

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF MARCH 17, 2005**

PRESENT:

JOHN WEINGART)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
LOIS CUCCINELLO)	
TIM DILLINGHAM)	
JANICE KOVACH)	
MIMI LETTS)	
DEBBIE PASQUARELLI)	
JACK SCHRIER)	
BEN SPINELLI)	
EILEEN SWAN)	
GLEN VETRANO)	
SCOTT WHITENACK)	

ABSENT COUNCIL MEMBERS:

MIKAEL SALOVAARA

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road (Route 513), in Chester, New Jersey on March 17, 2005 at 10:00 a.m.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the sixth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:10 a.m. Mr. Weingart noted that the gavel he would be using during the meeting was made of antique Irish silver in honor of St. Patrick's Day, and was loaned to him by Ms. Eileen Swan.

OPEN PUBLIC MEETINGS ACT:

Chairman Weingart announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and that the Highlands Council had sent written notice of the time, date and location of this meeting to pertinent newspapers of circulation throughout the State.

ROLL CALL: The members of the Council introduced themselves.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES of the February 17, 2005 meeting:

Ms. Janice Kovach made a motion to approve, Mr. Scott Whitenack and Mr. Glen Vetrano seconded the motion, Mr. Tim Dillingham ABSTAINED, and the minutes of February 17, 2005 were APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart noted that beginning with the next Council meeting on April 7, 2005, the Council will hold a meeting in each County of the Highlands. The April 7th meeting will be at Passaic County Community College at 4:00 p.m.

Mr. Weingart advised that Hunterdon and Warren Counties have hired attorney Dick Zimmer to address concerns over the Highlands Act and that Mr. Zimmer telephoned Mr. Weingart to touch base and say he wanted to work in a cooperative spirit with the Council. Mr. Weingart reported that he thanked Mr. Zimmer for the call and said that the Council would be happy to meet with him but that he hoped any such discussions would occur before the Counties filed their proposed lawsuit.

The Chairman then advised that Council staff is putting together a draft policy on travel expense reimbursement so that it is clear and easy for members to submit for their Council related expenses. He noted the reimbursement policy would be circulated by the staff shortly.

Mr. Weingart asked if there were any member reports and since there were none, he turned the meeting to Mr. Adam Zellner for the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Zellner advised the Council members they would find two Resolutions in their packets, West Milford and a letter to the editor.

Mr. Zellner then provided an update on the Chester office. He stated the office has received its computer server and that staff members were now on-line with e-mail capabilities. E-mail is also being set up for Council members. He noted that since the last Council meeting on February 17th, Council staff consisted of 8 people and that the number is now up to 16. Mr. Zellner pointed out that bios of all Council staff were included in their meeting packets. Mr. Zellner introduced each of the new staff members to the Council.

As to constituent inquiries received by staff via telephone and mail, Mr. Zellner advised that a database is being utilized for tracking purposes and that reports will be compiled from this database. Also tracked and included in the database are the details of events on the schedules of all staff. Council members will be able to see what meetings have been attended as well as what is coming up on the calendar.

Mr. Zellner then noted some events that have been covered recently, such as realtors' meetings in several counties. He noted the meeting in Passaic County was very active

and Council staff has subsequently met with them. Mr. Zellner said the New Jersey Conservation Rally was well represented by Council staff. He mentioned that the County Planners meeting was also very productive, and that Assessors have met with staff. Mr. Zellner advised that meetings with a wide range of people have been occurring to gather as much data as possible to turn it over to the members.

Mr. Zellner noted that the Council is required to do an annual report, and that a draft report is included in their meeting packets. He mentioned that the report will be brief for 2004 since the Council only met one time on December 16, 2004. Mr. Zellner added that the 2004 report needs to be finalized by Thursday, March 31, 2005.

In closing, Mr. Zellner added that Council staff will continue offering its assistance through outreach efforts to towns needing assistance.

Chairman Weingart noted that the meeting is scheduled to end at around 1:00pm and asked for committee reports.

