



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JIM RILEE
Chairman

MEETING AGENDA Thursday, August 21, 2014 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – July 17, 2014
- CHAIRMAN'S REPORT (and Council Member Reports)
- ACTING EXECUTIVE DIRECTOR'S REPORT
- COMMITTEE REPORTS

PERSONNEL COMMITTEE

- Report on meeting.

BUDGET AND FINANCE:

- CONSIDERATION OF RESOLUTION – Approval Of A Transfer Of Development Rights Receiving Zone Feasibility Grant, Borough of Bergenfield (*voting matter with public comment*)

HDC BANK COMMITTEE

- Report on meeting.

PLAN CONFORMANCE COMMITTEE

- Report on meeting.

REGIONAL MASTER PLAN (RMP) UPDATE COMMITTEE

- Report on meeting
- Presentations - Fiscal Impact Assessment Scope of Work, Web Comment Portal
- PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
- EXECUTIVE SESSION
 - Pending/potential litigation
- ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
MICHAEL R. DRESSLER)	
TIMOTHY P. DOUGHERTY)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT

MICHAEL TFANK)

CALL TO ORDER 133rd meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

ROLL CALL

Roll call was taken. Council Member Dougherty and Tfank were absent. All other members were present. *The following staff members were present: Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Carole Dicton, Tom Tagliareni. Also present were Peter Simon, Governor's Authorities Unit, and Buck Swaney, Logan Simpson Design.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 17, 2014

Chairman Rilee asked for a motion on the Minutes of July 17, 2014.

Mr. Francis introduced a motion to approve the Minutes of July 17, 2014. Mr. Visioli seconded it.

All members present voted to approve the Minutes of July 17, 2014. The minutes were APPROVED 12-0 (Note: Chairman Rilee approved the portion of the minutes when he was present).

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

CHAIRMAN'S REPORT

There was no Chairman's report.

COUNCIL MEMBER REPORTS

Member Dressler reported on a project being considered in Tuxedo, New York for a casino. Member Dressler noted that the Council should be aware of this project, and review some newspaper articles Ms. Nordstrom had previously provided to him.

Member Dougherty was present at 4:04pm.

Chairman Rilee requested Acting Executive Director Nordstrom to forward these articles to full Council for their knowledge.

ACTING EXECUTIVE DIRECTOR'S REPORT

Ms. Nordstrom gave the Acting Executive Director's report, and announced that in Plan Conformance Implementation, Alexandria Township (Hunterdon County) adopted a Checklist Ordinance; Bethlehem Township (Hunterdon County) adopted a Master Plan Highlands Element; Lebanon Township (Hunterdon County) adopted a Highlands Area Land Use Ordinance and Exemption Determination Authorization Ordinance; and Hopatcong Borough (Sussex County) adopted a Master Plan Reexamination Report and Resolution.

Ms. Nordstrom also announced that Byram Township received \$5,000 for an RMP Stormwater Application Pilot Study Agreement (pilot project testing the new stormwater management app) and that the Town of Phillipsburg received \$23,500 for a Plan Conformance Historic Preservation Planning Element Grant.

Ms. Nordstrom also noted that High Bridge (Hunterdon County) and West Milford (Passaic County) issued Exemption Determinations; and under the TDR program, four (4) allocation determinations were issued.

Fenimore Landfill Update

Ms. Nordstrom referred Council to a newspaper article they had received in their packets and provided a summary of the most recent status of matters at the landfill based on information that was provided to her from DEP.

Ms. Nordstrom also reported that after consultation with NJDEP, Roxbury Township and Morris County Soil Conservation about the concerns of streams running beneath the Fenimore landfill, that the consensus of all three entities was that although there are streams on the Fenimore property, no streams run under the disturbed area. Ms. Nordstrom asked if anyone would like to see the report from Maser Consulting concerning the stream issue and then concluded her report. A copy of the Maser report will be distributed to all Council members as requested by Vice-Chair Alstede.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

COMMITTEE REPORTS

Personnel Committee

Chairman Rilee announced that the Committee is in the process of scheduling interviews for the Executive Director position.

Budget & Finance Committee

Resolution – Approval Of A Transfer Of Development Rights Receiving Zone Feasibility Grant, Borough of Bergenfield

Member Holtaway reported that Council received another request for a TDR study from Bergenfield Borough (Bergen County). Bergenfield is going through changes and redoing their master plan to strengthen their downtown area.

Ms. Nordstrom introduced staff member James Humphries who gave a presentation on Bergenfield. The presentation may be found on the Highlands Council's website at the following location:

http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/aug21/aug_2014_tdr_bergenfield.pdf

Mr. Holtaway made a motion on the Resolution. Mr. Visioli seconded it.

Council Comment

Member Visioli asked about the overall timing of the grant. Mr. Humphries responded that Phase 1 is between 1-2 months and the overall grant to be completed is between 6-9 months.

Public Comment

Erica Van Auken, New Jersey Highlands Coalition – Ms. Van Auken commented that the Highlands Coalition supports this resolution. Ms. Van Auken added that Bergenfield looks like the model town for this program and hopes it is successful.

David Shope, owns property in Lebanon Township, NJ – Mr. Shope commented that Bergenfield is a built-out town so why is Council investing in a town which is fully developed. Mr. Shope is opposed to this resolution.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer strongly supports this TDR grant award for Bergenfield as a potential to intensifying their urban development.

All members present voted to approve the resolution. The resolution was APPROVED 13-0.

Highlands Development Credit Bank Committee

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

Member Walton reported that the Committee is working to establish a new Open Space Matching Grant Program using the PSE&G mitigation funding which would allow government (municipalities and counties) and non-profit agencies to apply for up to 50% matching grant funds towards the preservation of property in the Highlands region. In addition the Committee is seeking to establish new parameters for the purchase of Highlands Development Credits, by closing out the initial purchase program and eliminating the old hardship based program and using standards of both the PSE&G mitigation funding and the Regional Master Plan. The priority ranking criteria being considered are: environmental zones, proximately to power lines, and use of Dual Appraisal. Member Walton added that the Committee agreed to discuss this program at Council's September meeting.

Plan Conformance Committee

Member Richko reported that the Committee met prior to Council meeting to discuss Hardyston Township and staff will provide a PowerPoint presentation on the proposed use of the Checklist Ordinance approach for Hardyston Township. Ms. Nordstrom presented a presentation that can be found on the Council's website at the following address:

http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/aug21/aug_2014_hardyston.pdf

Member Richko reported that the Committee agreed with the recommendation by staff, and he indicated that, per the process discussed by the Council last month, the Council will not be asked to vote on this at this time, but rather at the next meeting so Council Members may have additional time to consider the issues in connection with this matter.

Council Comment

Member Carluccio requested that all the levels of resources be provided to the Council on the towns recommended for the Checklist Ordinance approach.

Member Vohden asked if there is any information that is not on-line for members to look at. Ms. Danis responded that everything is on-line for Council to review.

Regional Master Plan Update Committee

Member Alstede reported that an RMP Update Committee meeting was held on July 9, 2014 and noted that the committee continues to address elements that will enable Council to carry out the Regional Master Plan update. Member Alstede reported that this process is a "tripod" approach: 1) Web Portal to collect all public input and data to consider; 2) the Monitoring Program to measure certain elements to identify; and 3) Fiscal Impact Assessment. Mr. Alstede turned the meeting over to staff member Corey Piasecki.

Mr. Piasecki gave a presentation related to the Highlands RMP Monitoring Program Fiscal Impact Assessment Scope of Work, one of the three components of this process. This presentation may be reviewed on the Council's website at the following address:

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/aug21/aug_2014_rmp_fiscal_scope.pdf

Council Comments

Member Carluccio asked how the projected cash flow timetable will be used. Mr. Piasecki responded that it is required by the Act and it would be used to inform the state. Ms. Nordstrom responded that it has budgetary implications for the Highlands Council.

Member Carluccio asked about the septic maintenance requirements indicator in the RMP Update Committee memo. Mr. Alstede replied that we are looking at different elements of the Act that could impact the region and homeowners, and septic maintenance could be one of those indicators. Chairman Rilee added that it was an item to look at and identify.

Member Walton left the meeting temporarily at 4:36pm.

Mr. Piasecki turned the meeting over to staff member Carole Anne Dicton, Manager of Communications, and Mr. Buck Swaney, consultant with Logan Simpson Design related to the RMP Web Portal. Ms. Dicton provided a presentation on the RMP Web Portal and indicated that once the portal is live, commenters will be able to submit comments from the Highlands Council home page or from the RMP Monitoring Program page.

Member Walton returned to the meeting at 4:38pm.

Mr. Swaney provided a synopsis of his professional background in public comment analysis, and then proceeded to demonstrate the current configuration of a commenting portal that he has created in consultation with Highlands staff.

Chairman Rilee asked if there would be an indication at the beginning of the comment page that informed a commenter that they will be able to submit more than one comment. Mr. Swaney indicated that Ms. Dicton is preparing language which will be placed at the top of the entry page to inform the commenter of this concern.

Member Carluccio asked if the public would be able to see all the comments. Mr. Piasecki stated that we do not anticipate that the comments would become public until all comments were reviewed and responded to.

Member Carluccio asked if there could be a little more explanation on what the topic areas mean or a glossary. Chairman Rilee asked if there could be a pop-up to explain the topic areas. Mr. Swaney responded that he would work to provide this feature if it is in the architecture of the system.

Member Alstede said the next committee meeting would be in September. Member Alstede commended the staff and consultant on the work they have done in organizing this process.

Chairman Rilee opened the meeting for general public comments. Chairman Rilee noted that comments regarding Fenimore should be held at this time, and Vice-Chair Alstede will take over the meeting later to take comments on that matter.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers complimented Council on the acquisition related to the West Milford property. Ms. Somers submitted for the record economic data materials for the Council's and the consultant's review.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp commented on property values affected by the Act. Mr. Klumpp submitted his comments for the record.

Erica Van Auken, New Jersey Highlands Coalition – Ms. Van Auken asked if there is an option to upload documents on the Comment Web Portal.

Carl Panetta, Ledgewood, NJ – Mr. Panetta commented on the Hercules site and noted that Council may see this coming.

Deborah Post, property owner in Chester Township – Ms. Post commented on the Council's stakeholder process.

Chairman Rilee commented that Ms. Nordstrom is working on Ms. Post's concerns on this matter.

Joady Anderson, owns 74 acres in Lebanon Township – Ms. Anderson commented on the loss of value on her property.

Patrick Moffitt, Peapack, NJ – Mr. Moffitt made comments related to a nitrate model. Mr. Moffitt submitted his comments for the record.

David Shope, owns property in Lebanon Township, NJ – Mr. Shope commented on the process of the public comment period, on the use of science and referred to Member Dressler's interest regarding a landowner compensation committee.

Member Dressler responded that the HDC Bank Committee has agreed to start discussions on the landowner compensation at the Committee's September 4th meeting.

Stephen Shaw, Mountain Lakes, former Mayor and Director of the New Jersey Builder's Association – Mr. Shaw requests that Council suspend the use of the Checklist Ordinance approach. Mr. Shaw also commented on the RMP Update process and hopes the process is open and transparent.

