

90
19
P U B L I C H E A R I N G

before

ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE

on

ASSEMBLY, NO. 728

(Blue Acres Bond Issue)

Held:

March 20, 1978

Wayne Township Municipal Building

Wayne, New Jersey

COMMITTEE MEMBERS PRESENT:

Assemblyman John H. Froude, Chairman

Assemblywoman Rosemarie Totaro, Vice-Chairman

Assemblyman Robert P. Hollenbeck

Assemblyman Emil Olszowy

ALSO:

Norman Miller

Legislative Services Agency

Aide, Assembly Energy and Natural Resources Committee

*

*

*

*

New Jersey State Library

I N D E X

	<u>Page</u>
Statement from Assemblyman Robert E. Littell District #15	2
Statement of Mr Terrence D. Moore Executive Director Newark Watershed Conservation and Development Corporation	4
Letter from John Whitesell Freeholder Director County of Sussex	11
Statement of John Molle Oak Ridge Homeowners' Association	13
Statement of Mayor Arthur P. Mildner Township of West Milford	21
Letter from Elwood R. Jarmer, Chairman Committee on Energy and Environment New Jersey County Planners Association	23
Letter from Richard A. Loeffler Vice Chairman Pequannock Watershed Coalition	25
Letter from David F. Moore Executive Director New Jersey Conservation Foundation	26
Written Presentation from Gina Nestico Save the Last Frontier of the Newark/Pequannock Watershed	29
Statement of Michael Havrisko League for Conservation Legislation	32
Statement of Albert Kent, Jr. Sierra Club, North Jersey Group	34
Statement of Albert Field Executive Director New York-New Jersey Trail Conference, Inc.	36
Statement from Grace Teese Councilwoman Jefferson Township	37



GENERAL ASSEMBLY
OF NEW JERSEY
TRENTON

ROBERT E. LITTELL
ASSEMBLYMAN, DISTRICT 15 (SUSSEX WARREN PASSAIC)
Box 277, 47 Church St.
FRANKLIN, N. J. 07416

BUS. 201-827-7135
RES. 201-827-7138

March 2, 1978

Mr. James Sinclair, Director
New Jersey Commission on
Capital Budgeting and Planning
Tax Building
State & Willow Streets
Trenton, New Jersey 08625

Re: A-724 and A-728

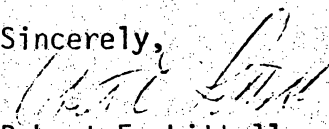
Dear Mr. Sinclair:

I have introduced two Assembly bills which require
the consideration and recommendation of your
commission.

At the suggestion of Senator Dumont, I am
writing to you to request that you consider
these two bond issues at your next meeting
which I understand will be the 14th of April.

Thank you for your attention to this matter.

Sincerely,


Robert E. Littell
Assemblyman
15th District

REL/lj
Enc.

copy: Senator Wayne Dumont, Jr.

(A-724 not printed yet)



GENERAL ASSEMBLY
OF NEW JERSEY
TRENTON

ROBERT E. LITTELL
ASSEMBLYMAN, DISTRICT 15 (SUSSEX-WARREN-PASSAIC)
Box 277, 47 Church St.
FRANKLIN, N.J. 07416

BUS. 201-827-7135
RES. 201-827-7138

Testimony by Assemblyman Robert E. Littell
on A-728 "Blue Acres Bond Issue" before
the Assembly Committee on Energy and Natural
Resources.

March 20, 1978

The Pequannock Watershed was purchased by the City of Newark
around the turn of the century and consists of approximately
35,000 acres.

In 1965 we suffered severe drought in New Jersey and Newark
did not have enough water to supply its customers.

In July 1965 Comm. Robert Roe authorized the construction
of a pipe line from Lake Wawayanda into the Canistear
Reservoir to allow the City of Newark to withdraw
500 million gallons of water or about one half of
the total capacity. Cost of the pipeline \$152,000.

On July 25, 1965 Comm. Robert Roe urged the Sussex County
Freeholders to protect and develop water resources by the
use of Green Acres funds.

Between September 10, 1965 and November 10, 1965 the City
of Newark withdrew 679 million gallons of water from
Lake Wawayanda.

In the summer of 1965 thru December 31, 1965 the state also
authorized the withdrawel of 2 billion 700 million gallons
of water from Lake Hopatcong for the Jersey City Reservoir.

In 1968-1969 Paul Rego was hired as a consulting engineer by the City of Newark to develop plans for the watershed.

The rest is history.

Over the years some of the watershed property was sold. It will always be subject to political pressures as the administration of the city changes. Unless the state buys the development rights, anything could happen.

In 1972 a report was published regarding the future of the Pequannock Watershed. One of the conclusions was that the state could buy the property.

In 1977 the City of Newark applied to the Township of West Milford for a change in the planning and zoning of their land so they could develop it.

In 1978 the Mayor and Township Committee rejected their request. On February 28, 1978 the Township of West Milford was served with a lawsuit from the City of Newark as a result of their rejection.

I have a commitment from Gov. Byrne to tour the area and visit with the citizens in the affected area in April and I would be pleased if the Committee would come.

I have requested the New Jersey Commission on Capital Budgeting and Planning to review A-728 at their next meeting.

I respectfully request that the Committee release A-728 for a floor vote as soon as possible.

NEWARK WATERSHED CONSERVATION AND DEVELOPMENT CORPORATION
50 PARK PLACE (7th Floor) • NEWARK, NEW JERSEY 07102 • (201) 622-4521

MAYOR KENNETH A. GIBSON
CHAIRMAN OF THE
BOARD OF DIRECTORS
TERRENCE D. MOORE
EXECUTIVE DIRECTOR

IF CHECKED REPLY TO:
☐ P.O. BOX 319
NEWFOUNDLAND, N. J. 07435

STATEMENT OF

MR. TERRENCE D. MOORE
EXECUTIVE DIRECTOR

Of The

NEWARK WATERSHED CONSERVATION AND DEVELOPMENT CORPORATION

Before The

ASSEMBLY COMMITTEE ON ENERGY AND NATURAL RESOURCES

REGARDING A-728 The "NEW JERSEY BLUE ACRES ACT OF 1978"

MEMBERS OF THE COMMITTEE:

My name is Terrence D. Moore. I am the Executive Director of the Newark Watershed Conservation and Development Corporation, the agency which administers the City of Newark's 35,000 acre Pequannock Watershed holdings in Morris, Passaic, and Sussex Counties.

