

**HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
PUBLIC AVAILABILITY SESSION – SEPTEMBER 21, 2006**

At 4:15 p.m. on September 21, 2006, immediately following the meeting of the Highlands Water Protection and Planning Council, Chairman John Weingart convened a public availability session. Joining him were Council members, Debbie Pasquarelli, Tracy Carluccio, Tim Dillingham, Mimi Letts and Kurt Alstede. He advised that one issue which the Council is working to resolve was how the length of the public comment period on the draft plan, and the Council is open to suggestions in that regard.

David Shope, Long Valley. Mr. Shope said that people have been building on steep slopes in New Jersey for hundreds of years and the stone houses have not slid anywhere and said the building techniques of the past could teach how to build on them today. Mr. Shope said that as far as ground water recharge is concerned, he asked what ecological benefit landowners will derive for the limited use of their land for collecting water and having it sent out to privately owned water companies. He also said he didn't believe he should have to preserve the water to have it float downstream, treated at a lesser quality and then have it pumped out into the ocean where it is polluted. Mr. Shope said that water used in the Highlands by septic systems and wells, have recharge at 80% back into the ground. He said that water that leaves the area varies from 75% to 100% consumptive to the watershed. Under the forestry policy document, number eleven, bullet two, Mr. Shope said he feels it is a tacit admission of the need for subsidies for agricultural viability. He asked what the return on equity would be and in his opinion it would be non-existent. Mr. Shope said that the report he read about sustainable agriculture did not contain a single dollar amount and that agricultural equipment dealers have left the area, and when he needs parts for his John Deer he gets them from Pennsylvania. Mr. Shope noted that the average farm size in Hunterdon is 70 acres and in Warren County it is 90 acres according to the 2002 USDA report, and the 70 acre farm in Hunterdon County lost \$12,000 per farm, in Warren it made \$4,000 per 90 acre farm, which is not a good return on equity. Lastly, he said that New Jersey taking cases would not be resolved the same way in the Federal system.

Tom Dallessio, Regional Plan Association. Mr. Dallessio said that the timing issue and public involvement and timing for adoption of the plan are crucial. He said he didn't think it the process should go on any longer than necessary but after having worked with mayors and on planning boards, he noted there is always a focus on process and therefore trust the process and the information. He said the Council should be able to synthesize the materials. He noted the timeframe is very short, even if the Council released the draft plan within a month, that it would be very difficult to adopt it by the end of the year if a comprehensive process is utilized. Mr. Dallessio said he used Joe Maraziti as a mentor in the State planning process, he said that no one has ever criticized the process he established, regardless of what their thoughts were on the State plan itself. Mr. Dallessio said the process made sure that every person had their say and had a chance to read and comment, and then let the staff of the Planning Commission read the comments and consider how to address them. Mr. Dallessio said his concern is that if the Council attempts to adopt a plan in the next two months, with a release in October, there will be a 30 day comment process, with the task of asking the staff not only during the holidays, he noted this was also a crucial time of year to synthesize information. Mr. Dallessio said if it is perceived that the public does not have enough time to comment, the plan would start on the wrong foot. Mr. Dallessio said he did not know whether it is an issue of having a 30 day or 60 day comment period but that the Council work to ensure that the public has enough time. This may require an adoption in January or early February. Mr. Dallessio said he thinks the Council is on the right course and its committees are addressing critical issues, and he offered his encouragement and advice. Mr. Dallessio also mentioned that not only do national holidays come into play in November and December, but the League of Municipalities is also coming up in November. There are a lot of days off, and this may complicate the ability to have public hearings.

Elizabeth George-Cheniara, New Jersey Builders Association. Ms. George-Cheniara noted that NJBA members are concerned with the Highlands Council policy papers because they inform the Highlands Regional

Master Plan, implementation framework components and LUCM. She noted that she felt the policy papers were problematic on several levels. She stated that the strategies that assume necessary underlying decisions have been made. The blind to the line issue is still not understood by all members. She stated that three standards are listed but the Council has not voted on the zones. Work session discussion indicates that members don't fully understand their charge. Ms. George-Cheniara stated that she thought the Council should review the overlay zones so that it has a clear view of where the areas are and how the standards are being applied. She thought that they are clearly not blind to the line. Ms. George-Cheniara provided a written copy of her comments.

