Ms. Swan noted that discussion on agency coordination with DCA and COAH had been addressed by the Chairman.

Regarding RMP Updates, the staff is continuing to work on these issues. By September 18th, the staff will report that all requests have been examined so that responses may be sent. As for municipal mapping, the staff is creating a municipality assessment tool which will be provided to all municipalities requesting initial assessment grants, so that they may verify information.

Regarding Plan Conformance standards, a detailed guidance document for Plan Conformance standards is being created in addition to those already released at and prior to the July 10th meeting. This will address all resource protection and Smart Growth requirements of the Regional Master Plan. Those materials will be the basis for developing the municipal Environmental Resource Inventory, Master Plan and Ordinance documents for Basic Plan Conformance. In addition to releasing the technical documents at the time of release of the Regional Master Plan, the Plan Conformance Guidelines will also be made available.

Ms Swan noted that on August 1st there was the regularly scheduled County Planners Meeting. On August 5th a meeting with Holland Township was held regarding plan endorsement and at that meeting the Planning Board spoke about concerns regarding which whether to do Plan Endorsement or Plan Conformance and they also voiced their concerns with COAH. They have been given an extension from the office of Smart Growth. On August 5th, a meeting was held with Roxbury Township, on August 12 a meeting was held with Newton regarding water allocation (although they are not within the Highlands they do receive water from the Highlands). On August 14th, a meeting was held regarding the Pohatcong WQMP to discuss consistency reviews, on August 19th, a meeting with Sparta Township was cancelled and will be rescheduled. There were the following stakeholder meetings – a meeting with the FAA discussing regional airports and the FAA's role in the process, August 6th the meeting with DCA and COAH, August 7 the Senate and Assembly Environmental Committee hearing, and August 14th a meeting with Dewey Electronics regarding redevelopment.

Ms. Letts stated that she wants to better understand the relationship with the Highlands Plan and the State Plan and what would happen if they don't endorse the RMP. Ms. Swan explained that the plan endorsement is only for the Planning Area. In terms of consistency, the staff has worked with the Office of Smart Growth, and the State Planning Commission and their state agency members every step of the way. They have been involved in the RMP process and fully updated throughout the drafting of the RMP. The Office of Smart Growth did send comments after the 2006 Draft Plan release, and those were responded to in following drafts. NJDEP, Dept of Ag, and DOT have worked together with the staff regarding the Highlands RMP. Their concerns were addressed during the process.

Ms. Letts asked if a municipality comes into conformance, are they automatically in conformance with the State Plan. Ms. Swan clarified that they get automatic Plan Endorsement, only after RMP endorsement is received for the Planning Area, at that point they receive all of the benefits; however the reverse is not true, communities that get Plan Endorsed are not in conformance with the RMP. Chairman Weingart explained that the Highlands Plan is essentially the State Plan in the Preservation Area.

BUDGET COMMITTEE

Mr. Cogger reported on the budget. The Council expenses were 17% under budget and those funds have been rolled over. There will be a budget and finance meeting to review all of the details next month.

AUDIT COMMITTEE

Chairman Weingart stated the Audit Committee is monitoring Mercadien's audit process for the period from the inception of the Highlands Council to the period ending June 30, 2007.

During field work performed by Mercadien, support documents and information were compiled and provided to Mercadien by Council staff. Subsequently, the Council's financial consultant has provided audit confirmation and attorney litigation letters and has confirmed other specific matters that the auditors had inquired about. It is anticipated that the audit reports may be available in September, 2008 for review by the Highlands Council.

In addition, after the auditors have completed the ongoing audit, it is possible to extend their services to perform an audit of the fiscal year ending June 30, 2008. An update to the Highlands Council on this matter will be provided once the initial audit is completed.

RESOLUTIONS

I. CONSIDERATION OF RESOLUTIONS – Approval of Certain Planning Assistance Grants (voting matter with public comment)

Summary: *The Highlands Council initiated a grant application process for Initial Assessment grants to municipalities within the seven Highlands Counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000. Council staff reviewed the grant applications and recommend grants for Council consideration.*

1. Consideration of Resolution – Initial Assessment Grant for Mendham Borough

The Borough of Mendham, County of Hunterdon is applying for an initial assessment grant in the amount not to exceed \$15,000. Ms. Swan explained that they had a COAH Round 3 grant that was executed on 2/17/06, successfully closed and paid on 9/19/07.