First, I would like to state my concern that it was not until Friday, March 17, 1978 at 10:00 A.M. that a phone call was received in my office from Mr. Norman Miller of the Committee's staff asking if the City of Newark had received notice of this hearing, which it had not. The City of Newark is the owner of the largest municipal watershed holdings in the State of New Jersey. It therefore seems appropriate to me that the City would have been among the first to receive such notice. On Friday,

March 17th, I telephoned the Hackensack Water Company, the Jersey City Water Utility, the Elizabethtown Water Company, the Passaic Valley Water Commission, and the East Orange Water Utility to determine what I already suspected - that not one of the public or private water companies that service this region had been notified of the hearing. One must confess a degree of amazement that the people most affected by A-728, the owners of Watershed property; whether private or public, would be the last to know that this hearing was being held.

I am not here this morning to speak against Assembly Bill 728, the "New Jersey Blue Acres Act of 1978," but to speak of it with a degree of objectivity, and within a framework of what might be in the State's interest, rather than what might only be in the City of Newark's interest.

A-728, as we understand it, would provide for a bond issue of \$250 million for the acquisition of all, or portions of all land used for water supply purposes from municipal or private water companies. We, of course, would not speak against such a concept, for from time to time we may wish to convey certain lands to the State, and it would be nice to have a pot of money there for such negotiated transactions. Our difficulty in the past has been the State's view that our lands were already publically owned, and that the priorities for the expenditure of Green Acres monies should be for the acquisition of privately owned lands. A-728 would change that priority so that lands owned by the public

may again be purchased by the public to protect such lands for the public that currently owns them, and derives water from them.

The Bill also provides that the taxes paid on the lands acquired by the State would continue to be paid by the State of New Jersey to the municipalities in which the acquisition occurs. One must question from a State standpoint why such a unique provision is included. The bill implies that the current taxes being paid offset the costs of services provided by local municipalities to Watershed lands, and therefore, these costs should continue to be reimbursed after the date of acquisition. Even a cursory inspection of local costs attributable to the provision of services to vacant land (the Watersheds) shows that the taxes paid far exceed the local expenditures. In the case of the lands of the City of Newark it is not overly facetious to state that the major cost to the local municipalities is the periodic revaluation of property for tax purposes, and the yearly preparation of the 400 or so tax accounts mailed to the City of Newark.

One might suggest that an alternative procedure would be the inclusion of the Green Acres sliding scale, or in lieu payments by the State for actual services rendered.

Vacant watershed lands under State ownership, after all, would not produce school children, the major cost in every municipalities' list of services.

I believe that every bill in the Legislature must be examined in light of its cost to the people of New Jersey, and in light of other alternatives that may attain the same purposes with lesser financial burdens upon the people of the State of New Jersey. The economic impact of A-728 has yet to be examined in accordance with Chapter 247 of the Laws of 1977. One might suggest that the Bill be referred to the State Capital Needs Commission for a determination of whether it is of merit, and indeed represents a priority for the expenditure of State monies.

A-728, which at first look, has a noble objective seems to be duplicative of existing legislation that may provide the same result. The Green Acres Bond Issue already provides for the acquisition of lands for conservation and preservation purposes. It does not exclude the acquisition of Watersheds. It was the instrument used for the acquisition of Round Valley and Spruce Run Reservoirs. One might note that the State does not reimburse the communities affected for taxes at full value every year. The Green Acres formula was applied.

Then, of course, there is the question of other alternatives which accomplish the same objectives at less cost to the State. There are a number of such alternatives which the Committee may wish to analyze.

First, and simplest, is the repeal of 54:4-3.3 which provides for the taxation of municipally owned water supply lands. A replacement bill might provide that lands of municipalities used for water supply purposes which are committed to conservation purposes through various devices shall be taxed as other municipally owned lands, that is, they shall be tax exempt. Another version, of course, might provide that such lands be taxed at the actual value of municipal services rendered by the local municipalities. I can assure this Committee that such bill would gather many allies and not cost the State of New Jersey a dime. The savings incurred would provide additional money for improvements in the various water systems.

Secondly, there is a Bill, A-991 which would provide that such lands used for public recreation purposes be taxed at 20% of true value, again at no cost to the State of New Jersey. I would point out that 92% of Newark's holdings are currently used for a vast array of public recreation activities including fishing, hiking, boating, hunting, horseback riding, and skiing. Thousands of New Jersey's citizens have taken advantage of this resource in the past few years.

Another variation would allow the State to acquire development rights on watershed lands with the appropriate adjustment in taxes geared toward the conservation uses of the land. This

would cost the State money, but far less than A-728, and accomplish the same goal.

There are many more alternatives that might be explored including the use of TDR, the transfer of development rights on portions of the land, the application of conservation easements, etc. All, I believe, would do the same thing as A-728 - protect critical and ecologically sensitive watershed land which is defined as such using accepted environmental criteria.

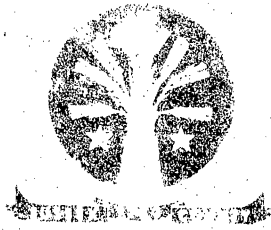
While we applaud Mr. Littell's effort, we find certain weaknesses in A-728 that must be corrected, and alternatives that should be explored. The self serving tax reimbursements which serves the interests of a few at the cost of many must be changed. It is not difficult to see that this bill benefits, first, people who live in the Watersheds. Perhaps, they should share a major burden of the cost.

The bill does not address the problem of privately owned lands interspersed among the publically owned properties. The development of the 15% of the Pequannock Watershed in private ownership is of great importance to the protection of the water system. A-728 would attempt to buy out Newark, but allow private parties to develop at will in the same watershed. Many of the supporters of A-728 here today have already taken advantage of the liberties extended to private developers without regard to the impact on

our Pequannock system. They live on lands which contribute to the water supply of the City of Newark. They have recently become environmentalists.