COMMITTEE REPORTS:

Ms. Debbie Pasquarelli, Chair of the Budget & Finance Committee, then gave her report. She noted that the primary purpose of the committee is to serve as an oversight of assets and liabilities. Four main focus areas of the committee are: 1) the day to day expenses; 2) payroll and staff expenses (of which pension benefits will be administered by the State payroll); 3) contracts (outside expenses for consultants or purchasing data); and 4) grants program (the enhanced grant program will be overseeing and coming up with a set of recommended policies which will be consistent with the budget). Ms. Pasquarelli noted that the committee will not be involved with the TDR bank or the Tax Stabilization Fund, which currently has \$12 million for this year held in DEP's account and will be administered by the Department of Treasury.

Mr. Tim Dillingham then gave his report on the DEP Rules/Agriculture Committee. He noted that they have met four times, and that the Commissioner's staff has been very accessible and thanked Mr. Nick Angarone for his assistance. The subject of meetings has included water allocation, waivers for development, and takings. Mr. Dillingham noted that the DEP's stated intention is to ensure that their policies reflect the requirements of the Act. They are modifying and adding to a number of existing programs. Mr. Dillingham advised that his committee is also discussing procedures for interaction between the DEP and the Council as the Council proceeds to develop the Highlands Regional Master Plan.

Mr. Dante DiPirro said that Department of Agriculture is working on Highlands rules as well. He noted with regard to land acquisition priorities, staff is looking at the current priorities of Green Acres and SADC. The committee will also be examining issues related to DEP's Highlands map (which illustrates where preservation area boundary is but does not have the force of law).

Ms. Mimi Letts asked Mr. Dillingham if the DEP was doing hydrology reports. He replied that the DEP is reassessing the water allocation program to determine how to maintain ecological water flows. Mr. Dillingham further advised that the DEP will look at the entire region and follow up by focusing on certain areas.

Ms. Tracy Carluccio noted that the Council may need to conduct studies in order to develop additional scientific data.

Mr. Zellner said that staff has provided a large amount of information to towns for their consideration so that they have the opportunity for involvement and cross-acceptance. The goal is to find out what their concerns are regarding land use in the planning areas and address them prior to the Regional Master Plan being finalized. Mr. Zellner stated that meetings with the Office of Smart Growth, Department of Transportation and New Jersey Transit have been held, and that a list of priorities is being compiled.

Mr. Scott Whitenack asked Mr. Zellner if many conflicts have arisen during the meetings and he replied that none had. He added that they have primarily been concentrating on getting missing data.

Mr. Ben Spinelli advised that planning area towns need to be aware that they can control their own destiny and the Highlands Council can provide the information they will need in order to make decisions.

Ms. Pasquarelli advised that she recently received a call from someone asking who to call in order to find out how the Act affects their property. Mr. Zellner noted they should call Council staff and that Mr. Ross MacDonald would be the appropriate person to take a first look at properties.

Ms. Pasquarelli and Ms. Swan both noted that they have referred people to the Council staff and have found that they were pleased with the help and responsiveness of the staff. Mr. Zellner noted that a FAQ is being prepared for posting on the web shortly.

Mr. Weingart then opened a public comment period and asked that anyone who brought written statements to kindly provide them to staff.

PUBLIC COMMENT:

Candace McKee Ashmun, founding member of the State Planning Commission, and former member of the Pinelands Commission. Ms. Ashmun asked the Council to consider having committee meetings open to the public. She said that limiting committees to seven members may not be enough. Ms. Ashmun thought that by making committee meetings open to the public, it would be beneficial in developing the Regional Master Plan. She asked the Council to seriously consider doing so. Ms. Swan stated she thought that it should be considered.

Stephen Shaw, Attorney, represents Hunterdon and Warren Counties. Mr. Shaw advised that he accepts the Council's invitation to meet with Freeholders. He asked the Council to consider scheduling a special meeting within the next month to address the issues of Hunterdon and Warren Counties. Mr. Shaw indicated that they would like to give a presentation to the Council and have discussion afterwards. He expected to need three to four hours for the meeting.