Jerry Kern, Pohatcong Township – Mr. Kern hopes Council keeps an open mind when reviewing this process.

Chairman Rilee turned the meeting over the Chief Counsel Davis. Mr. Davis then read the following resolution into the record:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Council is of the opinion that those circumstances presently exist; and

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

- (a) litigation in connection with the matter of Danielson v. Chester Township Through Its Police Department, et al., U.S. District Court for the District of New Jersey, Civil Action No. 2:13-cv-05427-JLL, for which advice from counsel subject to the attorney-client privilege is required; and
- (b) pending and/or potential litigation in connection with the Fenimore Landfill, for which advice from counsel subject to the attorney-client privilege is required.

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of August 21, 2014, for these purposes. It is anticipated at this time that the nature of the matters discussed in closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney client privilege will not be disclosed.

Chairman Rilee requested a motion.

Mr. Vobden made a motion and Mr. Holtaway seconded it. All members were in favor.

Chief Counsel Davis announced that Council will go into Executive Session to discuss the two issues noted in the resolution, and that the Council will come back into public session after the executive session and may take action at that time. It was also noted that Vice-Chair Alstede will head the meeting after Executive Session and take public comments related to Fenimore landfill at that time.

Chairman Rilee commented that he will go into Executive Session for the first issue only.

Chairman Rilee called for a five minutes break at 5:19pm after which time an Executive Session will be held.

[EXECUTIVE SESSION]

Vice-Chair Alstede closed the Executive Session and resumed the New Jersey Highlands Water Protection and Planning Council meeting at 6:07pm.

Chairman Rilee and Member James were no longer present.

Resolution – Enter Into and Execute A Written Settlement Agreement

Chief Counsel Davis announced that one of the matters discussed in Executive Session was the potential settlement related to the litigation on the matter of Danielson v. Township of Chester and New Jersey Highlands Water Protection and Planning Council. There was a discussion and at this point in time, there is a resolution before Council that will authorize settling this litigation in the amount of \$12,500. Mr. Davis then indicated that if the Vice-Chair wanted to entertain a potential settlement of the matter, he could call for a vote on a resolution authorizing that settlement.

Mr. Holtaway made a motion. Mr. Visioli seconded it.

There were no public or Council comments.

All members present voted to approve the resolution. The resolution was APPROVED 11-0.

Vice Chair Alstede opened public comments on the Fenimore landfill.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

Public Comment

Ken Collins, Andover, NJ – Mr. Collins commented on the matter of a stream at the landfill. Mr. Collins submitted a map for the record.

Kathy Panetta, Ledgewood, NJ – Ms. Panetta commented on a stream at the landfill, and on issues regarding soil being brought onto the site.

Bob Morocco, Ledgewood, NJ – Mr. Morocco urged Council to provide supervision and oversight on the remediation. Mr. Morocco asked if the NJDEP showed Council the hydrological study on the stream under the landfill and where the source came from. Vice-Chair Alstede suggested that Mr. Morocco speak to Ms. Nordstrom after the meeting.

Carl Panetta, Ledgewood, NJ – Mr. Panetta asked Council to answer Mr. Morocco's questions.

Council Comment

Member Carluccio made a motion to place an item on next month's agenda to consider rescinding the approval of the redevelopment designation decision. Member Walton seconded the motion.

A roll call vote was taken. The MOTION vote was 5 in favor and 6 opposed.

Vice-Chair Alstede announced that the motion did not pass due to lack of eight votes.

Member Dougherty asked for advice from the Chief Counsel regarding certain sections of the Highlands Act. Chief Counsel Davis responded that he will advise Council next month on this matter.

Mr. Richko made a motion to adjourn the meeting. Mr. Visioli seconded it. The meeting was adjourned at 6:25pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 21, 2014

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 9/19/14

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty			✓			
Councilmember Dressler						✓
Councilmember Francis						✓
Councilmember Holtaway		✓	✓			
Councilmember James						✓
Councilmember Richko	✓		✓			
Councilmember Sebetich			✓			
Councilmember Tfank					✓	
Councilmember Visioli			✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chairman Rilee					✓	

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON AUGUST 21, 2014

Report

Subject: Report
From: Carol Barkin <cbarkin@morrismorism.org>
Date: 8/20/2014 1:52 PM
To: Julia <julia@njhighlandscoalition.org>

This info comes from "The Economic Impact of Tourism in New Jersey"
Tourism Satellite Account
Calendar Year 2013
by Tourism Economics

Definition:

Tourism Economic Impact: Includes the tourism industry plus government spending and capital investment in support of tourism. This is the basis of the total economic impact analysis, including direct, indirect and induced impacts.

Carol Barkin
Morris County Tourism Bureau
6 Court Street
Morristown, New Jersey 07960
973-631-5151
morrismorism.org

Tourism spending by county

Tourism Direct Sales					
(Millions of dollars)					
County	2010	2011	2012	2013	Percent Change
New Jersey	\$34,577	\$36,753	\$37,884	\$38,370	1.3%
Atlantic County	\$7,698	\$7,802	\$7,559	\$7,319	-3.2%
Bergen County	\$2,231	\$2,461	\$2,526	\$2,613	3.4%
Burlington County	\$1,110	\$1,218	\$1,302	\$1,344	3.3%
Camden County	\$633	\$681	\$704	\$723	2.6%
Cape May County	\$4,809	\$5,168	\$5,383	\$5,508	2.3%
Cumberland County	\$263	\$295	\$316	\$317	0.4%
Essex County	\$2,633	\$2,886	\$2,953	\$2,907	-1.6%
Gloucester County	\$320	\$343	\$347	\$355	2.2%
Hudson County	\$1,534	\$1,613	\$1,685	\$1,768	4.9%
Hunterdon County	\$249	\$274	\$282	\$288	2.2%
Mercer County	\$970	\$1,069	\$1,114	\$1,154	3.6%
Middlesex County	\$1,681	\$1,855	\$1,998	\$2,090	4.6%
Monmouth County	\$1,889	\$1,976	\$2,105	\$2,209	4.9%
Morris County	\$1,607	\$1,763	\$1,830	\$1,957	6.9%
Ocean County	\$3,510	\$4,014	\$4,289	\$4,192	-2.3%
Passaic County	\$425	\$471	\$483	\$495	2.4%
Salem County	\$126	\$163	\$179	\$177	-1.1%
Somerset County	\$943	\$1,005	\$1,047	\$1,094	4.5%
Sussex County	\$448	\$487	\$508	\$534	5.1%
Union County	\$875	\$1,084	\$1,118	\$1,170	4.6%
Warren County	\$136	\$145	\$158	\$156	0.0%

Tourism spending by county

Tourism Direct Sales (Millions of dollars)						
County	Lodging	Food & beverage	Retail	Recreation	Transport	Total
2013						
New Jersey	10,913.2	9,283.1	7,130.5	4,701.5	6,341.3	38,369.6
Atlantic County	4,038.0	1,323.6	1,044.1	393.7	519.6	7,319.0
Bergen County	427.9	766.6	513.0	375.0	530.3	2,612.7
Burlington County	178.9	355.2	293.2	167.2	349.8	1,344.4
Camden County	75.9	193.3	150.6	119.5	183.2	722.6
Cape May County	2,249.0	1,212.8	1,044.9	637.9	363.5	5,508.0
Cumberland County	43.0	79.6	74.7	33.9	86.0	317.2
Essex County	307.5	534.8	342.6	251.9	1,470.0	2,906.7
Gloucester County	34.0	113.8	71.6	49.3	85.9	354.7
Hudson County	369.4	528.7	373.3	249.9	246.8	1,768.0
Hunterdon County	31.7	70.7	61.3	46.7	77.9	288.4
Mercer County	192.3	327.9	252.7	164.4	217.0	1,154.3
Middlesex County	315.9	596.4	459.9	268.2	449.7	2,090.1
Monmouth County	433.2	573.3	417.0	489.9	295.5	2,208.8
Morris County	393.6	515.9	364.7	321.9	360.9	1,957.0
Ocean County	1,216.5	1,028.1	894.1	583.4	469.6	4,191.6
Passaic County	59.3	173.5	101.3	73.9	86.9	494.9
Salem County	17.9	36.7	42.6	17.1	63.0	177.2
Somerset County	206.6	328.4	232.0	184.8	142.3	1,094.1
Sussex County	119.4	136.9	115.4	80.2	82.3	534.2
Union County	179.4	351.5	251.9	172.2	214.9	1,169.9
Warren County	23.7	35.8	29.6	20.3	46.2	155.6

Tourism spending by county

Tourism Direct Sales (Millions of dollars)						
County	Lodging	Food & beverage	Retail	Recreation	Transport	Total
New Jersey	11,231.5	8,891.6	6,812.2	4,392.2	6,556.3	37,883.9
Atlantic County	4,307.0	1,278.7	1,040.3	382.9	551.8	7,558.7
Bergen County	416.2	734.4	487.9	349.2	538.1	2,525.7
Burlington County	179.0	341.6	277.5	155.2	348.5	1,301.8
Camden County	78.9	190.5	143.0	109.8	182.1	704.4
Cape May County	2,260.9	1,157.2	988.2	602.1	374.2	5,382.6
Cumberland County	44.6	79.0	71.5	31.7	89.3	316.0
Essex County	288.9	505.2	321.3	234.2	1,595.5	2,953.1
Gloucester County	34.0	108.1	87.8	45.6	91.6	347.0
Hudson County	357.3	504.2	353.6	231.5	238.6	1,685.2
Huntdon County	32.2	67.0	57.9	43.0	82.0	282.1
Mercer County	189.3	310.8	237.7	150.9	225.0	1,113.7
Middlesex County	300.2	558.6	429.2	245.4	464.8	1,998.3
Monmouth County	434.4	539.4	388.3	450.5	292.1	2,104.8
Morris County	377.6	480.9	339.4	288.1	343.9	1,829.9
Ocean County	1,334.0	1,021.3	877.2	566.7	490.2	4,289.4
Passaic County	59.8	167.1	98.3	68.7	91.2	483.1
Salem County	19.2	36.3	41.6	16.5	65.6	179.2
Somerset County	205.2	311.3	217.2	169.0	143.9	1,046.7
Sussex County	108.0	131.8	110.8	74.8	82.8	508.1
Union County	174.5	336.1	236.8	157.2	214.7	1,118.3
Warren County	22.5	35.1	28.7	18.2	50.1	155.7

