

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF MAY 11, 2006**

PRESENT:

JOHN WEINGART) CHAIRMAN
KURT ALSTED) COUNCIL MEMBERS
ELIZABETH CALABRESE)
TRACY CARLUCCIO)
TIM DILLINGHAM)
JANICE KOVACH)
MIMI LETTS)
MIKAEL SALOVAARA)
JACK SCHRIER)
GLEN VETRANO)

PARICIPATING VIA TELECONFERENCE:

DEBBIE PASQUARELLI)

ABSENT:

SCOTT WHITENACK

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road, Chester, New Jersey on May 11, 2006 at 10:00 a.m.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the twenty-eighth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:10 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 of circulation throughout the State.

MINUTES OF APRIL 20, 2006:

Mr. Jack Schrier made a motion to approve, Ms. Janice Kovach seconded. One member of the public, Mr. Robert Frey, requested that an addition be made to his comment on page 9, to add one final sentence to state, "In conclusion the Highlands regulations have stifled applications for farmland preservation in Pohatcong Township."

Mr. Schrier and Ms. Kovach accepted the amendment, all others were in favor, APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart said that there would be an addition to the meeting's agenda as well as all future agendas, to include an update given by staff on status of producing the Highlands Regional Master Plan.

Mr. Weingart noted that all Council members are required to file annual financial disclosure statements and that they are due at the Executive Commission on Ethical Standards by Wednesday, May 17th. He noted that the statements may also be filed on-line at the Commission's website, and noted that Mr. Tom Borden was available to notarize the members' statements as well.

He then asked if any members had reports.

Mr. Jack Schrier reported that Morris County had taken significant steps to fund numerous projects for farmland preservation in the County and that this would greatly support the Highlands Act's mandate to promote agricultural sustainability.

Mr. Weingart noted that the Governor's Office is taking steps to fill the three vacant Council member seats before the beginning of the summer. He then asked Mr. Dante Di Pirro to give the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Di Pirro noted with regard to the financial disclosures that if the Council members would like to send their statements to him that he would send them in as a package to the Commission before the due date of May 17th.

Mr. Di Pirro said that the response to staff openings has been very good with 30 responses for the Resource Management Specialist position, 30 for Grants and Outreach, 70 for Government Affairs, and 10 for Water Resource Engineer. He noted there have been several interviews for the Resource Specialist this week, and hopes to fill the position expeditiously.

Mr. Di Pirro said that the staff is instituting a process to update the Council at each full meeting on progress for development of the Regional Master Plan. He noted there was a document discussing plan progress being circulated at the table. He also stated that there would be a power point demonstration at the meeting to go along with the progress report being handed out. Mr. Di Pirro thanked the staff for their efforts to keep the Council updated on plan progress.

With regard to data sharing with the counties, Mr. Di Pirro noted that all but one had executed Data Sharing Memorandums of Agreement and he anticipated that Passaic would also sign shortly. He said the staff will then be able to collect data and share its data with the counties, such as parcel data, which will be very helpful to sister agencies.

Mr. Di Pirro pointed out that outreach efforts were outlined in the members' meeting packets. Some meetings that have been attended by staff were Hopatcong Borough, Alliance for Action, Holland Township, and the Warren County Projects Committee. Also, he reported that the roundtable for Sussex County and Sussex municipalities, that was made possible with the assistance of Councilmember Vetrano, went very well.

Mr. Di Pirro said that the day before the Council's meeting he attended the Governor's Transportation Conference in Trenton. He noted that it is important to stay involved and the staff will continue to keep the Council informed of various events.

Ms. Mimi Letts thanked Mr. Di Pirro for his report and the staff for providing the status report. She asked how many interviews had taken place to which Mr. Di Pirro replied that 10 were conducted for the Resource Specialist position as of May 11, 2006.

Mr. Weingart then turned the meeting to the Committee reports.

COMMITTEE REPORTS:

Natural Resource Committee Chair Tim Dillingham reported that there were meetings held on April 20th and another on April 27th to work on and revise technical supporting analyses which will go directly into the Highlands Regional Master Plan.

Mr. Dillingham said that the Committee has worked with the United States Geological Survey (USGS) to identify the capacity of Highlands Region watersheds to produce water and then estimate how much is available for societal uses within the system. He noted that this process is fairly complex and the Committee has had a great deal of interaction and input from the members of the Technical Advisory Committees (TACs), and that the last Committee meeting was held with invited TAC members whom participated and provided input. Mr. Dillingham advised that the Committee also worked on the development of the Sustainable Agriculture grants program.