I believe that the members of this Committee are aware that the City of Newark has instituted a suit against the Township of West Milford challenging the current zoning ordinance of that Township as being exclusionary, confiscatory, and one which discriminates against the City of Newark. This suit has been coming for a number of years. I would hope that this Committee would analyze A-728, a bill sponsored by the Assemblyman representing the Township of West Milford, in light of the facts at hand. I am confident that in doing so you will consider the interests of all of the people of the State of New Jersey. Interests which call for fiscal responsibility, environmental sensitivity, and social equity. I am confident, too, that your decisions will reflect the careful review of every alternative regarding the issue before you, and I wish to thank you for the opportunity of bringing some of these to your attention.

County of Sussex



BOARD OF CHOSEN FREEHOLDERS

Joseph Keslo, Director
Edmund J. Zukowski
John C. Whitesell
Louise Childs, Clerk
Donald E. Welcome, County Administrator

County Administration Building
39 High Street, Newton, New Jersey 07860
Mailing Address: P. O. Box 69
Newton, New Jersey 07860
Telephone (201) 383-1023

March 20, 1978

Assembly Energy and Natural Resources Committee
Public Hearing on Blue Acres Bond Issue
Wayne Township Municipal Building
Wayne New Jersey

Dear Committee members:

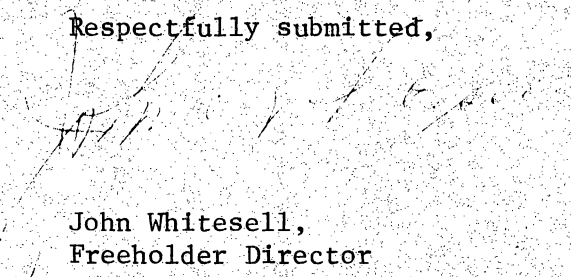
Sussex County Board of Chosen Freeholders would like to thank the Assembly Energy and Natural Resources Committee for this opportunity to respond to the proposed Blue Acres Act of 1978, Assembly Bill 728, introduced by Assemblyman Robert Littell.

The importance of preserving our natural resources is essential if we are to sustain the quality of life which this society is currently experiencing. Conservation of watershed and environmentally sensitive areas must be seriously considered and immediate steps should be taken to protect and preserve the most vulnerable resource in Sussex County, its water supply. Sussex County's water resources are predicated on the amount of surface and subsurface supply and recharge capacity. These elements are extremely important and must be considered before any development can be given approval for construction. Both the County 208 Water Quality Management Program and County Master Plan-Land Use Element have identified the need to preserve all watershed areas before over-development occurs and it becomes too late to remedy the situation.

The County Planning Board adopted the Land Use Element of the County Master Plan on November 16 and amended December 21, 1977, and on December 27, 1977 the Board of Chosen Freeholders further supported the purpose and intent of the document by unanimously adopting the same without hesitation. The policies and objectives as set forth in the Master Plan are realistic and exhibit the concerns and aspirations of the citizens of Sussex County.

The proposed Blue Acres Act of 1978 is an appropriate method to insure that watershed lands will be preserved to insure the availability of safe and secure source of water for drinking and other purposes as well as to provide incidental recreational uses. Therefore, the Sussex County Board of Chosen Freeholders wholeheartedly supports Assembly Bill 728.

Respectfully submitted,


John Whitesell,
Freeholder Director

JW:bcr

OAK RIDGE HOMEOWNERS' ASSOCIATION STATEMENT RE:

M. J. STATE ASSEMBLY BILL A-729 DATED FEBRUARY 14TH

(REPRESENTATIVE ROBERT LITTELL'S "NEW JERSEY BLUE ACRES ACT OF 1978")

Representative Bob Littell's "Blue Acres Act" is a modest, realistic and essential first step to assure the preservation of clean water not just for our generation, but also for many generations yet to be born.

We have been particularly concerned with the preservation of the Pequannock Watershed area which is one of the major watersheds for the North Jersey Area. It is one of the main sources of potable water for the city of Newark and also supplies water to Elizabeth, Bloomfield, Belleville, Hillside, Nutley and Wayne.

Watershed land is not immune to developmental pressures. In view of ever escalating local and county real estate taxes, owners of watershed properties are beginning to more and more look at their properties with an eye toward their development and the realization of financial gain from such land.

A prime example of this is the city of Newark's proposal for the development of about 10% of their Pequannock Watershed holdings. This proposed development calls for long term leasing of land for development controlled by a master plan formulated by the "Newark Watershed Conservation And Development Corporation". The basic scope of the proposal calls for the building of a total of about 5,280 primary housing units, 100,000 square feet of specialty shops, 80,000 square feet of theatre space, 525,000 square feet of research and development units and a 400 room hotel. This is in addition to planned recreational uses such as a golf course and ski slopes.

The Watershed Corporation's development plan has been praised for its ecological sensitivity and careful planning by a former director of the New Jersey Department Of Environmental Protection.

Since then however, several sources¹ have begun to express doubt that such massive development can occur without at least some deleterious effect on the water quality. Our own research has led us to the conclusion that any development of watershed land will decrease water quality to some degree and also increase the risk of accidental pollution of the water supply. We have further concluded that, in view of disparate expert opinions regarding the effect of watershed development on water quality, the people of the state of New Jersey would best be served by leaving watershed land alone, and by the prompt acquisition of such land by the State.

Representative Bob Littell's "Blue Acres Bill" strikes us as a farsighted vehicle to help insure and perpetuate high quality drinking water for the people of New Jersey.

Although we strongly favor this Bill, a critical reading and analysis of its contents lead us to offer the following recommendations:

1. We feel that the Bill should specify responsibility for operation of the State acquired watershed facilities.
2. We believe that in order to avoid imposition of a severe burden on "Watershed Communities", the payments by the State in lieu of taxes to these communities should be adjusted yearly to reflect inflationary trends.
3. Municipalities owning watershed properties outside of their jurisdiction should, if they so desire, be permitted to continue conducting water supply related operations under the supervision of the N. J. Department Of Environmental Protection.

¹Final working paper - Water And Sewage Facilities For Pequannock Watershed Development (February 1975), Malcolm Pirnie, Inc., Paramus, N. J.

¹Detailed Work Plan For Areawide Water Quality Management Plan, North East, N. J. Department Of Environmental Protection, Division Of Water Resources (January 1977)

The above suggestions were made to overcome some possible objections by parties affected by this act, and to hopefully guarantee a quick release by committee and prompt passage by the legislature.