Tourism employment by county

Direct Tourism Employment					
County	2010	2011	2012	2013	Percent Change
New Jersey	310,326	312,369	318,560	320,238	0.5%
Atlantic County	62,039	59,892	60,697	58,375	-3.8%
Bergen County	23,979	24,450	23,831	24,198	1.5%
Burlington County	14,045	14,205	14,691	14,888	1.3%
Camden County	8,060	8,079	8,045	8,111	0.8%
Cape May County	24,410	24,521	25,191	25,479	1.1%
Cumberland County	3,015	3,097	3,203	3,154	-1.5%
Essex County	20,530	20,891	21,002	21,130	0.6%
Gloucester County	4,341	4,389	4,493	4,622	2.9%
Hudson County	16,786	16,823	16,924	17,049	0.7%
Hunterdon County	2,614	2,698	2,751	2,828	2.8%
Mercer County	11,011	11,154	11,269	11,585	2.8%
Middlesex County	19,863	20,205	21,450	21,926	2.2%
Monmouth County	19,579	19,740	20,348	21,086	3.6%
Morris County	19,302	19,988	20,267	21,161	4.4%
Ocean County	24,320	24,993	26,187	25,644	-2.1%
Passaic County	5,229	5,349	5,309	5,375	1.3%
Salem County	1,448	1,523	1,569	1,530	-2.5%
Somerset County	10,771	10,940	11,282	11,633	3.1%
Sussex County	5,965	6,147	6,255	6,341	1.4%
Union County	11,427	11,692	12,157	12,484	2.7%
Warren County	1,594	1,591	1,637	1,641	0.2%

Tourism impacts by county

Tourism Impacts by County				
County	Tourism Employment Direct Impact	Direct Share of Total Employment	Tourism Employment Total Impact	Total Share of Total Employment
New Jersey	320,238	7.2%	511,777	11.6%
Atlantic County	58,375	39.6%	76,164	51.6%
Bergen County	24,196	4.3%	43,549	7.8%
Burlington County	14,888	6.3%	23,178	9.9%
Camden County	8,111	3.6%	15,288	6.8%
Cape May County	25,479	48.5%	35,801	68.2%
Cumberland County	3,154	5.7%	5,354	9.6%
Essex County	21,130	5.6%	38,360	10.2%
Gloucester County	4,622	4.4%	8,011	7.6%
Hudson County	17,049	6.2%	28,965	10.6%
Hunterdon County	2,828	4.3%	4,898	7.5%
Mercer County	11,585	5.2%	21,801	9.8%
Middlesex County	21,926	4.9%	38,440	8.6%
Monmouth County	21,086	6.7%	32,285	10.3%
Morris County	21,161	6.0%	34,998	9.9%
Ocean County	25,644	12.7%	36,870	18.3%
Passaic County	5,375	2.7%	11,501	5.8%
Salem County	1,530	6.8%	2,512	11.2%
Somerset County	11,633	5.4%	20,391	9.5%
Sussex County	6,341	11.9%	8,264	15.5%
Union County	12,484	4.8%	22,189	8.6%
Warren County	1,641	4.2%	2,959	7.6%

County employment shares are comparisons against total county private employment (BEA)

Tourism impacts by county

Tourism Tax Impacts by County					
	State and Local Tax Receipts (millions)			Percent Change	Share of State
	2011	2012	2013		
New Jersey	\$4,415.8	\$4,504.8	\$4,603.0	2.2%	100.0%
Atlantic County	\$854.5	\$832.7	\$816.7	-1.9%	17.7%
Bergen County	\$345.1	\$351.6	\$364.2	3.6%	7.9%
Burlington County	\$153.6	\$161.7	\$166.7	3.1%	3.6%
Camden County	\$99.6	\$100.8	\$105.0	4.1%	2.3%
Cape May County	\$482.3	\$490.7	\$511.4	4.2%	11.1%
Cumberland County	\$37.0	\$38.3	\$38.6	0.8%	0.8%
Essex County	\$332.9	\$336.5	\$337.4	0.3%	7.3%
Gloucester County	\$52.9	\$52.4	\$54.2	3.3%	1.2%
Hudson County	\$205.9	\$214.1	\$224.4	4.8%	4.9%
Hunterdon County	\$38.5	\$38.8	\$40.5	4.4%	0.9%
Mercer County	\$143.9	\$145.6	\$151.8	4.2%	3.3%
Middlesex County	\$259.7	\$277.4	\$289.0	4.2%	6.3%
Monmouth County	\$257.0	\$270.3	\$280.5	3.8%	6.1%
Morris County	\$243.7	\$250.8	\$272.4	8.6%	5.9%
Ocean County	\$429.8	\$439.8	\$425.0	-3.4%	9.2%
Passaic County	\$81.8	\$81.1	\$84.0	3.5%	1.8%
Salem County	\$18.6	\$19.6	\$19.7	0.5%	0.4%
Somerset County	\$147.0	\$152.9	\$159.9	4.6%	3.5%
Sussex County	\$58.4	\$59.2	\$64.3	8.6%	1.4%
Union County	\$152.0	\$158.1	\$165.0	4.4%	3.6%
Warren County	\$21.7	\$22.3	\$22.6	1.4%	0.5%

Preservation Trust Fund Analysis and Strategy Report Morris County, New Jersey

Data Gathering

Interviews

- Program Managers
- Municipalities
- Non-Profits
- Participants – Farms, Businesses, Historic Sites

Questionnaires

- 39 Municipalities
- 9 Land Trust Non-Profits
- 27 Historic Preservation Non-Profits

What the Municipalities and Non-Profits Said

- 82% of municipalities and all land trust non-profits have preserved land with funding from Municipal/Non-Profit Open Space Program.
- Top reasons for open space acquisition are recreational fields (94% of municipalities) and natural resource protection (100% of non-profits).
- 79% of municipalities want to work with MCPC for trail connectivity, 51% do not connect to MCPC trails.
- 72% of municipalities and 59% of non-profits know of historic structures that should be preserved.
- 18 municipalities want the Flood Mitigation Program to cover additional costs.
- Want smaller farms to qualify for Farmland program.
- 62% of municipalities and all land trust non-profits have post-preservation plans requiring additional funds.
- Municipal and non-profits responses overwhelmingly indicated improved quality of life and increased property values as a result of Trust Fund Programs.

Inventory / Mapping

- Public Open Space Inventory (POSI)

Analysis

Previous Program Summary

- 24,144 acres preserved
- 80 Historic Preservation projects
- 43 flood-prone homes purchased (117 committed)
- \$391.6 million cost to Morris County
- \$13,687 average per acre acquisition cost

Economic Impact Analysis

- Property values - \$150 per square foot of home size per 1% increase of open space
- \$18 million annual positive impact on municipal budgets
- Green open space annual benefit of \$7,853 per acre or \$37,493 per acre in riparian areas
- Tourism at peak levels in Morris County, employs over 21,000 people
- Preserved farms generate revenue and provide employment
- Access to open space attracts businesses
- Quality of life - Morris County ranked 1st in New Jersey

Potential Future Projects

- 38 municipalities with potential projects
- 13,982 acres to preserve
- 155 Historic Preservation projects
- 2,275 flood-prone properties to acquire
- \$62 million cost for 10 year PIT funding needs

Recommendations

Annual Funding Levels - 10 Year Estimate

- Municipal/Non-Profit Open Space - \$7.2 million
- Farmland Preservation - \$4.6 million
- Historic Preservation - \$5.5 million
- Flood Mitigation - \$10.5 million
- MCMUA - \$1.6 million
- MCPC Land Acquisition - \$3.0 million
- MCPC Park Improvements (PIT) - \$5.2 million
- Open Space Improvement Program - \$3.0 million

Strategies

1. Establish a periodic review of Preservation Trust Fund Programs funding needs and priorities.
2. Establish new allowable funding uses for post preservation improvements (trails, recreation, site/habitat restoration) in all programs.
3. Eliminate maximum allocations per program.
4. Increase the number of application opportunities in the Municipal/Non-Profit Open Space Program.
5. Lower the minimum farm size criteria in the Farmland Preservation Program to match State minimum criteria.
6. Allow Flood Mitigation Program funds for demolition and post-preservation site restoration.
7. Raise municipal and non-profit awareness of all Preservation Trust Fund programs and funding opportunities.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

Project Purpose

The purpose of this Report is to review the projects completed since the voter approved enactment of the Morris County Preservation Trust Fund ("Trust Fund") in 1992 and to determine what future investment in land acquisition, historic resource preservation, park development, and farmland preservation is needed based on current inventories, anticipated needs and municipal and non-profit input. The Report will also delineate the parameters of a possible new voter referendum that could address evolving preservation priorities, program requirements and funding needs.

The four main tasks were as follows:

1. Assess the current state of the Trust Fund and meet with program managers to identify individual program trends.
2. Assess present and future Trust Fund needs of all 39 Morris County municipalities, nine (9) land trusts, and 27 historic preservation non-profit organizations, and map existing preserved land.
3. Evaluate and analyze observed trends
4. Present findings to the Morris County Board of Chosen Freeholders

The Preservation Trust Fund

On December 22, 1992, the Morris County Board of Chosen Freeholders established the Morris County Open Space & Farmland Preservation Trust Fund and collection of funds began in 1993. The County Freeholders annually review and set the current year's tax rate anywhere from \$0.00 to \$0.0525 per \$100 of equalized property valuation. The levy for 2014 is currently set at 1.00 cent per \$100 of equalized assessed value. The Trust Fund is currently allocated as follows:

- Historic Preservation (HP) – ¼ cent
- Morris County Park Commission Park Improvement Trust (PIT) – ¼ cent

With the remaining funds:

- Municipal/Non-Profit Open Space Preservation Program (OS) – 35%
- Flood Mitigation Program (FMP) – 25%
- Farmland Preservation (FP) – 20%
- Morris County Park Commission Open Space Acquisition (MCPC) – 15%
- Morris County Municipal Utilities Authority (MCMUA) – 5%

Summary of Outreach

A detailed questionnaire was prepared and submitted to the aforementioned municipalities, land trust non-profits, and historic preservation non-profits to help determine local preservation needs. Additionally, in-person interviews were conducted with representatives of each





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

municipality and land trust non-profit organization. The findings of these questionnaires and interviews were then analyzed to find trends and determine the needs of these groups as it pertains to the Trust Fund.

What Morris County Municipalities and Non-Profits Said

1. Most municipalities do not plan to make changes to the uses and rates of their municipal open space trust funds and have limited funds for acquisitions.
2. Municipalities believe Farmland Preservation has benefited their communities and want more farms to qualify for the program.
3. Eighteen municipalities reported frequent flooding and would like the Flood Mitigation Program to cover more than just acquisition costs.
4. Most municipalities¹ (81%) and all historic preservation non-profits² believed Historic Preservation benefited their community, and most (72%) municipalities³ and non-profits⁴ (59%) know of structures that should be preserved.
5. Most municipalities³ (79%) want to work with Morris County Park Commission (MCPC) for trail connectivity, but a majority of municipal trail systems³ (51%) do not connect to MCPC trails.
6. The top reasons municipalities and non-profits acquire open space are for recreational fields and natural resource protection.
7. Most municipalities³ (82%) and all interviewed land trust non-profits have preserved land with funding assistance from the Municipal/Non-Profit Open Space Program.
8. Most municipalities³ (62%) and all interviewed land trust non-profits have post-preservation plans that require additional funding.
9. Municipal and non-profits responses overwhelmingly⁵ indicated improved quality of life and increased property values in Morris County as a result of Preservation Trust Fund Programs.

Current Preserved Lands

The analysis of the Preservation Trust Fund reviewed the projects and properties funded through the Preservation Trust Fund to date based on program records. The total number of properties and acreage with the County costs are listed in the following table.⁶

To date, the total expenditures for the seven programs of the Preservation Trust Fund¹ is \$391.6 million for 690 preservation projects covering 24,144 acres, plus numerous park

¹ Of 37 responding municipalities.