He then noted that forest integrity and riparian stream corridors were analyzed at the Committee meeting on April 27th. Mr. Dillingham said that the riparian research will exhibit where damage has occurred and said that the Highlands staff has done a great job on tackling issues and moving issues along to where they can be used. Mr. Weingart said that the comments received, such as Highlands Coalition's comments, should be grouped together for clarification.

Smart Growth and Economic Development Committee Acting Chair John Weingart reported that the Committee met once since the last full Council meeting. He said that staff provided technical memoranda on three issues, brownfields, utility capacity assessment and development and redevelopment area potential. He noted that the documents were prepared to describe the Council's approach in developing these elements. He noted that these technical documents and summaries of the meeting were provided in the members' meeting packets as well as on the back table.

Mr. Weingart reported that Mr. Ben Spinelli was the former Chair of the Committee and he has been serving as Acting Chair. Mr. Weingart also reported that Ms. Lois Cuccinello was the former Chair of the Interagency Committee which had many overlapping issues with the Smart Growth Committee and recommended that it would be beneficial to merge the two Committees. Mr. Weingart asked if there was a motion to have Mr.

Schrier become the new Chair of the merged Committee with Ms. Janice Kovach serving as Co-Chair. Ms. Tracy Carluccio so moved, Mr. Mikael Salovaara seconded, all were in favor, APPROVED.

Budget and Finance Committee Chair Debbie Pasquarelli reported that the Committee met on April 27th to review the Council's financial status and recent expenses. Ms. Pasquarelli noted that the Committee reviewed the proposed 2007 budget which is not yet finalized. She advised that the Committee reviewed the availability of fund for the Sustainable Agriculture grants program and recommended approval in the amount of \$450,000. She noted that the Committee report should be in the members' packets.

Mr. Di Pirro noted that staff would like the Council to adopt a procedure for approving non-executive hiring recommendations. He proposed a process where he would present staff recommendations to the Personnel Committee for approval of any non-executive staff position. Executive staff positions would continue to require full Council approval. This process would allow the Council to quickly advance new staff for subsequent review and approval by the Governor's Office and Department of Personnel.

Mr. Salovaara motioned to approve, Ms. Kovach seconded, all were in favor, APPROVED.

Mr. Di Pirro next noted that there was a memorandum in the meeting packets regarding the proposal to create a Graduate Studies Program. He advised that numerous graduate students have expressed interest in assisting the Highlands Council. These students are pursuing advanced degrees in subjects (such as planning, environmental sciences, law, and GIS) that are fundamental to the work of the Highlands Council. He noted that they would be paid for contract services according to the State's rate for student assistants. Mr. Di Pirro noted that staff is hereby seeking an approval from the Council to make this a permanent Highlands Graduate Studies Program.

Mr. Salovaara motioned to approve, Ms. Elizabeth Calabrese seconded, all were in favor, APPROVED.

Mr. Di Pirro noted that Mr. Steve Balzano would give a power point presentation regarding Highlands Regional Master Plan progress.

PRESENTATION:

Mr. Balzano said that over the next ninety days there is a long laundry list of items that staff will be completing. The purpose of the status report that day was to guide the Council through the tasks which have been accomplished over the last two months.

The demonstration illustrated that the major items that have been substantially advanced include:

Revised project schedule, Scoping document comments, TAC Charette, Ground water capacity analysis, Water quality assessment (nitrate concentrations), Highlands open water inventory, Riparian corridor analysis Forest integrity analysis, Utility capacity/serve area determination, Build-out (trend), Brownfields site inventory Open space inventory, TDR program (alternatives and stakeholder input), Transportation capacity analysis Updated preservation area boundary (clarifications), MP3 Grant Program.

Mr. Balzano noted that the staff has also spent a great deal of time on water capacity issues analyzing the HUC14 data and low flow margins as well as consumptive uses and the resulting perennial yields. Mr. Balzano advised that another major element of the plan is the water quality element. Risks to groundwater quality are being assessed. The values are expressed at a HUC 14 level. All the analyses that have been conducted on water capacity and impacts on resources have been done in a manner which the Council can utilize the results to

make policy determinations. Mr. Balzano added that the evaluations of regional development and design are extremely important to determine how much growth can be accommodated. Mr. Di Pirro thanked the staff for the high level of quality in its work. He noted that the Council and staff will continue to release data to the public through Committee meetings.