There was no public comment.

2. Consideration of Resolution – Initial Assessment Grant for Byram Township

The Township of Byram is applying for an initial assessment grant in the amount not to exceed \$15,000. Ms. Swan specified that they had a COAH Round 3 grant for \$7,500 that was executed on 6/11/07, successfully closed and paid on 9/19/07. They also received an MP3 Grant for the review and evaluation of Lake Management Mechanism & Development of a vision and strategy for implementing town center development in the amount of \$50,000 which was executed on 12/1/05, deemed technically complete on 2/2/07 by staff, then closed and paid on 4/5/07.

There was no public comment.

3. Consideration of Resolution – Initial Assessment Grant for Wanaque Borough

The Borough of Wanaque is applying for an initial assessment grant in the amount not to exceed \$15,000. Ms. Swan specified that they have had no previous grants with the Council.

4. Consideration of Resolution – Initial Assessment Grant for Union Township

The Township of Union is applying for an initial assessment grant in the amount not to exceed \$15,000. Ms. Swan specified that they have had no previous grants with the Council.

5. Consideration of Resolution – Initial Assessment Grant for Greenwich Township

The Township of Greenwich is applying for an initial assessment grant in the amount not to exceed \$15,000. Ms. Swan specified that they received a COAH Round 3 grant which was executed 3/20/06 for \$7,500. The Housing Plan and Fair Share Plan were adopted by Greenwich Township on 11/9/05 and were filed with COAH on 12/16/05. The grant was then executed on 3/20/06. Payment for grant is pending the receipt of an Administratively Complete Letter from COAH and receipt of the appropriate invoice certifications. They also received an MP3 grant for Identifying Natural Resource Ordinances, Planning Documents, Policies and Studies & to Analyze Affordable Housing Needs and Develop Innovative Strategies for \$38,000 which was executed on 12/2/05. Payment for this grant is pending the receipt of the necessary invoices.

Mr. Schrier moved the motion for the resolution for assistance grants for the above mentioned municipalities and Mr. Cogger seconded it. Mr. Vetrano, Mr. Dillingham, and Ms. Calabrese were absent. Ms Pasquarelli abstained. All other members present voted to approve. The resolution was APPROVED.

PUBLIC COMMENT:

Julia Somers, NJ Highlands Coalition: Ms. Somers discussed moving forward with the Water Quality Plans and the Waste Water Plan amendments and the possibility for public comment. She noted that there are many being considered currently and would like to know if there will be a chance for public comment. She stated concern about how documents will be made available for the public before the meetings in the future.

Debra Post, Chester Township: She discussed how she has read that the environmentalists are petitioning the Governor to add the amendments set forth on July 17th or veto the Plan. She stated concern about the Plan being considered again. Ms. Post noted her disagreements with some statements made during public comments. She stated that she believes that environmentalists make more money than farmers, and finds it unacceptable. She reviewed statements that she disagrees with and how she believes them to be unfair. Ms. Post believes that the truth doesn't matter in this process. Her support for the courts response to septic densities was explained. She has submitted her name for the TDR Committee and explained her qualifications. She expressed that she believes the best way to quieten her concerns and complaints is to make her a part of the process.

David Shope, farmer in Lebanon Township: He noted that in purchasing his property he also purchased the development rights. Regarding COAH coming into conformance with the Highlands RMP, he noted that this would be putting the cart before the horse, and is not appropriate. He

discussed documentation regarding previous water preservation actions. He stated that the State should ask the Federal government for assistance with certain issues.

Ms. Carluccio spoke regarding the documents for the WQMP reviews and asked about the staff reviews that will be generated. She believes it may be reasonable to consider trying to make these documents available to the public in advance. Ms. Swan stated that it is the intention to post these documents in advance, possibly as early as next week. There would be time for revision based on the comments received. She explained that if the Council believes more time is needed, they can choose to postpone these reviews.

Mr. Schrier made the motion to adjourn and Ms. Way seconded it.

Vote on the Approval of these Minutes

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	_____	✓	✓	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____	✓	_____
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	_____	_____	_____	✓
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	✓	_____	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____	_____	✓
Councilmember Way	_____	_____	✓	_____	_____	_____
Councilmember Whitenack	_____	_____	✓	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____