² Of 26 responding historic preservation non-profits.

³ Of all 39 municipalities.

⁴ Of all 27 historic preservation non-profits.

⁵ Open-ended comments – one respondent suggested no impact. All other comments were positive.

⁶ See Table 6 for more detailed numbers and Chapter IV for full descriptions.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

improvements. The table below provides a summary of the Preservation Trust Fund by program. An additional \$94 million² was provided by match funding from other sources (State Agriculture Development Committee (SADC) for farmland, and Federal Emergency Management Agency (FEMA) for flood mitigation).

Preservation Trust Fund Program ¹	Municipalities ¹¹	Projects ²	Acres ³	County Cost ¹⁰
Municipal/Non-Profit Open Space ³	35	228	11,731	\$176,554,828
Farmland Preservation ⁴	14	125	7,709	\$71,385,088
Historic Preservation ⁵	32	80		\$20,256,302
Flood Mitigation Program ⁶	7	117		\$16,454,519
Morris County Municipal Utilities Authority ⁷	18	47	1,114	\$19,770,581
Morris County Park Commission Land Acquisition ⁸	22	93	3,590	\$62,754,641
Morris County Park Commission Park Improvement Trust ⁹				\$24,447,170
Total¹²	38	690	24,144	\$391,623,129

1. Data provided in this table is current through 5/31/2014.
 2. These values represent the number of preserved properties/projects located wholly or in part in a municipality, and do not necessarily correspond to applicant to the program. Non-profit projects are included in this total. "Total" values reflect the total number of projects rather than a sum of these numbers because some properties are located in more than one municipality. Projects may contain multiple properties/parcels and may extend beyond municipal boundaries.
 3. Municipal/Non-Profit acreage totals are derived from Morris County Public Open Space Inventory (POSI). Total values are from the "Total" row in Table 6. Previous Projects Funded Through the Preservation Trust Fund.
 4. Farmland Preservation totals are derived Easement Values sheet prepared by Morris County Agriculture Development Board (MCADB). Acreage reflects Not Preserved acreage rather than GIS measurements.
 5. Historic Preservation totals are derived from Historic Preservation Cost Analysis table prepared by Morris County staff.
 6. Flood Mitigation Program totals are calculated from closed projects to date.
 7. Morris County Municipal Utilities Authority totals are derived from Morris County POSI.
 8. Morris County Park Commission (MCPC) totals are derived from Morris County POSI. County Cost from report of Park Commission Land Acquisition projects.
 9. MCPC Park Improvement Trust (PIT) totals are derived from PIT Allocation/Disbursement table prepared by Morris County Park Commission (MCPC) staff.
 10. County Cost values other than Park Improvement Trust are from the "Total" row in Table 6. Previous Projects Funded Through the Preservation Trust Fund.
 11. This column represents a count of the number of municipalities that received funding in each program as represented in Table 6. Previous Projects Funded Through the Preservation Trust Fund.
 12. Total for "Municipalities" column refers to the total number of municipalities with Preservation Trust Fund projects, not a sum of the numbers for each program.

Farmland and Historic Preservation participants indicated they would not be operating without the funds they received and believed Preservation Trust Fund programs positively impacted Morris County businesses and residents.

Economic Impact

The Morris County Preservation Trust Fund yields a variety of positive economic impacts for the citizens, businesses, and municipalities of Morris County. These positive impacts are generated as a direct result of the Preservation Trust Fund's activities; there are also indirect/secondary beneficial impacts that ripple through the Morris County economy.

Positive economic impacts associated with the Preservation Trust Fund's activities include:

¹ As of May 31, 2014.

² This number does not include Green Acres contributions or project matches.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

- The Morris County Preservation Trust Fund has a significant and positive impact on home property values on average, all else held constant.
- A 1% increase in the number of preserved acres in a given Morris County zip code will increase home property values by \$1.50 per square foot in that zip code, all else constant.
- The Preservation Trust Fund has had a positive budgetary impact on Morris County and its municipalities estimated at more than \$18 million direct budgetary impact each year.
- The Preservation Trust Fund has a positive impact on the economy of Morris County by preserving open space, farmland, and historic attractions that draw thousands of visitors each year.
- Parcels preserved through the Preservation Trust Fund assist in driving tourism to peak levels in Morris County. Tourism in Morris County has been estimated to generate spending of \$1.95 billion and employ over 21,000 people annually.
- In 2013, Morris County led the state of New Jersey with 6.9% year-over-year growth in tourism direct sales, generating 4.4% growth in tourism employment.
- Morris County ranked first in quality of life throughout all of New Jersey, according to the Garden State Quality of Life study. It is safe to conclude that the Morris County Preservation Trust Fund has played a key role in building and maintaining this scenic, appealing, and healthy environment for its residents, businesses, and tourists.
- According to FEMA's cost-benefit analysis computer model, Morris County's Flood Mitigation Program has generated an estimated \$23.2 million in benefits from the \$3.6 million in grant funds provided by the Preservation Trust Fund for an overall benefit-cost ratio (BCR) of 7.33 (\$7.33 in benefits for every \$1.00 invested). Pending projects have an estimated overall BCR of 4.67.
- Availability of open space often weighs into the quantitative and qualitative decision making process when a business is deciding where to locate or relocate its operations.
- Revenue enterprises occurring on lands preserved through the Preservation Trust Fund often generate revenue and provide direct employment to members of the community (i.e. tour guides, farming jobs, concessions, security and maintenance, etc.).
- The Preservation Trust Fund's investment in farmland has a positive economic impact on the local economy as it maintains local farm activity that otherwise would not be feasible. The ability of farmers to continue operating allows for dollars to circulate through the local economy in many ways including: localizing food purchases, employing farming staff, attracting agri-tourists, etc.
- Conservation lands provide benefits to both the environment and human health including: improved air and water quality, healthier and increased biodiversity, cooler air temperatures in the summer, reduction of greenhouse gases, habitat protection, noise reduction, sediment and erosion reduction, and water resource protection.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

Potential Preservation Trust Fund Projects

To analyze the future funding potential of the programs, a list of potential preservation properties and projects was developed and reviewed for each Trust Fund program. Funding for each program was projected using many sources¹ to produce an *estimate* for the County cost for the completion of preservation projects currently in the preservation process and additional projects desired by the municipalities and non-profits over the next ten years. The total number of municipal participants, properties, and acreage with the estimated County costs are listed in the following table.² Thirty-eight (38) municipalities have potential projects in at least one Trust Fund program plus six (6) of the nine (9) land trust non-profits for a total of 13,982 acres at the cost to Morris County of approximately \$617.4 million.

Preservation Trust Fund Program ¹	Municipalities ³	Land Trust Non-Profits ⁴	Properties/Projects	Acres	County Cost
Municipal/Non-Profit Open Space ⁵	29	6	441	7,180	\$143,266,698
Farmland Preservation	18		95	5,080	\$70,582,088
Historic Preservation ²	36	2	155		\$109,585,402
Flood Mitigation Program	28		2,275		\$210,509,795
Morris County Municipal Utilities Authority			40	542	\$16,000,000
Morris County Park Commission Land Acquisition	16		57	1,181	\$30,447,142
Morris County Park Commission Park Improvements (PIT)					\$51,981,500
MCMUA Partnerships ²					(\$15,004,000)
Total⁶	38	6	3,063	13,982	\$617,368,624

1. Program Projects/Properties, Acres, and County Cost sums are from Table 27: Potential Preservation Trust Fund Projects. See that table for more details.
2. Partnerships represent projects Morris County Municipal Utilities Authority (MCMUA) expects to be collaborations with other Preservation Trust Fund programs.
3. This column represents a count of the number of municipalities that may receive funding in each program as represented in Table 27: Potential Preservation Trust Fund Projects.
4. This column list the number of land trust non-profits with potential projects.
5. Program Projects, Acres, and County Costs include Land Trust Non-Profit totals from Table 27: Potential Preservation Trust Fund Projects.
6. Total for "Municipalities" and "Land Trust Non-Profit" columns refers to the total number of municipalities or land trust non-profits with Preservation Trust Fund projects, not a sum of the numbers for each program.

Recommendations

Based on the potential future projects outlined for each of the programs by municipalities, land trust non-profits, and historic preservation non-profits, the primary recommendation of this report is to continue the funding for the Morris County Preservation Trust Fund. The total of these potential projects for the Trust Fund is \$617.4 million. Please note that potential additional uses of the Trust Fund are not included in these figures.

This total cost is very substantial when compared to the most recent annual Trust Fund tax collection of \$8.94 million (2014). In addition, these needs are distributed throughout Morris County municipalities.

¹ Questionnaires, interview summaries, program targets, Municipal Open Space Plans.
² See Table 27 for more detailed figures and Chapter VI for full descriptions.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

Potential program projects were analyzed to determine the funding level required to meet municipal and non-profit expectations of the Preservation Trust Fund for a ten year period. The ten year forecast for each of the seven Preservation Trust Fund programs can be seen in the table below including a suggested new program¹ (Open Space Improvement Program) for post-preservation improvements.

These numbers consider the existing Preservation Trust Fund balances and estimate the annual collection rate over the next ten years to meet these program estimates. An estimated collection rate of 3.84 cents would meet funding requirements of the eight (8) programs. The table also shows the average allocation required for each of the programs over ten years to meet that program's funding forecast.

These values *do not* represent a specific allocation recommendation, but rather, the average, estimated allocation required over the next ten years. The allocations should be adjusted annually to reflect program demand and trends rather than annual expenditures. All Preservation Trust Fund programs have greater potential project estimates than will be supplied by their current funding levels.

Trust Fund Programs with 10 Year Program Estimates ^{1,6}	Current Funding (2014)	Annual Funding Needs ⁴	Difference (Potential - Current)	10 Year Average Allocation ⁷
Municipal/Non-Profit Open Space Acquisition 50% of Potential Projects	\$1,560,000	\$7,163,335	(\$5,603,335)	20%
Farmland Preservation 65% of Potential Projects	\$890,000	\$4,587,836	(\$3,697,836)	13%
Historic Preservation 50% of Potential Projects	\$2,230,000	\$5,479,270	(\$3,249,270)	15%
Flood Mitigation Program 50% of Potential Projects	\$1,120,000	\$10,525,490	(\$9,405,490)	29%
Morris County Municipal Utilities Authority ² 10 Year Program Targets	\$220,000	\$1,600,000	(\$1,380,000)	4%
Morris County Park Commission Land Acquisition ² 10 Year Program Targets	\$670,000	\$3,044,714	(\$2,374,714)	8%
Morris County Park Commission Park Improvement Trust ² 10 Year Program Targets	\$2,230,000	\$5,198,150	(\$2,968,150)	0.57 Cents
Open Space Improvement Program (New Program) ³ 10% of Collection Rate	N/A	\$3,600,072	(\$3,600,072)	10%
Preservation Trust Fund Total 100% of Collection Rate	\$8,920,000	\$41,198,866	(\$32,278,866)	100%

Collection Rate Needed to Meet Funding Estimates: 3.84 cents⁵

1. From Table 27: Potential Preservation Trust Fund Projects with estimated completion of stated percentage under (10 Year Funding Estimates) of Potential Projects.
 2. Targets provided by these programs were based on 10 year projections.
 3. Estimated at 10% Allocation of Total Preservation Trust Fund Collection's (not including PIT).
 4. Costs in this table are calculated in 2014 dollars and are not adjusted for inflation.
 5. This Collection Rate considers an expansion of the Preservation Trust Fund for Open Space Improvements funded at 10% but not other expanded uses.
 6. See Table 30 for more detailed calculations.
 7. These values represent the average allocation needed over a 10 year period to fund all program estimates and are not a recommendation for annual allocations.