Mr. Salovaara also thanked Mr. Balzano for the update and said that maybe the Council needs the staff to provide an actual schedule with a monitoring process. Mr. Di Pirro noted the members could look at the Regional Master Plan progress report which illustrates the tasks that have been completed and those that are incomplete. Mr. Salovaara noted that it is going to become critical by autumn for example, to be able to see that the Council is perhaps 75% done or not. Mr. Di Pirro said that the Plan Development Committee intends to discuss the issue he has raised at its meetings.

Ms. Letts asked if the Council will be releasing any of the complete products which Mr. Balzano mentioned. Mr. Di Pirro said that the products will be released through the Committees. Mr. Weingart advised that the schedule shows that by the end of June the materials will start being released. Mr. Schrier said the Committees should be mindful when releasing products and data to stress that the parts on their own don't constitute the whole.

Mr. Weingart thanked Executive Director Di Pirro and the staff for its update and turned the meeting to consideration of the County Sustainable Agriculture Grant Program.

CONSIDERATION OF RESOLUTION REGARDING PROCESS FOR THE APPROVAL OF COUNTY GRANTS FOR THE SUPPORT OF SUSTAINABLE AGRICULTURE (voting matter with public comment):

Mr. Balzano said that the Plan Development Committee recommended to the Agriculture subcommittee to devise a Sustainable Agriculture Program for providing enhanced farmland opportunities in the Highlands. He noted the recommended funding level is \$450,000 and that the Budget and Finance Committee and Natural Resources Committee recommend approval. Mr. Borden advised that the budget Committee report which includes the pertinent information was inadvertently left out of the members' meeting packets, therefore he provided it to the Council at that time and also placed additional copies of the report on the back table for the public.

Mr. Schrier asked how the amount was arrived at. Mr. Borden replied that the original amount proposed from the Natural Resources Committee was \$500,000, and the Budget and Finance Committee it was later determined that \$450,000 was available in the grants budget originally approved by the Highlands Council due to the decision to conduct the Highlands slope flight and mapping through a contract rather than through county grants.

Mr. Schrier noted that it is up to the counties and municipalities to apply for the Sustainable Agriculture grants. Mr. Salovaara asked whether this appropriation is proposed for this fiscal year and said that there may be a need for some wording changes in the resolution. Mr. Di Pirro noted that it would be beneficial to commit the funds at this time and earmark them for a particular usage. Mr. Salovaara made a motion to approve, with a revision in paragraph 1) at the words "develop and implement" to instead read "develop a process for the solicitation of grants...". He also thought the "not to exceed \$450,000" reference should be moved and become a final Whereas clause.

Mr. Kurt Alstede seconded the motion with the suggested revision. Mr. Weingart asked for public comments on the resolution.

Wilma Frey, Highlands Coalition, asked whether in point 1a whether it was supposed to say integrated crop management rather than integrated pest management. Mr. Alstede replied that integrated crop management is inclusive of integrated pest management functions. Deborah Post said that she doesn't support special Highlands favoritism which could brand Jersey Fresh as being better because it is North Jersey Fresh not South Jersey Fresh because it could adversely affect the southern New Jersey farming community. David Shope, Long Valley. Mr. Shope said that Mr. Balzano Steve reported the 300 individual parcels are being analyzed for a variety of attributes. He asked if agricultural viability parcel by parcel was being considered. Also, he said he didn't see any benefits to the farmer – aside from IPM – which Rutgers took it away and now it's being given back. Mr. Balzano replied that agricultural viability is a substantial consideration under the Highlands Act.

Monique Purcell, Department of Agriculture, stated that the Department supports and appreciates the opportunity to work with the counties to come up with viable economic possibilities. She noted it looks forward to establishing the process to distribute the grants.

Dick Longo, Boonton, asked if the resolution applied to both the Highlands preservation area and the planning area. Mr. Balzano replied that it did.

Mr. Schrier said that he brought up at the last Council meeting the issue of favoritism for Highlands farmers over any other farmers in the State. He noted that he thought Mr. Alstede answered adequately that that is not happening. Mr. Dillingham and Ms. Carluccio commented that the program was created by input gained from numerous constituents during the Committee process.