Speed of passage is essential as we would like to see the bond issue presented to the people of New Jersey this year. The Newark Watershed And Conservation Development Corporation is currently proceeding to force the Township Of West Milford to rezone part of the watershed property for high density housing. A development, once begun, is difficult to reverse. We urge everyone present to do all in their power to accelerate passage of this Bill. The Oak Ridge Homeowners* Association, in turn, will also devote a great deal of its time and energy to help insure passage of this Bill by the legislature and later by the voters of the State of New Jersey.

John Molle
OAK RIDGE HOMEOWNERS* ASSOCIATION

A water quality impact study of Newark's development proposal is attached to each copy of this presentation.

IMPACT OF PROPOSED WATERSHED DEVELOPMENT ON WATER QUALITY

Newark's current proposal for residential development in the Pequannock Watershed area projects a total of 5,280 housing units with a total population of 13,771 which we believe to be a conservative population estimate.

West Milford's share is to be 1,654 housing units with a projected population of 4,407.

10% of the 35,000 watershed acres owned by Newark are to be leased for development.

Approximately 18,040 acres of Newark Watershed property are within the boundaries of West Milford Township. Of these 18,040 acres, Newark has asked that 2,860 acres be rezoned. Of these 2,860 acres, the "Gershen-Coppola" study considers 1,078 acres to be "developable", using standards proposed by Newark.

It runs counter to all logic that a city such as Newark, which has had recurrent water quantity and quality problems through the years, should even consider such a massive development of previously sacrosanct watershed land.

Water from the Pequannock Watershed has been rated by the New Jersey Department of Environmental Protection as FW-1 or FW-2, the highest classification possible. All of the water is potable without filtration, although Newark, under orders from the Department of Health, will be constructing a filter plant for its water supply.

What will happen to the water if Newark goes ahead with the proposed developments? Most authorities agree that there will be a definite degradation of the water supply.

Newark hired the firm of Malcolm Pirnie, Inc. to give a report on water supply and waste water treatment for the proposed development areas.

Connected figures indicate that the development will use approximately 1.3 million gallons per day of water, which will be drawn from either groundwater supplies or Cannistear Reservoir. This report further projects that additional runoff from the development will increase the total water supply in the Pequannock Watershed by 5-10%. Thus, 5-10% of previously clean water will be direct runoff from streets, fertilized lawns, parking lots, and gutters without the benefit of natural filtration, which has, since the beginning of time, purified the water in this area.

What happens when such a significant percentage of the water is not filtered by the existing ecosystem?

Well, several things happen. The water becomes only 90-95% "pure". Fertilizers accumulate in the lakes and rivers and begin the inexorable process of eutrophication. A report by the New Jersey Department of Environmental Protection states that "If development occurs in this area, the Pequannock Watershed may not be able to supply potable water of acceptable quality to the rest of the Northeast without expensive treatment."

It goes on to say "Eutrophication in the many lakes and reservoirs in the Northeast could be or could become a major problem."

The same report further states that "An additional problem related to ground water is development in the aquifer recharge areas. Extensive development in these areas could reduce the safe yields of the wells in the particular aquifer". This may sound rather technical, but, to put it simply, the proposed Newark development could dry up our wells. The reservoirs could turn green with overgrowths of algae, which, on dying, can cause very unpleasant odors, and could further kill off the indigenous trout population.

There is a further danger from storm sewers to the water supply.

People have a tendency to dump all sorts of materials into storm sewers. This ranges from difficult to dispose of materials such as crankcase oil, anti-freeze, paint and various solvents, and residual insecticides to detergents - for example, detergents used for car washing - and sundry other household chemicals, as well as animal wastes which would be washed into the rivers without benefit of degradation and filtration which naturally occurs in a balanced ecosystem. Salt used for snow and ice control is an added pollutant that could also have a devastating effect on the aqueous biota.

These are only a few of the potential effects of storm sewer drainage into the rivers and lakes. What about sanitary sewers?

Well, Newark has proposed a tertiary treatment system. Classically, at the outlet of the system, some engineer will drink a glass of the treated effluent to prove its purity. Don't let that convince you. There are systems available such as reverse osmosis and distillation that will produce pure water from sewage. As far as we can determine, no other types of tertiary treatment are entirely satisfactory from an ultimate water quality standpoint. Both reverse osmosis and distillation are currently economically unfeasible. All economically feasible processes require a final chlorination stage. Newark suggests that the chlorinated water will either be sprayed onto a golf course or be run into one of the secondary reservoirs. Based on an average water use of 50 gallons per day per person which is the gallonage figure normally used for determining the size of treatment facilities, this would mean a total of about 700,000 gallons per day of chlorinated water added to the Pequannock River. The total daily water runoff averages to about 55 million gallons per day, thus we can assume that about 1% to 2% of the Watershed water would be chlorinated treated effluent. This may not sound like a great deal except

when one realizes the possible ill effects of chlorination.

Chlorine, when reacted with water gives us hypochlorous acid and hydrochloric acid. It can further react with various organic compounds and chlorinate them. A majority of chlorinated organic compounds are either proven or suspected carcinogens according to the United States Environmental Protection Agency. Chlorine and its acids are also powerful oxidizing agents and tend to destroy Vitamin E whose main function is to act as an antioxidant and prevent premature aging. Minute amounts of chlorine can prevent Vitamin E from performing its proper function. There is further evidence that even small amounts of chlorine can cause arteriosclerosis.

Thus, even if chlorine kills bacteria very effectively, it nevertheless is a powerful poison and we see no reason why Newark should consider exposing its population to such a hazard if not absolutely necessary.

We could go on. We could point out the danger of possible leakage of raw effluent due to damaged or leaky pipes. We could point out the probability of untreated sewage going into the water system due to the killing of the enzymes and in the activated sludge portion of the water treatment system. We could point to the expense of such a fragile system, which would be borne not by Newark, but mainly by the taxpayers of New Jersey and federal funds. We could further comment on the inability of these systems to kill off disease producing viruses. We could talk about Newark's proposed long range plans which include drawing less pure water from the Delaware and Hudson Rivers, and question their rationale for wanting to develop in their only really pure water supply area thereby forever endangering their water quality. We won't discuss these in depth or else we'll be talking all night.