¹ For the purpose of program funding estimates, the allocation of this new program is estimated at 10% of the collection rate after the allocation for the Park Improvement Trust.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

It is recommended that the Morris County Board of Chosen Freeholders maintain funding for the Preservation Trust Fund and consider gradually increasing the collection rate from the current one (1) cent rate if application levels increase or in response to changing needs in Morris County with regard to Trust Fund programs. Also, increased funding will be needed if additional uses for the Preservation Trust Fund are allowed. These changes to the Trust Fund received strong support from municipalities. Recommended Strategies include:

1. Establish a periodic review of the Preservation Trust Fund in order to determine municipal and non-profit funding needs and priorities for all Programs and establish a procedure for making adjustments to address these evolving needs.
2. Establish a new allowable funding use, or separate fund, for post-preservation improvements to preserved properties, particularly trail and recreation development and habitat restoration.
3. Allow post-preservation funding for Preservation Trust Fund programs, including funds from the Flood Mitigation Program for demolition and post-preservation site restoration, and site restoration funds for MCMUA, both of which would enhance flood capture and storage abilities of preserved lands.
4. Allow Freeholders to set allotments of the Municipal/Non-Profit Open Space Program, Farmland Preservation Program, Historic Preservation Program, Flood Mitigation Program, MCMUA program, and MCPCL Land Acquisition Program without maximum allotments per program to best meet the changing needs of Morris County.
5. Increase the maximum allocation for the Park Improvement Trust from $\frac{1}{4}$ cent to $\frac{1}{2}$ cent and allow this program to benefit from fund reallocations. It is recommended that the annual allocation for this program increase only if the collection rate is increased from one (1) cent.
6. Increase the number of application opportunities in the Municipal/Non-Profit Open Space Program to allow more than one application cycle per year.
7. Allow preservation of farms smaller than ten (10) acres to match state minimum criteria.¹
8. Maintain and consider increasing the existing collection rate for the Morris County Preservation Trust Fund based on application levels and in response to changing needs in regard to Trust Fund programs.
9. Establish an outreach program to municipalities to raise awareness of Trust Fund programs and funding opportunities available.

¹ The County program currently allows for a waiver of the minimum criteria on a case-by-case basis.





Morris County Preservation Trust Fund Analysis and Strategy Report

Executive Summary

This page intentionally blank.



Morristown National Historical Park News Release

Tourism to Morristown National Historical Park Creates \$16,808,100 in Economic Benefit

Report shows visitor spending supports 197 jobs in local economy

Morristown, NJ – A new National Park Service (NPS) report shows that 304,940 visitors to Morristown National Historical Park in 2013 spent more than \$16 million in communities near the park. That spending supported 197 jobs in the local area.

“Morristown National Historical Park is proud to welcome visitors from across the country and around the world,” said Superintendent Tom Ross. “We are delighted to share the Morristown story and the experiences it provides, and to use the park as a way to introduce our visitors to this part of the country and all that it offers. National park tourism is a significant driver in the national economy - returning \$10 for every \$1 invested in the National Park Service - and it’s a big factor in our local economy as well. We appreciate the partnership and support of our neighbors and are glad to be able to give back by helping to sustain local communities.”

“We look forward to continuing to work with our local partners,” Ross elaborated, “who support Morristown National Historical Park. Without the help of organizations such as the Washington Association of New Jersey, the Morris County Tourism Bureau, the Morris County Park Commission, the Town of Morristown, the Great Swamp Watershed Association and the Crossroads of the American Revolution National Heritage Area, we would not be able to attract as many visitors as we do or provide the same level of preservation, visitor services and programs.”

The peer-reviewed visitor spending analysis was conducted by U.S. Geological Survey economists Catherine Cullinane Thomas and Christopher Huber and Lynne Koontz for the National Park Service. The report shows \$14.6 billion of direct spending by 273.6 million park visitors in communities within 60 miles of a national park. This spending supported more than 237,000 jobs nationally, with more than 197,000 jobs found in these gateway communities, and had a cumulative benefit to the U.S. economy of \$26.5 billion.

According to the 2013 economic analysis, most visitor spending was for lodging (30.3 percent) followed by food and beverages (27.3 percent), gas and oil (12.1 percent), admissions and fees (10.3 percent) and souvenirs and other expenses (10 percent).

The largest jobs categories supported by visitor spending were restaurants and bars (50,000 jobs) and lodging (38,000 jobs).

To download the report visit <http://www.nature.nps.gov/socialscience/economics.cfm>

The report includes information for visitor spending at individual parks and by state.

To learn more about national parks in New Jersey and how the National Park Service works with New Jersey communities to help preserve local history, conserve the environment, and provide outdoor recreation, go to www.nps.gov/newjersey.

Release Date: Immediately
Contact: Anne DeGraaf
Email: anne.degraaf@nps.gov

-www.nps.gov-

① My name is Hank Klumpp. I own 150 acres in the Highlands Preservation Area which was put into preservation by politicians and not scientific study. I have asked to see the study - no one can find it.

The Highlands Water Protection and Planning Act is ten years old. Should the people who have had their property values stolen be celebrating? I am told that the people in the state's most populous cities like Newark, Jersey City, Paterson and Elizabeth depend on Highlands water. Are they paying for anything? If the Highlands Act is undergoing a mandated review maybe the review can tell me why I am still paying the price. I am told that I can apply for compensation through open space and farmland preservation programs, however, these programs are currently depleted but it is possible that new funding in the future may be welcome news to me and other landowners.

(2)

This is nothing but a joke. Landowners who have had their property values stolen are being asked to accept pennies on the dollar ^{with} these programs. Gov. Christie is being criticized for trying to weaken the Highlands rules but all he really wants is fairness. He knows the value of the property that was taken. Any one who believes one word that comes out of the mouth of State Senator Bob Smith, the Senate sponsor, will believe anything. He sings the praises of the Act passed 10 years ago and now wants to pass the open space question. He stood up and promised that landowners would be totally compensated for their losses and no one would be financially hurt. I guess people can say anything to get what they want. Gov. Christie has

3

actually said to me — "Hank, I feel your pain — I hope I will be able to help you." Jeff Tittel — is the word fairness even in his vocabulary?

He gave Gov. Christie an F on his annual report card. Who cares what he thinks — when push comes to shove, Tittel, the whole Sierra Club, Smith, and anyone with half a brain knows that the Highlands Act is based on a lie — providing no compensation for landowners and that as much water that is used — is wasted. Tittel

claims water resources belong to all of us — I know the price my family is paying — How much is Tittel or Smith paying? Tittel does not

(4)

Speak highly of Highlands Council members.
He is upset because the majority of the
Council's members are now Christie
appointees. Is it too much for me to
even hope that fairness could be on
the horizon? Please teach Tittel a
lesson on fairness.

Hank Klumpp

24 Longview Road
Lebanon, NJ 08833

Comments of Patrick Moffitt at the August 21, 2014 Highlands Council Meeting

Mr. Davis represented he reviewed over 20 pages of scientific misconduct evidence and found not the slightest misdoing. He refuses, however, to provide explanation or any refutation.

The admissions made in OPRA replies and state documents, not my opinion, reveal the misconduct that includes systematically misrepresenting the essential claims made in support of the nitrate model, the need for nitrate restrictions and omitting the associated water supply risks.

Not that it should impact the Council's duty to investigate material matters but an OPRA obtained memo from Lisa Jackson to Governor Corzine shows the Council— not DEP- drove the nitrate regulations.

Have Ms. Danis provide you the validation for the nitrate model your staff called "proven". She should be able to print in minutes the plot of the HUC 14 median nitrate and septic density data against the model predictions. In fact she should already have a copy.

Council can know whether the model is or is not valid before meeting's end.

My validation plot agrees with an OPRA extracted DEP study showing the model has zero predictive ability. Perhaps why the DEP study wasn't publicly released, you haven't seen the validation and no other state or federal agency uses a similar model.

I trust Council members are aware of this summer's Lake Erie bloom of toxic blue-green algae that forced National Guard mobilization to distribute drinking water.

Blue greens produce some of Nature's most powerful toxins that have caused the deaths of wildlife and humans and been linked to liver disease and neuro-degenerative disorders.

These blooms occur under low nitrate conditions.

NJDWSC and DEP studies -for this reason- warn any nitrate restrictions risk inducing these harmful blooms in Highlands reservoirs.

Despite the serious public health consequences - these studies were omitted from your reports. Outrageously, your staff then claimed without any supporting study or citation that restrictions were required to prevent these blooms.

Perhaps the Council can prevail upon Mr. Davis to explain why suppressing State studies of known water supply and public health risks, making false claims and selecting a failed model is not "misdoing".

The Act obliges the Council to investigate any threat to the water supply calling it your "duty and responsibility" and to this end empowers the Council to compel testimony under oath.

It is therefore difficult to understand why Mr. Davis has said to take this somewhere else. Where or why he does not say as the Council was created for this very purpose.

Before I take the evidence of misconduct and public health risks "elsewhere" I would like to know whether this is a decision shared by Council members as these matters relate directly to your mission and your oath of office.

I await your reply.

FROM: PAT MOFFITT

The Council is aware its staff is guided by no enforceable code of scientific conduct nor are any of its technical documents signed.

The Council and staff have refused to answer in a straightforward and direct manner the following logical question given the absence of any enforceable code of scientific conduct: *"Are there ANY prohibitions against a Council employee who may "falsify, conceal or cover up by any trick, scheme, or device a material fact; make a materially false, fictitious, or fraudulent statement or representation; or make or use any false writing or fraudulent statement or representation; or make or use any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry" as part of the rule making process?"*

It would seem the public deserves a simple yes or no answer given the gravity of this question and yet it has received none.

The Council has further acknowledged it will not review the existing Highlands science in the RMP review. The Council must explain to the public why it will not require Mr. James Hutzelmann P.E. to certify that he is not aware of any misrepresentations, omissions of material facts and use of any invalid or improper scientific or engineering methods in the Council's Water Resources Technical Report for which he is the named water specialist.

The requested certification by Mr. Hutzelmann is far less than that demanded of the public as we are not asking him to even certify the truth but simply that he is not aware of untruths.

The Council forces the public and their professionals to certify the accuracy of all submitted information under threat of fines and imprisonment. However, there is no similar obligation for the Council's staff who are directly responsible for the science used to justifying these public obligations. The public has a right to know why.

UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
6065 I NW
(STANHOPE)

CHESTER QUADRANGLE
NEW JERSEY—MORRIS CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

NET CONG 3.6 MI
DOEWOOD (JUNG U.S. 46) 0.3 MI 201000 FEET 74°37'30"



MILLBROOK 3.8 MI.
WHIPPANY 12 MI.

Known families with cancer:

Time span from roughly 8 years ago to one month ago:

- 1/.Address. 104 Emmans road Ledgewood New Jersey:
Quantity in family (3) : number of cancer (1): died from cancer (1)
age: 50's (The Italian) four years ago.
- 2/ Address._102 Emmans road Ledgewood New Jersey:
Quantity in family (3) : number of cancer (1): died from cancer (0)
age: 50's (Bucky). Five years ago.
- 3/. Address 98 Emmans road Ledgewood New Jersey:
Quantity in family (3) : number of cancer (3): died from cancer (1)
age: 30s (Bobby), father and mother 60s
- 4/. Address 90 Emmans road Ledgewood New Jersey:
Quantity in family (3) : number of cancer (2): died from cancer (0)
age: 20s (The hitman son) (five years ago and it came back again a year ago) Age
(50s)that hit man's wife
- 5/.Address 89 Emmans road Ledgewood New Jersey:
Quantity in family (1) : number of cancer (1): died from cancer (1)
age: ? (squirrel)
- 6/ Address 88 Emmans road Ledgewood New Jersey
Quantity in family (2) : number of cancer (1) died from cancer (1)
age: 50s about four years ago
- 7/. water well
- 8/. Water well question
- 9/. Fenimore landfill Roxbury New Jersey
- 10/. Address. 14 Nalron Drive Ledgewood New Jersey:
Quantity in family (3) : number of cancer (2) : died from cancer (2)
age: 50s (The Marine about three years ago), age 60 The Marines wife three months ago) The sun move the houses for sale.
- 11/. Address. 8 More street Ledgewood New Jersey:
Quantity in family (3) : number of cancer (1): died from cancer (1)
age: 58 (The painters husband) one month ago
- 12/. Address. 4 Nalron Dr. Ledgewood New Jersey:
Quantity in family (3) : number of cancer (1): died from cancer (0)
age: 59 (me)
- 13/ Address. 3 Nalron Dr. Ledgewood New Jersey:
Quantity in family (2) : number of cancer (1): died from cancer (0)
age: 60s (Chucky) about two years ago
- 14/ Address 208a Emmans road Ledgewood New Jersey:
Quantity in family (3) : number of cancer (2): died from cancer (1)
age: 50s. (Lefty and his wife)
- 15/. Address 208b Emmans road Ledgewood New Jersey:
Quantity in family (3) : number of cancer (2): died from cancer (1)
age: 50s (The pilot) The family moved three years ago
- 16/. Address 163 Emmans road Ledgewood New Jersey:
Quantity in family (?) : number of cancer (1): died from cancer (?)
age: 40s (The woman with no hear) six months ago

Total # of Cancer
19

Died from Cancer
8



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JIM RILEE
Chairman

MEMORANDUM

To: HDC Bank Committee
From: Margaret Nordstrom, Acting Executive Director
Subject: Committee Meeting Minutes – July 24, 2014
Date: August 8, 2014

A Highlands Development Credit (HDC) Bank Committee meeting was held on Thursday, July 24, 2014 at the Highlands office in Chester. Committee Members present: Committee Chair Walton, Council Chairman Rilee (via phone), Member Dressler (via phone), Member Francis (via phone), and Member Visioli.

Staff Members present: Margaret Nordstrom, Chris Danis, James Humphries, Kim Ball Kaiser, and Annette Tagliareni.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit.

Committee Chair Walton opened the meeting at 3:08pm and addressed the following agenda items.

Establishment of Highlands Council Open Space Matching Fund:

Committee Chair Walton discussed a resolution Council received from Byram Township regarding the mitigation funding for projects within the Highlands municipalities affected by the PSE&G Susquehanna-Roseland Transmission Line Project and the means and methods for application and distribution of the funds. Ms. Nordstrom provided a map with potential parcels in Byram Township for this mitigation funding.

Criteria for PSE&G Funding:

Open Space Funding - Committee Chair Walton noted that there was a meeting on June 13, 2014 between Highlands staff and representatives of other state agencies and offices with experience in

open space funding. They discussed the creation of an Open Space matching fund for fee simple acquisitions, in addition to using some of the funds for the potential purchase of HDCs.

On July 22, 2014, notes of the June 13th meeting were reviewed by Highlands staff, Council Chairman Rilee, Committee Chair Walton, and GAU representative Peter Simon and these notes were provided to the committee for discussion.

Highlands staff created two draft forms for possible use in this process: 1) an internal form for staff's assessment of the application to include a scenic resource visual assessment; and 2) an application to be completed by a non-profit, municipality, or county.

The committee had a discussion regarding the Dual Appraisal legislation and the merits of requiring two appraisals, consistent with the law, regardless of whether reauthorization legislation passes.

A discussion regarding ranking the criteria was also held. Some factors for priority consideration could be:

- Environmental zones as noted in RMP
- Proximity to power lines
- Use of Dual Appraisal

There was discussion related to the criteria and funding aspect and how the \$18 million PSE&G mitigation funds should be used for open space funding and HDC allocations. Mr. Humphries gave an assessment on the current HDCs within seven miles of the PSE&G power line.

After committee discussion there was a general consensus to support a minimum 50 % matching requirement and a deadline of one year with 6 month extensions for the Open Space matching applications and HDC Allocations.

Ms. Danis noted that there are entities who are looking for good matching partners for open space mitigation acquisition in the Highlands Region (Open Space Institute, William Penn Foundation, Doris Duke Foundation).

HDC Allocation - Committee Chair Walton recommended that the Bank formally close out the initial purchase program prior to establishing this new round and criteria recommendation.

HDC Bank Hardship – Insofar as the application of “personal” hardship criteria for HDC purchases in the prior programs created certain challenges, the committee recommends to Council not to use such criteria in future programs due to its inherent subjectivity.

TDR Receiving Area Implementation Grants:

Discussion of Draft Guidelines - Staff member James Humphries gave an overview related to the current draft Highlands Development Credit Receiving Area Designation Procedures that has been created by the staff.

Update on TDR Receiving Area Grants:

Ms. Nordstrom gave an update on the TDR Receiving Area Grants approved by Council. It is anticipated that a resolution will be considered at Council's August 21st meeting for Bergenfield Borough (Bergen County) authorizing such a grant.

June 23rd Bank Meeting report out:

Committee Chair Walton reported that two resolutions were adopted that rescinded previous authorizations to purchase Highlands Development credits for parcels located in the Borough of Hampton. The circumstances surrounding these actions were also discussed.

Other:

Committee Chair Walton noted that the HDC Bank meeting scheduled on August 7, 2014 has been cancelled. The next scheduled meeting is November 7, 2014.

Committee Member Dressler suggested that Council discuss the property owner compensation at Council's September meeting. Committee Chairman Walton agreed, and Council Chairman Rilee indicated he would put this item on the agenda for that meeting.

The next HDC Committee meeting is scheduled for September 4, 2014 at 3:00pm.

The HDC Bank Committee adjourned at 3:42pm.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JIM RILEE
Chairman

MEMORANDUM

To: RMP Update Committee
From: Margaret Nordstrom, Acting Executive Director
Subject: Record of RMP Update Committee Meeting – July 9, 2014
Date: 7/29/14

The RMP Update Committee met on Wednesday, July 9, 2014 at 1:00pm at the Highlands Council office in Chester. Committee Members present: Council Chairman Rilee (on phone), Council Vice-Chairman and Committee Chair Alstede, Member Vohden, and Member Sebetich.

Highlands Council Staff Members present: Margaret Nordstrom, Chris Danis, Judy Thornton, Corey Piasecki, Carole Ann Dicton, and Annette Tagliareni.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit (by phone).

Committee Chair Alstede called the meeting to order at 1:03pm.

The following issues were discussed:

1. Corey Piasecki presented a draft scope of services for development of the Fiscal Impact Assessment of the Highlands Act and Regional Master Plan (RMP), which includes several tasks. PlaceWorks and Mercer Associates will work with HC staff to complete the tasks outlined in the scope of services to include monthly conference calls and 5 in-person meetings/presentations with committee members and Council.
2. Margaret Nordstrom commented that the key component during this process is the interface between the RMP Update Committee, Council, and consultants.
3. Corey Piasecki indicated that the primary focus of the scope of services is identifying the key trends of the region for the 2004 to 2014 time period and anticipated economic conditions

and trends in the areas of population, real estate, economic growth and municipal finance for the 2014 to 2024 time period. Data from the Department of Labor will be used to assist with this process.

4. There was discussion about whether the data obtained from the Department of Labor could be made available to the committee and Council. Ms. Danis and Mr. Piasecki indicated that some of the data would require confidentiality agreements in order for it to be shared..
5. Committee Chair Alstede asked if we will look at the impacts the Act has had on households and businesses in the Region, along with the broader municipal and county impacts. By way of example, he discussed septic system maintenance requirements. Ms. Nordstrom added that such impacts may be good indicators.
6. Mr. Piasecki suggested that the five in-person meetings (when the consultants are brought in for Council meetings) be scheduled the day before the Council meetings so the committee has an opportunity to sit with the consultants prior to a Council meeting. It was then suggested that the RMP Update Committee meeting scheduled for September 10th be moved to September 17th for the first of five in-person meetings by the consultants for the fiscal impact assessment to make the meetings as productive as possible.
7. The presentations given to Council by the consultants will be provided to the committee, included in member's packets prior to a Council meeting, and be posted to Council's website. It will also be available in hard copy after the meetings.
8. Member Vohden asked about public input.
9. Member Sebetich asked for an example of research data. Ms. Danis responded that the current Science and Research agenda, beginning on page 411 of the RMP, includes many examples and states where we are and where we are headed. It sets the stage.
10. The MPRR final scope of work will be presented to Council at the July 17th meeting.
11. The Fiscal Impact Assessment scope of work will be presented to Council at the August 21st meeting.
12. Carole Ann Diction, Manager of Communications, gave an update on enhancements to the Highlands Council website to provide easier public access to materials related to the RMP Monitoring program.
13. Committee Chair Alstede encourages all Council members to engage now in the process.

July 29, 2014

Page 3

Mr. Alstede announced the next meeting is scheduled for August 13, 2014. The meeting was adjourned at 2:07pm.