No other comments were received on the resolution.

On the prior motion made and seconded, all were in favor, APPROVED.

CONSIDERATION OF RESOLUTION ELECTING COUNCIL OFFICERS (voting matter with public comment):

Mr. Weingart noted that the Council neglected to re-elect a Vice Chairman and would consider nominations at this time. Ms. Carluccio nominated Mr. Jack Schrier, Mr. Salovaara seconded, Mr. Alstede motioned that nominations be closed. No public comments were received. All were in favor, APPROVED.

Next, Mr. Weingart advised the Council would need to elect a Treasurer. Ms. Carluccio nominated Ms. Pasquarelli, Mr. Salovaara seconded, Mr. Alstede motioned that nominations be closed. No public comments were received. All were in favor, APPROVED.

CONSIDERATION OF RESOLUTION MODIFYING COUNCIL'S ANNUAL MEETING SCHEDULE (voting matter with public comment):

Mr. Weingart noted that the original 2006 Council meeting schedule included four meetings in May to accommodate public hearings but in light of the change to the Regional Master Plan adoption schedule, it is proposed to remove a number of meetings between now through the summer, leaving the meetings in the autumn as is with the possibility of adding more.

Mr. Salovaara motioned to approve, Ms. Calabrese seconded. Ms. Carluccio noted that there will be many Committee meetings between full Council meetings and that the public will have ample opportunity to participate. Mr. Weingart asked if there were any comments from the public on the resolution.

Hank Klumpp. Mr. Klumpp said he finds it difficult to come to 10:00 a.m. meetings and suggested that the Council think about the farmers because in the fall it is their busy time and that maybe some evening meetings would be great. Many farmers have too much to do to attend meetings although they would like to.

Deborah Post. Ms. Post said that this Council has voted to delay the Regional Master Plan and to delay compensating landowners. She asked that the Council not take the summer off and meet as often as necessary, possibly weekly, to get the plan done.

Mr. Weingart noted that many of the Council members also serve on town councils and boards and that made it difficult to schedule evening meetings. Mr. Di Pirro asked that members continue to hold Thursdays open for committees. He added that by not having as many full Council meetings much work can be done at committee meetings. Mr. Alstede noted that he'd like to see some evening Committee meetings.

No further comments were received.

On the prior motion made and seconded, all were in favor, APPROVED.

CONSIDERATION OF RESOLUTION REGARDING GRANTS TO MUNICIPALITIES AND COUNTIES (voting matter with public comment):

Mr. Weingart noted that there were none pending approval at this time. He then opened a public comment period.

PUBLIC COMMENT PERIOD:

Hank Klump, Hunterdon County, owns 150 acres in the Highlands preservation area. Mr. Klump said he attended the meeting to continue saying what he comes to every meeting to say - that nothing has changed. He asked who made the rule that dialogue is not allowed at meetings. Mr. Klump said the Highlands map was based on politics and that in the original map Tewksbury wasn't even part of the Highlands. He said his property went in overnight behind closed doors. He asked Mr. Balzano about the maps and said that someone has to physically go out and make sure that what shows up on a model is real. He said that physical identification should be done. He provided his comments in writing to the Council.

Susan Buck. Ms. Buck said NJDEP has missed its deadline. She asked why are State departments allowed to ignore the law but landowners are not. She said in her opinion, since the temporary rules have expired the public is free to do as it pleases.

Mr. Di Pirro said that NJDEP has consulted with the Office of Administrative Law (OAL) regarding the rules and that NJDEP is preparing to adopt the proposed rules as advised by OAL. He advised that NJDEP will not be taking action on the proposed rules before the next Council meeting and that he will get an update.

Deborah Post, Chester Township. She said that after the last meeting she took Mr. Pringle to task about his comments that defame farmers with terms like "polluter" and "developer." She said that he is a paid lobbyist brought here to convince the Council to believe that the farmer has done something to the land to deserve

having it taken away. Harmed landowners will not get used to the lost equity. She provided her comments in writing to the Council.

Andy Drysdale, 32 E. Fox Chase Road, Chester in the Preservation Area. Mr. Drysdale said he believes greed generated by politics has promoted extremes with regard to the NJDEP interim regulations. He noted that he hopes those extremes in the interim rules are removed from the final regulations. Mr. Drysdale said that an example of extremes is the over protection of the deer population, which is now a major factor in the spread of lyme disease. Mr. Drysdale provided his comments in writing to the Council.