We would just like to end this portion of the presentation by quo-

ting a statement of policy from the United States Environmental Protection Agency:

"Existing high quality waters must be maintained at their existing high quality unless the State decides to allow limited degradation where economically or socially justified."

We believe that the Watershed development proposal can not be justified on either basis.

John Molle
OAK RIDGE HOMEOWNERS' ASSOCIATION



TOWNSHIP OF WEST MILFORD

1480 UNION VALLEY ROAD

TOWN HALL

WEST MILFORD, NEW JERSEY 07460

TELEPHONE: (AREA CODE 901) 728-5781

OFFICE OF THE MAYOR

Statement by Mayor Arthur P. Mildner to the N.J. General Assembly Committee on Energy and Natural Resources - March 20, 1978.

Mr. Chairman, Members of the Committee:

I am present this morning to make a brief statement on behalf of the governing body of West Milford Township, and the 22,000 residents of our municipality. West Milford is seventy-eight (78) square miles of natural beauty forming part of the watershed of three (3) major drainage basins.

We believe that the preservation of existing undeveloped watershed lands is essential to protect the state's dwindling reserves of clean water. In addition, the utilization of watershed property as preserved, public open space and for limited recreational activity, is a goal we support.

While it is true that not one gallon of water from above-ground supplies in our community is drawn for use by the residents of West Milford, we acknowledge our "trusteeship" for the citizens of those municipalities, including Newark, who do depend upon this precious resource with which we have been blessed.

Assembly Bill No. 728, as introduced by Mr. Littell of the 15th Legislative District, would provide an opportunity for the voters of our state to voice their concerns in this important and life-sustaining environmental area. I believe the people of New Jersey realize only too well the great need to take positive action to provide a continued adequate supply of pure drinking water.

I am not an environmentalist by training or profession, I may not even be an environmentalist by philosophy. However, as an elected public official, as the Mayor of my community, I wish to stress the importance of "in lieu payments" as part of this bill.



TOWNSHIP OF WEST MILFORD

1480 UNION VALLEY ROAD

TOWN HALL

WEST MILFORD, NEW JERSEY 07480

TELEPHONE: (AREA CODE 201) 729-8781

OFFICE OF THE MAYOR

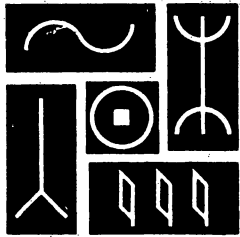
The state and federal governments continue to mandate by legislation new and/or increased demands upon the local municipalities. Most often this is done without care or concern about the financial impact on the local property taxpayers. Costs of services and requests for additional services continue to soar, yet local officials are expected to perform a "tax miracle" each year at budget time. As lands are removed from the tax rolls, an increased burden is placed upon the municipality without any corresponding relief from the need to continue to provide services to that property.

"In lieu of tax" payments would serve the best interests of both the state and the community. Local services could and would continue without added tax burdens. The land would not be free, but neither would the local services. The crux of this bill, in my mind, is this provision. Without it, the communities and their residents will suffer; with it, the residents of the entire state will profit by the protected open space and water supply.

As you may be aware, West Milford Township was served on February 28th of this year, with a lawsuit by the City of Newark as a result of our rejection of their rezoning proposals and development plans for the Pequannock Watershed. Other communities of Morris and Sussex Counties may soon be affected by this lawsuit. The Governor has indicated his desire to meet with the people concerned about the development of Newark watershed property. I have extended a written invitation to Governor Byrne to confer with our Township officials on this subject.

Members of the Committee - - The West Milford Township Council supports Assembly Bill 728, we urge your support as well.

Thank you.



MAR 20 1978

CAPE MAY COUNTY PLANNING BOARD

March 15, 1978

State of New Jersey
Assembly Energy and Natural Resources Committee
Room 224 - State House
Trenton, New Jersey 08625

Re: N.J. Blue Acres Act of 1978
(A-728)

Gentlemen:

The New Jersey County Planners Association has reviewed subject legislation and offers the following comments for your consideration.

1. Need. The need for acquisition and preservation of such lands is without question.
2. Definition of "Watershed Lands". The definition as contained in the legislation - "for the primary purpose of collecting run off waters for potable or other uses" should be further clarified. Does it mean actual impoundments such as reservoirs or can it include recharge areas? There are numerous important recharge areas throughout the state which should be preserved. The definition in the Act would appear to mean the former. The "legislature's findings" section of the Act indicates intent of a broader definition which would include "recharge" areas.
3. Allocation, Priorities, Criteria and Standards. The basis for allocation of the bond monies should be stated in the Act, which should also require establishment of priorities and standards for the location and purpose of the lands to be purchased. County government should have some role in this process, especially where local (county or regional) 208 Implementation Plans have

March 15, 1978

been certified by N. J. DEP and the U. S. EPA. Each area of the State should be properly considered and at least be eligible for a "fair share" of the bond monies.

We appreciate the opportunity to present these comments, and offer any assistance desired, including drafting of appropriate definitions, criteria and standards.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Elwood R. Jarmer', with a long horizontal line extending to the right.

Elwood R. Jarmer, Chairman
Committee on Energy and Environment
New Jersey County Planners Association

ERJ:nl

cc: Joseph Paterno
Mr. Miles
Mr. Pollock
Mr. Huguley
Mr. Ott
Mr. Thornton

March 20, 1978

Assemblyman Robert Littell
Franklin, New Jersey

Re: Blue Acres Bond Issue

Dear Assemblyman Littell,

Thank you for the opportunity to express our views on the proposed bill.

As you are aware, the Pequannock Watershed Coalition was formed to act as a "central clearing housing" for information pertaining to the watershed.

In addition to compiling information, we have also been attempting to find alternative solutions to the city of Newark's and the watershed communities' problems. Newark's problems appear to revolve around the land taxes required to support the watershed facilities; the surrounding communities' problems revolve around large scale development problems which add to an existing tax burden.

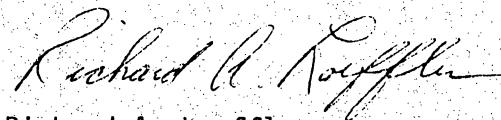
The Blue Acres Bond Issue is a good device to alleviate these problems.