Highlands Council Meeting

Thursday, August 21, 2014



Highlands Regional Master Plan Monitoring Program

Fiscal Impact Assessment

Scope of Work

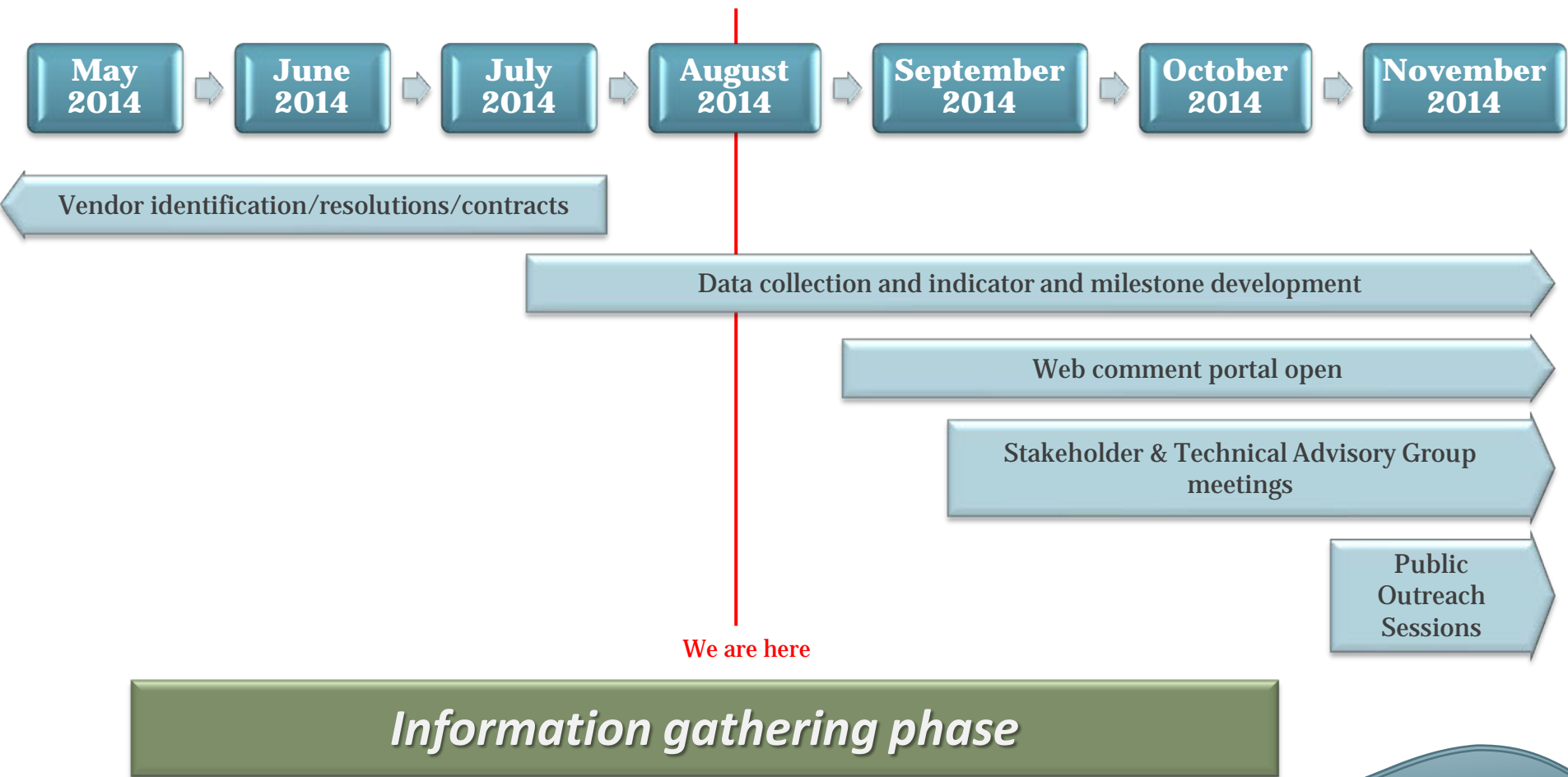


What is the Monitoring Program?

- Not intended to amend the RMP, but rather develop factual foundation for potential amendments to the current or future iterations of the RMP.
- Indicators and milestones will help to identify where RMP policy is most effective, and where amendments may be called for.
- Based on factual outcomes Council may choose to make policy or programmatic changes to the RMP or recommend further study.

RMP Monitoring Program Timeline

6-Month Window





Fiscal Impact Assessment Report

Scope of work overview

- Task A: Project Management
- Task B: Develop Regional Economic Evaluation
- Task C: Demographic and Real Estate Analysis
- Task D: Fiscal and Financial Analysis
- Task E: Final Fiscal Impact Assessment Report



Fiscal Impact Assessment Report– Scope of Work

Task A: Project Management

- Develop Scope of Services
- Monthly project management meetings
- Five in-person meetings

Deliverables

- Scope of Services
- Management meetings
- In-person project presentations



Fiscal Impact Assessment Report– Scope of Work

Task B: Develop Regional Economic Evaluation

- Identify key trends for 2004-2014
- Identify anticipated economic conditions for 2014-2024

Deliverables

- Regional Economic Evaluation Report
- Presentation to Council



Fiscal Impact Assessment Report— Scope of Work

Task C: Demographic and Real Estate Analysis

- Conduct comprehensive analysis of demographic and real estate trends for 2004-2014 and forecast 2014-2024 trends

Deliverables

- Demographic and Real Estate Analysis report
- Presentation of report



Fiscal Impact Assessment Report– Scope of Work

Task D: Fiscal and Financial Analysis

- Estimate fiscal impact the Highlands Act and RMP have had on Counties and municipalities.
- Project cash flow timetable for 2014- 2024

Deliverables

- Fiscal Impact Assessment report
- Cash Flow Timetable
- Presentation of report



Fiscal Impact Assessment Report— Scope of Work

Task E: Final Fiscal Impact Assessment Report

- Develop, with Council staff, the Fiscal Impact Assessment Report and executive summary
- Prepare the municipal fact book

Deliverables

- Fiscal Impact Assessment report
- Executive summary
- Municipal fact book
- Final product presentation



Highlands Regional Master Plan Monitoring Program

Fiscal Impact Assessment Scope of Work



Highlands Council Meeting

Thursday, August 21, 2014



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JIM RILEE
Chairman

MEMORANDUM

To: Council Members
From: Margaret Nordstrom, Acting Executive Director
Subject: Plan Conformance Committee Report
Date: 08/21/14

A Plan Conformance Committee Meeting was held on August 21, 2014 at 3:00pm with Highlands staff and GAU Assistant Counsel Peter Simon.

Committee Member Richko will present Council with the municipality name/s recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff will provide a presentation to Council.

At our September 18th meeting, Council will consider a resolution for an approval of the Minutes of Plan Conformance Committee. Highlands staff supporting materials will be posted prior to this meeting.

**TOWNSHIP OF HARDYSTON, SUSSEX COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of Hardyston (Sussex County) is petitioning the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. Based on a detailed review of the properties located within the Township's Preservation Area, Highlands Council staff concludes that there is limited development potential therein. The Area has limited existing public water and sewerage infrastructure and is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Specifically, the Highlands Council Municipal Build-Out Report (2010), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicates potential development of just seven (7) additional units in the Preservation Area, all served by on-site septic systems. Additionally a significant portion of the Preservation Area is preserved land. Over 10,290 acres of the Township (approximately 80% of the Township Preservation Area) consist of preserved lands.

In sum, the Highlands Council anticipates that proposals for development in Hardyston Township's Preservation Area that would *not* qualify for Highlands Act exemptions (and would not therefore be subject to the Highlands Regional Master Plan or effectuating ordinances) will affect one parcel.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	1/182 acres

Recommendation

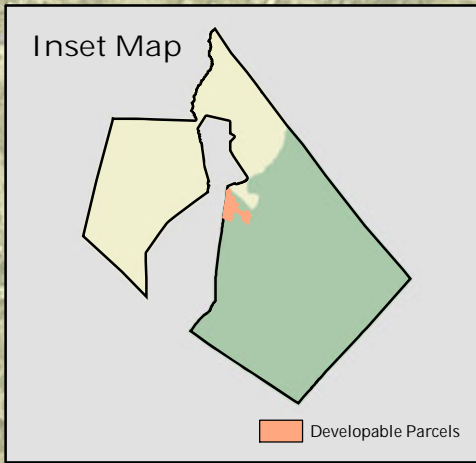
Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Hardyston Township (Sussex County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

Hardyston Township Parcels



1 inch = 833 feet

Block 61 Lot 51
(182 Acres)



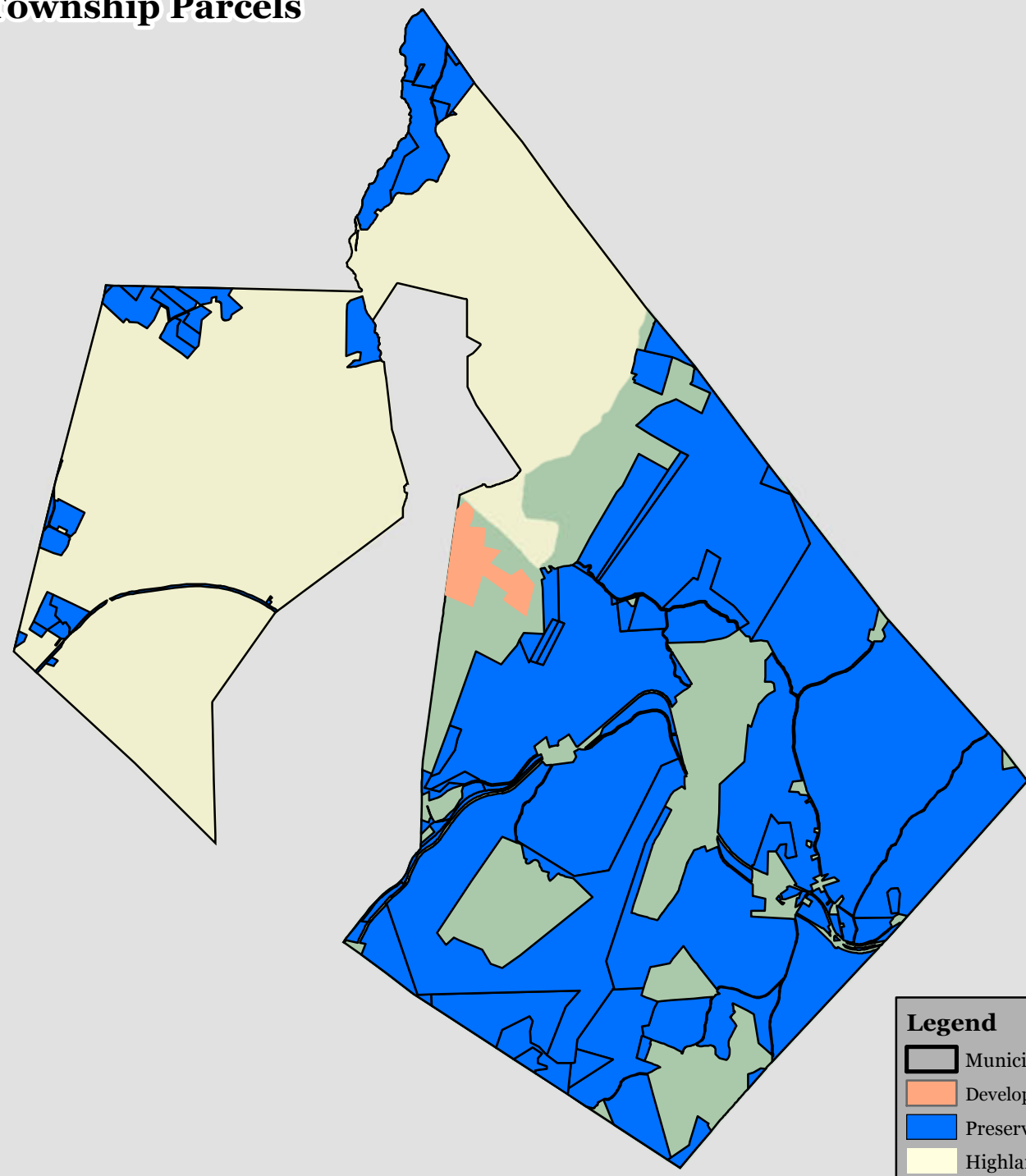
Legend

- Municipal Boundary
- Developable Parcels (182 Acres/<1% of Municipality)
- Preserved Lands (10,295 Acres)
- Highlands Planning Area (8,281 Acres)
- Highlands Preservation Area (12,603 Acres)






Hardyston Township Parcels



1 inch = 6,671 feet



Legend

-  Municipal Boundary
-  Developable Parcels (182 Acres / <1% of Municipality)
-  Preserved Lands (10,295 Acres)
-  Highlands Planning Area (8,281 Acres)
-  Highlands Preservation Area (12,603 Acres)



Highlands Council Meeting

Thursday, August 21, 2014

Plan Conformance Committee Report



Review of Hardyston Township Build out Report

Hardyston Township, Sussex County

Block	Lot	Total Acres	Notes
61	51	182	Partially forested. Contains agricultural lands may be subject to Highlands Land Use Ordinance, as 3 or more residential units on septic.