David Shope, Long Valley. Mr. Shope said that the 2002 census for New Jersey is the latest one available. He read some statistics from the census regarding average sizes of farms and says that there is a pathetic return on equity if you break it down. The towns take 64 cents of every tax dollar it's given. He noted that the land is being used by others and the landowners in the Highlands are being parasitized by neighboring towns. He says the Act does nothing to compensate residents of the Highlands for providing to those east and south of the Highlands Region. Mr. Shope thinks that the Council's grants program is a sham.

Douglas Williams, Flanders. Mr. Williams asked whether now that the Regional Master Plan adoption has been pushed back 6 months, that means that pre-Highlands property values are pushed back as well. He also objected to paid lobbyists coming in to tell farmers that they don't know how to take care of their land. Mr. Williams said the main reason the land is worth saving at this point is because farmers have been taking care of it. Mr. Weingart noted that the Council's decision to adopt the Plan by the end of the year has not resulted in any changes to any other dates in the Act.

Bill O'Hearn, Highlands Coalition. Mr. O'Hearn said this would be his last official appearance on behalf of the Coalition because he has accepted a new position with a land trust in New York. He noted that he will miss everyone and expressed that it had been a great pleasure working with the Council and its staff. He said he was very happy that the Council has listened, even when there have been disagreements. He noted that Ms. Julia Somers would be his successor, and that she will keep the focus on water. As a lover of open space, Mr. O'Hearn hoped the Council will fulfill the mission of preserving it.

Robert Frey, Pohatcong Township. Mr. Frey noted that on April 25th the Warren County Board of Agriculture sent a letter to Mr. Weingart. Mr. Frey then read the letter aloud. It dealt with the concern over loss of equity and agricultural viability which have been major considerations in the farming community. The proposed ethanol/biodiesel plant being considered in Salem County would only benefit southern New Jersey and the Delaware peninsula. He provided a copy of the letter to the Council. Mr. Weingart advised that the letter Mr. Frey read to the Council has in fact been received and that a response will be drafted.

Mr. Dillingham noted that the Council has been very open and that public comments should be issue related and not personal attacks. He thought comments of that nature would denigrate the work of the Council. Mr. Di Pirro also noted that it was distressing and asked whether personal attacks should be considered as subject to censorship. Mr. Weingart said civility has been the norm but also agreed that personal attacks should be avoided. Mr. Schrier said he abhors personal attacks but would not move to prohibit speech. Ms. Pasquarelli weighed in to support what Mr. Schrier said in that, everyone may find personal attacks distasteful but she doesn't know that as an elected official that the Council can limit or eliminate them. Ms. Pasquarelli said the comments at the last meeting were distressing, and that she does not like to hear insensitive remarks. She cautioned everyone to address the issues. Ms. Carluccio said she wanted information as to what other Council's do in similar situations. She said Mr. Dillingham and Di Pirro are correct that it is very uncomfortable to listen to personal attacks. It is not only a waste of time, but it doesn't add to the value of public comment sessions

because the public's comments should be geared toward helping the Council understand the public point of view. She asked whether there was a procedure in place that would not infringe on rights.

Mr. Weingart said that he felt the Council's meetings including the public comments had generally been exemplary, particularly when compared to other government deliberations, but that he agrees with Mr. Schrier that when the comments are personal, it discredits the individual making the comment. He noted that the Council does want to hear from the public, and that he would not support any move to censor or define acceptable public comments. Mr. Schrier said that some views are so aligned in the audience and that applause is not necessary. He asked that the public kindly make a comment and try to control the applause. Mr. Alstede was opposed to investing any staff time to deliberate the issue and Mr. Weingart agreed. Ms. Carluccio said she would like to see how the next session goes. Mr. Di Pirro said that some people actually had to be escorted from the room at the last Council meeting and it is that level of animosity that is unwanted. Mr. Vetrano said we have been meeting for over a year and the frustration is always present. He added that the last meeting was the worst he has ever seen and agreed with Mr. Alstede that the Council should not waste any more time on the issue.

ADJOURN:

Mr. Salovaara motioned to adjourn, Mr. Vetrano seconded, all were in favor, and the meeting ADJOURNED at 12:25 p.m.