In addition, this program would continue implementation of a program started in the 1960's calling for a green belt surrounding the Metropolitan Area. This program or proposal was then called the Skylands Program and was endorsed by planners, legislators and communities.

Your bill as proposed would attempt to insure that future generations of New Jerseyans would also be able to enjoy adequate and safe drinking water as well as scenic and tranquil relief from our Metropolitan areas.

We look forward to a very positive response to your legislation and ask if we may offer further assistance.

Very truly yours,



Richard A. Loeffler
Vice Chairman
Pequannock Watershed Coalition

New Jersey Conservation Foundation

300 Mendham Road

Morristown NJ 07960

201-539-7540

March 21, 1978



The Honorable John H. Froude, Chairman
Assembly Energy and Natural Resources Committee
Room 224
State House
Trenton, New Jersey 08625

Re: A728

Dear Chairman Froude:

This letter is in response to the Committee's request to comment on A-728, "Blue Acres Act of 1978."

The New Jersey Conservation Foundation is a private, nonprofit organization primarily concerned with the acquisition and preservation of land for public open space purposes. In this capacity we have assisted local, county, state and federal agencies in the acquisition of over 7,000 acres of open space since our beginnings in 1960.

A-728 attempts to ensure the availability of sources of pure drinking water by the issuance of \$250 million dollars in State bonds for watershed land acquisition. The need to preserve the State's existing and future water supplies is paramount. The preservation of watershed lands is essential to meet this need.

Acquisition of such land is one way of meeting this goal. The State has an established land acquisition mechanism for lands suitable for public open space and recreation, the Green Acres Program. Watershed lands, as defined in A-728, can presently be acquired through this program. It is recognized that funds pursuant to the 1974 Green Acres Bond Act have been almost all committed. We fully support the efforts of the Department of Environmental Protection in establishing a new \$200 million Green Acres bond issue for this fall's ballot. The objectives of A-728 can be met through this effort by utilizing the institutional mechanisms already in place under the existing Green Acres Program.

A-728 provides solely for state acquisition. Green Acres provides for both state and local acquisitions. In that many of the existing watershed lands protect local water supplies, local government should take part in both acquisition and maintenance of such property.

Recognizing that county and municipal government may not be able to shoulder the full cost of open space acquisition, the legislature provided for 50% state funding under Green Acres, giving some assistance but justifiably requiring a local commitment. Upon acquisition with the assistance of Green Acres funds, local government is responsible for maintenance of the land. A-728 shifts the responsibility for maintaining watershed to the state, creating an undue, perhaps unworkable, burden on the state when local governments receive most of the benefit. The existing Green Acres Program provides for a more equitable distribution of costs and benefits.

A-728 provides for in lieu tax payments to local government upon acquisition of watershed land by the state. The requirement that such payments equal the amount of taxes last assessed and last paid on the property would be an inappropriate use of such funds. First, it is conceivable that this requirement could significantly reduce the amount available for acquisition. Second, in many cases it would result in a windfall to the communities. It must be remembered that vacant land in the state is assessed at its highest and best use as opposed to its existing open space use. Public acquisition precludes this highest and best use. To require that taxes be paid based on development potential after that potential has been precluded, via public acquisition, is an inappropriate use of public funds. Such land does not place a demand for services on local government. In lieu taxes should be paid only in accord with the local government services supplied.

Acquisition is only one technique to ensure the protection of watershed lands. Many other techniques are available, and legislation providing for their use should be formulated. The assessment of watershed properties based on the highest and best use doctrine often is a disincentive for keeping the property in open space. Legislation which provides for such land to be assessed at its existing as opposed to its highest and best use could be extremely effective in achieving the goals of A-728. Similar legislation for land restricted by conservation easements is also needed.

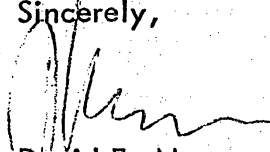
Proper governmental regulation of watershed property is another mechanism which might be employed.

The state of Connecticut has adopted legislation governing the conversion, sale or lease of watershed land. Recognizing that watershed land can, if adequately regulated, be converted to other uses without endangering the water supply, Connecticut passed Public Act 77-606 which requires a state permit prior to the conversion, sale or lease of such land. The permit can be given only if it is found that the action will not endanger the related water supply source. Similar legislation might be considered for the protection of New Jersey's watershed land.

In summary, while we agree with the need to protect watershed land, we feel that A-728 is not the appropriate mechanism. Its objective can be accomplished under the Green Acres program on a more equitable basis; its in lieu tax payment requirement is an improper use of public funds, and other mechanisms might better be employed to meet the need.

Thank you for this opportunity to present our opinions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'DM', with a long horizontal flourish extending to the right.

David F. Moore
Executive Director

DFM:jl

Written presentation of Gina Nestico of Save the Last Frontier of the Newark/Pequanock Watershed, prepared from the verbal presentation given at the Blue Acres Bond Public Hearing, March 20, 1978, at Wayne, N.J.

Our group supports Assemblyman Robert Littell's bill A728. We maintain that Watershed land was not purchased for speculation, but for the sake of pure water and it should be protected for this purpose. It's a shame that we have to spend so much money (\$250 million) to protect the health of the people.

Our group is concerned about the statement Newark is making to the effect that they are losing money on the Watershed. We believe that this is not true and we have some knowledge that they are making money. We feel that this hearing board should look into the financial records of the two branches of Newark's Watershed operation (see attached Finkelstein and Amsterdam letters). We ask:

- 1) how much money are they making on the commercial sale of water (Newark still has the lowest water rates in the state) ?
- 2) how much money are they making on commercial logging rights?
- 3) how much money are they making on the land they are already leasing to commercial, municipal, organizational and private interests?
- 4) how much money is being transferred from the water operations to the recreational and other departments?

We belong to the 208 Program of the Dept. of Environmental Protection. The DEP has a policy they must follow which specifically states that they must upgrade the streams and waters of the state. If instead they allow for development of these Watershed lands, there is the danger of the water table dropping and wells going dry (there are instances of dry wells already) and the danger of nitrates and chloroform developing in the reservoirs which would also contaminate the surrounding wells. Nitrates and chloroform are carcinogenic, yet we don't know all the long-range consequences of absorption of these chemicals into our bodies. Cancer, yes. What else? We don't know. How could the DEP ever think that these Watersheds could be developed in a large or small way? We have been working on the 208 Program for one and a half years. This time has been wasted

in organizing and reorganizing committees and now that the Program is ready for public input, there is no time left for the intelligent analysis this sensitive issue requires.