* Non-exempt/vacant/non-preserved parcels greater than 75 acres in size and may result in 3 or more development units

Hardyston Township Parcels



1 inch = 833 feet

Forested Acres:

$$143.3 \div 88 = 1.63$$

Non-Forested Acres:

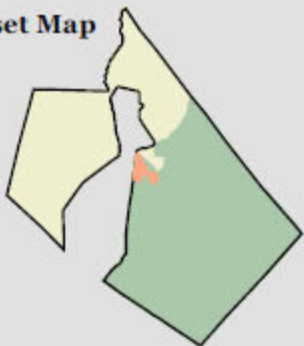
$$38.3 \div 25 = 1.53$$

Total Septic Yield:

$$1.63 + 1.53 = 3.16 = 3$$

Block 61 Lot 51
(182 Acres)

Inset Map



Developable Parcels

Legend

-  Developable Parcel
-  Non-Forest
-  Forest



Review of Hardyston Township Final Draft Consistency Report

Hardyston Township, Sussex County Analysis of lands subject to Highlands Ordinance

FACTORS	DEVELOPABLE LAND POTENTIAL
Disturbance of one acre or more of land	0
New impervious surface $\frac{1}{4}$ acre or more	0
New or expanded use not permitted by ord.	0
3 or more dwelling units if residential	1



Highlands Council Meeting

Thursday, August 21, 2014

RESOLUTION 2014-22
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE
FEASIBILITY GRANT BOROUGH OF BERGENFIELD, BERGEN COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

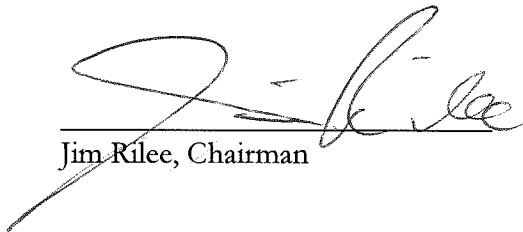
WHEREAS, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

WHEREAS, the Budget and Finance Committee, at its August 4, 2014 meeting, reviewed the grant application submitted by the Borough of Bergenfield, County of Bergen, and recommends approval by the Highlands Council.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his or her designee, is hereby authorized to enter into a grant agreement with the Borough of Bergenfield for a TDR Receiving Zone Feasibility Grant in the amount of \$40,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to his authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21st day of August 2014.



Jim Rilee, Chairman

RESOLUTION 2014-22

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT BOROUGH OF BERGENFIELD, BERGEN COUNTY

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

Highlands Council Meeting

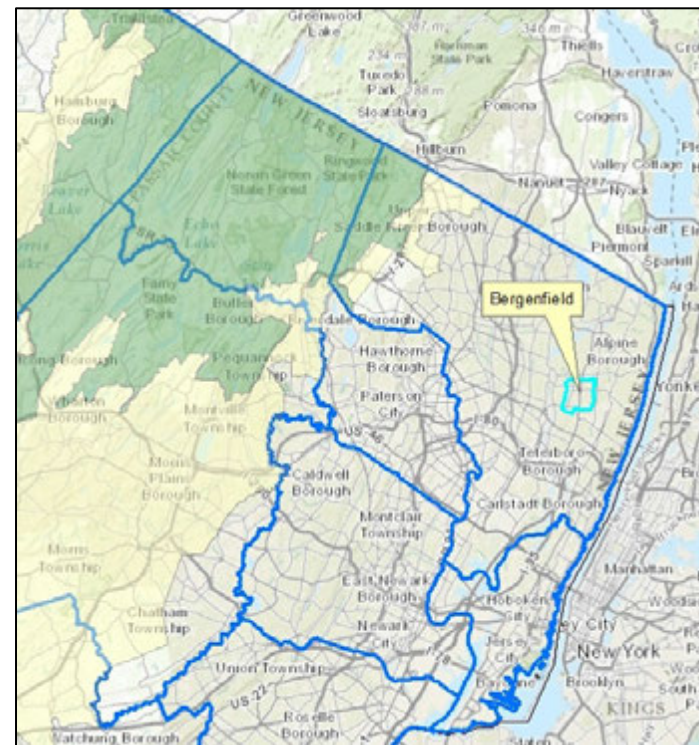
Thursday, August 21, 2014

TDR Feasibility Grant

Borough of Bergenfield, NJ

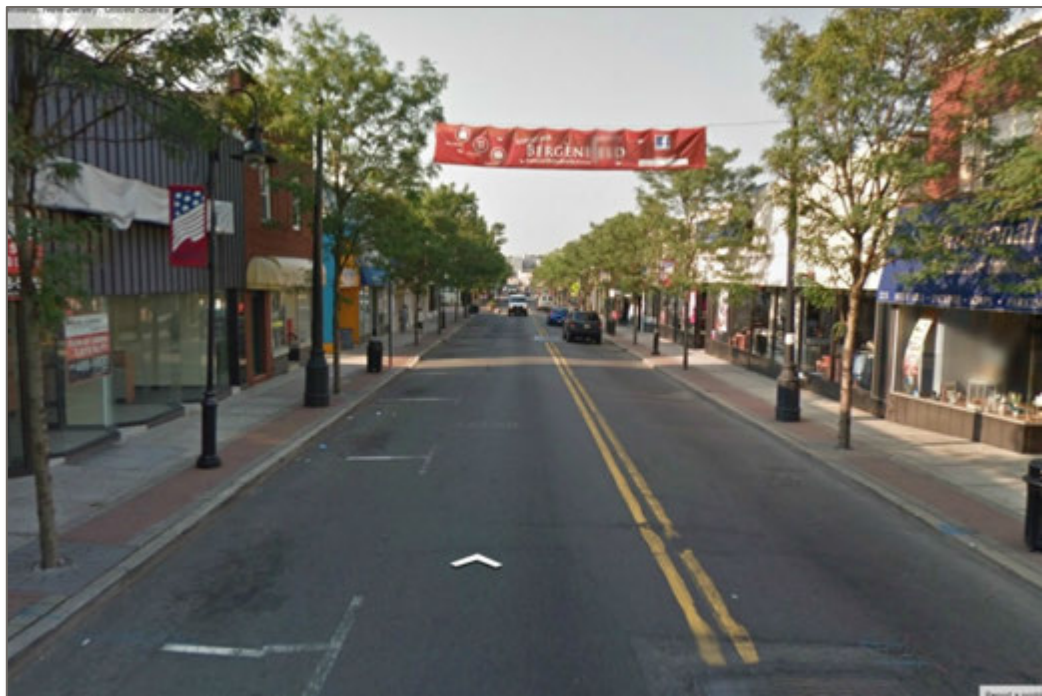
TDR Feasibility Grant Borough of Bergenfield

- Located in Northeastern Bergen County
- Area: 2.885 square miles
- Population: 27,017 (2012)
- Serviced by public water and waste water
- Starting Master Plan update process



Opportunity for TDR

- Fully developed commercial corridor
- Primarily single-story development
- Demand for increased development
- Significant opportunity for increased density (residential and commercial)



TDR Feasibility Grant



- \$40,000 Grant
- Phase I - \$5000 Capacity Analysis
- Four phases, with reviews at each phase
- \$15,000 set aside for fiscal impact analysis
- Piggyback onto current master plan update being conducted

Highlands Council Meeting

Thursday, August 21, 2014

RESOLUTION 2014-24
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ENTER INTO AND EXECUTE A WRITTEN SETTLEMENT AGREEMENT

WHEREAS, Plaintiff Harold F. Danielson (“Plaintiff”) filed a lawsuit against the Chester Township Police Department, Ryan Steckel, Ronald Totems, Thomas Williver, the New Jersey Highlands Water Protection and Planning Council (“the Council”), Jim Rilee, and Bruce James (collectively “the Council Defendants”) on July 31, 2013 in the Superior Court of New Jersey, Law Division, Morris County, where it was assigned Docket Number MRS-L-002049-13; and

WHEREAS, Plaintiff’s lawsuit asserts claims against the Council and Council Defendants pursuant to 42 U.S.C. § 1983 and the New Jersey Civil Rights Act alleging violations of his First Amendment and Equal Protection rights; and

WHEREAS, Plaintiff demands a trial by jury; and

WHEREAS, the Council and Council Defendants removed the lawsuit to federal court where it was assigned Civil Action Number 13-cv-05427; and

WHEREAS, the Council, on behalf of itself and the Council Defendants, vigorously opposed Plaintiff’s lawsuit and maintains that neither it nor the Council Defendants are liable for the claims asserted by Plaintiff; and

WHEREAS, for the past year the Council, Council Defendants and Plaintiff have engaged in motion practice in federal court; and

WHEREAS, the Court has ordered that formal fact discovery commence; and

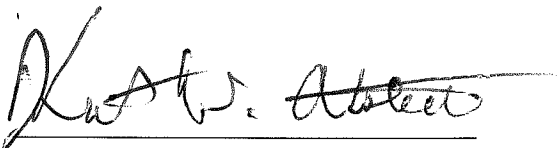
WHEREAS, the Council is faced with potentially significant legal expenses, including lengthy discovery and a jury trial; and

WHEREAS, upon the advice of counsel, the Council believes that it is in its best interest to resolve this litigation at this time without any admission of liability;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby authorizes the Acting Executive Director, in consultation with the Office of the Attorney General, to enter into and execute a written settlement agreement on behalf of the Council and settle this litigation in an amount not to exceed \$12,500.00, and to take all other steps that are necessary and proper to effectuate such a settlement.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21st day of August, 2014.


Kurt W. Alstede, Vice-Chairman

RESOLUTION 2014-24

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ENTER INTO AND EXECUTE A WRITTEN SETTLEMENT AGREEMENT

Vote on the Approval of This Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	✓
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	_____	_____	_____	✓