Nicole Goger, Farm Bureau. Ms. Goger commented on the past three public work sessions, she noted that a lot of information has been provided to the Council. Ms. Goger said that the public has not been given much time to review the policy papers or background documents before the meetings. Ms. Goger said that in light of the complex documents, it is obvious that the draft plan will be very large and will take a long time to go through and review. Ms. Goger noted that based upon the Council's deadline she didn't believe it was likely that a lot of time will be afforded for public review. She thought 30 days was insufficient, and that at least 60 days should be given. She noted that it is disappointing to the farmers, and the Farm Bureau feels it is more important that they be included in the process before the RMP is final. She said they should be able to cite their opinions on controversial issues before a final draft is adopted. Ms. Goger noted that some issues were covered in background documents at the first work session, but that those documents are no longer being completed due to the input of the Council members to consolidate the background documents with the policy documents. Ms. Goger noted that the background and science is necessary for those wishing to comment on the technical issues.

Deborah Post, Chester. Ms. Post noted for the record, that public comment was a bit of an insult since she believed she was speaking to an empty room. Ms. Post thought the absence of public comment sessions at the meetings displays disregard. Ms. Post said she is currently a farmer and that in the past she was an expert on the subject of business viability. She advised that she was a managing director in restructuring department of a major investment firm responsible for assistant bankrupt and troubled companies. She noted she appeared in court as an expert witness in bankruptcy courts and that she graduated from Harvard business school with honors with a specialization in finance. Ms. Post said she feels qualified to speak on the subject of agricultural viability. She noted that agriculture in northwestern New Jersey is not generally viable. She noted there may be niche markets such as farm tour birthday parties that approach profitability, but they are the exception. She said that community supported agriculture is fanciful silliness. She said that traditional farming for vegetables, fruit, corn, hay and cows do not generate revenues adequate to cover the expenses of operating in New Jersey. Ms. Post said that farm labor is non-existent. She noted that she must grow and sell 16,000 pounds of apples to pay the Township taxes of Chester Township. She noted support services are not priced for farmers, and that insurance costs are huge. Ms. Post said the bureaucratic burdens of the RMP will be excessive costs to farmers operations. Ms. Post said that most farmers today are funding their operating losses with debt. Viability is earning an adequate equity return on invested capital. 10% adjusted for inflation is a historical equity return noted in textbooks, and she believes a 10% return is woefully inadequate. She stated that there is no economic agricultural beneficial use that provides an acceptable equity return on invested capital in New Jersey's Highlands.

Nancy Chambellan, Warren County Environmental Commission. Ms. Chambellan noted that she appreciated the Council's focus on groundwater resources and not just surface water. She said that Warren County residents are totally dependent on groundwater for its water resources which are placed in the planning area. She noted she felt encouraged by the discussion at the meeting and also found it interesting in the forestry discussion when the suggestion was made by the Council to levy additional fines for violations that arise. She asked if that ultimately that comes to pass that the money not be put in the general NJ Treasury as they are with the DEP, and that somehow be reserved for the Council to be put into incentives and restoration projects in the Highlands. Ms. Chambellan thanked the Council for recognizing the agricultural areas as high resource values.

She asked that the Council continue to please support and facilitate to keep farming as economically viable in the context of environmental stewardship. Ms. Chambellan also asked that the Council continue working on the local business program such as Buy Fresh and Buy Local where community members and farmers join together and commit to purchase products to help the farmer be more economically viable. She thanked the Council for recognizing the agricultural community that is not just farmers, but all those who depend upon them for their quality of life.

Mr. Shope, Long Valley. Asked why the public comments were separate and not part of the minutes. He also asked if they could be sent to Trenton under cover letter. Mr. Weingart noted his request and said that this would be done.

There being no further comments from the public, the session concluded at 4:40 p.m.