We've requested that the DEP reclassify the streams that feed into the reservoirs. Now there are streams which are classified as FW2 (effluent can be put into the stream). How can these streams be FW-2 when they feed into our drinking water? These streams must be reclassified as FW-1 (no effluent allowed)!

Personally, I have alot to gain from development in this area, but in thinking of the future and in thinking of humanity, I cannot allow this to happen. Many other business people advise me to reconsider my position, but I say to them "you just may need a glass of pure water some day."

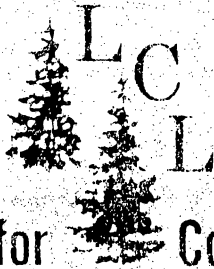
In concern about Newark's situation and the situation we're all in, we have come up with a policy statement. (see attached copy) When you think of how much money we're spending to clean up our waters, then why, when we have something that's already pure, do we want to jeopardize it?

Newark has raised the point that West Milford has already allowed development dangerously close to the waters and so they should be allowed to develop their own land. Certainly if West Milford has made mistakes, we should not make the same mistakes over again. Let's correct the situation, even if it means tighter restrictions. Newark is routinely notified of all plans to develop next to Watershed property. Where were they when the questionable shopping center and gas station were planned? Why didn't they object to these plans then?

It is our concern and everyone's obligation to protect these waters. Water is vital to everyone and there is not much pure water left in this country, so whatever pure water is left, we must make sure that we keep it pure.

In the "History of the Water Supply of Newark" (publisher unknown-a full photostatic copy will be sent on request-see attached portions) the trend was for the growing city to acquire greater and more distant water sources as the local sources became contaminated. In 1886, Mayor Haynes of Newark, purchased the Pequannock lands for a source of pure water in the aftermath of an outbreak of cholera. His intent was not only for the benefit of the present situation, but also for the future.

We have reached the point where there are no larger and more distant pure water supplies feasibly available for Newark. At the end of 178 years, this method has become inadequate. The time has come to preserve and improve the existing waters of this country and this state for the benefit of everyone.



The League for Conservation Legislation

Box 605 Teaneck, N.J. 07666

Legislative Office

12 LAUREL TERRACE
TEANECK, N.J. 07666
(201) 261-1414

Comments delivered on behalf of the League For Conservation Legislation by Michael Havrisko, on March 20, 1978 at a public hearing to review the New Jersey Blue Acres Act of 1978.

Good morning, I welcome the opportunity to comment on behalf of the League For Conservation Legislation regarding the New Jersey Blue Acres Act of 1978. My name is Michael Havrisko, and I am a lobbyist for the League For Conservation Legislation, New Jersey's environmental lobbying coalition.

The League For Conservation Legislation strongly supports the concept of open space preservation. We recognize the need for a buffer to be placed upon urban sprawl and a better use of resources for energy efficient renewal of urban areas.

Watershed and flood control are important in order to provide pure water when needed and also to provide protection from flood danger in downstream areas. This area has the potential of providing a recreation area for millions of individuals living in the Metro New York state area.

The League recognizes the State's acquisition priorities and their resource limitations. The League is fully aware of such important issues such as the Pine Barrens, a new 200 million dollar statewide Green Acre Bond, and the tax implications and costs of massive land purchases.



The League for Conservation Legislation

Box 605, Yonkers, N.Y. 10766

Legislative Office

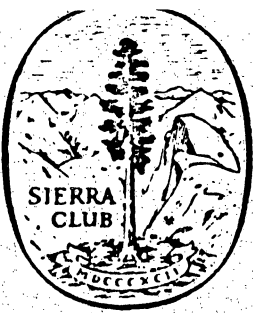
The League proposes a three pronged strategy for the preservation of open lands throughout the state. First, the state should use existing municipal tools to reduce development. The Watershed Tax Assessment bill could be used to reduce the tax burden and protect the water purity. Passage of the TDR bill could also help curtail development.

Secondly, the Governor could establish a council such as the Pinelands Review Committee to consider possible land acquisitions by the state. Under the National Heritage Trust Program proposed by the President, a federally funded study area could be established and obtain acquisition of critical rights and areas.

Thirdly, continuing management of these areas is necessary. The state should assist and supplement federally financed efforts with State Green Acres bond money.

What the State needs is a better coordinated effort in the acquisition and preservation of open space. Thankyou for giving me the opportunity to speak on behalf of the League For Conservation Legislation, I hope the State will continue to support the concept of open space preservation.

Michael Havrisko



Sierra Club

North Jersey Group

STATEMENT ON WATERSHED PROTECTION
BEFORE THE ASSEMBLY ENERGY AND NATURAL RESOURCES COMMITTEE
March 20, 1978

My name is Albert Kent, Jr. I live at 39 Crystal Avenue, West Orange, N. J. 07052. I represent the North Jersey Group of the Sierra Club.

Our group is extremely pleased that watershed protection is being given the serious attention demonstrated by the introduction of A-728. We wish to thank Mr. Littell for offering this bill and the Committee for the opportunity to speak here today.

Revelations during the past decade of hitherto unsuspected toxic materials including suspected carcinogens in public water supplies point up the need for careful control of watershed lands so that water quality may be enhanced and not further degraded. They further point to the advisability of maintaining wooded watershed lands in their present state rather than permitting introduction of development.

Considering that there are a number of alternative approaches to control of watershed lands which will no doubt be considered before a final plan is settled upon, we would like to make the following observations, not as experts, but as concerned citizens:

1. The open space preservation and the recreation aspects of a Blue Acres program would coincide with the Green Acres concept.
2. Some very large sums of money are involved.
3. A new Green Acres program may soon be needed.
4. Green Acres programs tend to be broadly beneficial to citizens through-

out the state, and thus widely supported.

5. A Blue Acres program would probably be perceived, at least, to be more narrowly beneficial and thus less widely supported.

6. A unified or at least tightly coordinated Blue and Green Acres program might be desirable as having a wider appeal to all parts of the state.

7. Paying monies in-lieu-of-taxes to watershed municipalities equal to past payments seems a somewhat oversimplified approach.

8. A system for such payments, if any, by the state should be carefully based upon the tangibles of cost of services rendered by the host community, the true economic loss to the host community due to the non-developability of watershed lands, and upon the intangible advantages and disadvantages to the host community of the maintenance of the watershed open space.

9. A bi-partisan strategy developed by the majority and minority leadership of the legislature would seem appropriate for an issue of such basic importance as pure water and would help insure passage of the appropriate legislation.

10. Due consideration ought to be given to any existing or projected Federal watershed programs.

We thank you again for the opportunity to be here and urge your continued attention to this most important matter.

Sierra Club
North Jersey Group
Albert Kent, Jr.
39 Crystal Avenue
West Orange, N. J. 07052
(201) 731-1765



NEW YORK-NEW JERSEY TRAIL CONFERENCE, INC.

15 EAST 40 STREET · NEW YORK, N. Y. 10016 · (212) 679-8017

Maintaining Over 700 Miles of Foot-trails with Shelters and Furthering Conservation

18 March 1978

MEMBER ORGANIZATIONS

Adirondack Mountain Club
Knickerbocker Chapter
Long Island Chapter
Mid-Hudson Chapter
New York Chapter
North Jersey Chapter
Ramapo Chapter
American Youth Hostels
Appalachian Mountain Club
New York Chapter
Ardley Outdoor Club
Boy Scouts of America
Bergen Council
Rockland Council
Showandase Chapter
Explorer Post 73
Scout Troop 50
Scout Troop 182
Scout Troop 429
Catskill 3500 Club
City College Outdoor Club
College Alumni Hiking Club
Conservation & the Out-
doors
Co-op City Hiking Club
Cosmopolitan Club of Mont-
clair, Outdoor Group
Fresh Air Group
Green Mountain Club
New York Section
Inkova Outdoor Club
Interstate Hiking Club
Metropolitan Inter-
collegiate Outing Club
Association
Metropolitan Recreation
Association
Murray Hill Canoe Club
Nassau Hiking and Out-
door Club
Neophyte Explorers
New York Hiking Club
New York Ramblers
Napco Hiking Club
Open Road Club
Orangetown Division of
Recreation and Parks
Protectionists and Trail
Hikers
Ramapo Hiking Club
Restore Earth's Natural
Environment to Warwick
Rutgers University
Outdoor Club
Short Hills Outing Club
Sierra Club
Mid-Hudson Group
New York Group
North Jersey Group
Southern Historical Hikers
Torrey Botanical Club
Tramp and Trail Club
Union County Hiking Club
University Outing Club
Westchester Trails Association
Windbearm Outdoor Club
Woodland Trail Walkers
Weis Ecology Center
American Ethical Union

To the New Jersey State Legislature:

The New York - New Jersey Trail Conference is the coordin-
ating organization for more than fifty hiking and outdoor
clubs in the two states. Since 1920 we have watched with
alarm the removal of more and more land from public use.

There remains in northern New Jersey but one area that can
still be saved from destruction by housing development, and
that is the Pequannock Watershed of the City of Newark *of other*
in New Jersey

The area is now used for many types of recreation: from
group camps to restricted environments for scientific
study. There are hiking trails and horseback trails.
The land adjoins the southern end of Wawayanda State Park
and makes a contiguous wooded area of great value for out-
door activities and experiences.

Within the watershed at present there are a few housing
tracts. Any further restriction of land use to a limited
group of local residents is unfair to the people of the
state. We hope that means can be found to compensate the
City of Newark so that no further encroachments on the
woodlands will reduce the area available for recreation for
all of the citizens.

Albert Field

Albert Field
Executive Director

Report to Assemblywoman Rosemary Totaro

Re Hearing on \$250 million Referendum for purchase of watersheds

I objected to the Bill in its present form since no studies nor analyses have been made to warrant the huge expenditure of tax dollars appropriated by the Bill. The following were my requests for information, studies or investigations which I felt would be the basis for an intelligent solution before such a heavy tax commitment was forced upon the public.

The main focus of the Bill was to purchase the land in an effort to secure the preservation of water quality and supply. With this in mind and the lawful requirements which I believe are necessary, the following is offered.

1. Investigate the history of legislative actions taken to allow Newark to purchase land outside their own political jurisdiction, e.g. the principle of sovereignty, eminent domain, annexation processes, if any, rights conferred or limited, taxation as applied to land only, etc.
2. State Constitution does not provide for development of the land owned by one town and located in another, especially rights which Newark claims enabling them to develop as a private entrepreneur, nor does it allow public aid to private corporations.
3. Check of Newark's books re collections from all water users, including outside towns on the system; liabilities and taxes to establish whether water revenues cover all expenses in a separate accounting.
4. Study of Newark's infrastructure in which they would incorporate a Title 15 corporation to handle the land, development, lease structures, collection of lease revenues, and administration of development standards during the course of construction; also Newark's water department which would collect these new water revenues, possible new water impoundments and sewer collection systems.
5. Review of lands in private ownership which might affect water quality and if any Bill is presented for passage, these lands should be included.
6. Study of the effect upon local municipalities when in lieu tax payments are suggested since these payments are associated with contracts on profit-making ventures and should bring more, rather than less revenue to local governments in an effort to avoid erosion of their tax base.

I do not believe Newark or Jersey City have the right to own or use land which infringes upon the rights of other municipalities. However, since Newark twice destroyed their own water supplies and were given a third chance to survive by the State, the time to settle the inequities in a right and proper manner is here. For decades Newark and Jersey City has shortchanged Jefferson Twp. until the rural politicians realized how little return came from those 5,000+ acres, especially when Newark's employees lived here and required local and educational services. Although these rural towns were willing to share their resources when fewer people lived in the area, increases in population demand better and stronger protection for the residents and taxpayers who will have to bear the consequences.

March 27, 1978

Re: N.J. Bell

The southern end of Jefferson Twp. uses 366 and 361 exchanges. These numbers are toll calls from the northern end of Jefferson Twp. which is 697 exchange.

The other exchange in the southern portion is 663.

Can the 366 and 361 exchanges be changed to 663 or can these exchanges be excluded from the toll barrier when calling 697? 663 is toll free.