Mr. Zellner asked if Mr. Shaw could give the Council an idea of what would be on the agenda for the meeting. Mr. Shaw said that the issues would be addressed in the presentation, but that he could provide an outline for purposes of the agenda and meeting notice.

Chairman Weingart asked if his purpose in requesting the meeting was to have the law changed, because such a meeting would be unproductive since the Council doesn't have that authority.

Ms. Swan, Mr. Vetrano, and Ms. Cuccinello all agreed that they would need to know prior to the meeting what would be covered in order to prepare properly. Mr. Vetrano suggested that Mr. Shaw and the staff discuss the possibilities of holding a meeting further.

Marcia Karrow, Hunterdon County Freeholder. Ms. Karrow said she echoes what Ms. Ashmun said about the Council not limiting committees and having the meetings be open to the public. She noted that Freeholders have been present at all the Council's meetings to date.

Jack Guerin, Morristown, private citizen. Mr. Guerin said he has been attending Council meetings with the hope of learning about available funding for land acquisition. Mr. Weingart advised that Mr. Guerin should speak with Mr. Zellner because there are funding sources available.

Nancy Palladino, Deputy Director, Hunterdon County Board of Chosen Freeholders. Ms. Palladino asked whether a request has been made by the Highlands Council to the Governor's office regarding budget and if so, the amounts. Mr. Zellner replied that he could not give specifics but that there were three main sources of funds: 1) general funding for the office; 2) funding for Green Acres and SADC; and 3) approximately \$110 million in federal funds had been in the budget for the Highlands, however it was cut out. Mr. Zellner advised that they are attempting to get that funding put back in through budgetary requests and deliberation. Mr. Zellner stated that the operational budget to date is \$2.9 million.

Heather Gracie, Consulting Forester. Ms. Gracie offered the Council her assistance and suggested that they look to the Society of American Foresters which has a written statement regarding 566 municipalities throughout the State. She further advised that Foresters would like to be involved and asked if there was a working group which she

could become involved in. Mr. Zellner noted that Mr. Tom Borden has met with the Forestry Association and Ms. Gracie acknowledged that she recognized him.

Bill O'Hearn, Executive Director, Highlands Coalition. Mr. O'Hearn came to introduce himself as the new Executive Director of the Highlands Coalition. He noted that the Coalition is applying for \$3.7 million for fiscal year 2006 for Ringwood and West Milford. Mr. O'Hearn also offered his services to the Council.

Mr. Kurt Alstede noted concerns over lack of funding. He believes money for Green Acres and SADC are stagnant. He pointed out that TDR without initial funding would not help and that a large stable source of funding for preservation is needed. Mr. Alstede indicated he is a landowner in the Highlands with concerns.

Mr. O'Hearn replied that he shares Mr. Alstede's concern and noted that the Highlands Coalition is looking for funding across four states and is planning to go above \$10 million annually.

Mr. Dillingham said that there should be an inventory compiled with what money is available and what has been allocated in prior years. He asked staff to identify all the sources and amounts, and what each agency is proposing for the Highlands.

Mr. Zellner noted that staff is currently in that process through the land acquisition and TDR committees.

Jeff Tittel, Sierra Club. Mr. Tittel thanked the Council for putting out a press statement regarding Hunterdon and Warren County. He believes that Hunterdon should help towns in the planning area. Mr. Tittel thought they could lobby for their budgets and be proactive in finding avenues to protect towns. He noted that the first meeting of the Highlands Coalition was 17 years ago. Mr. Tittel is pleased that the vision of protecting the State's water supply is a reality by virtue of passage of the Highlands Act.

David Shope, Long Valley. Mr. Shope said that determining value of development rights has been done by local tax boards. He noted that the Act charges the Council to determine what lands are compensable. He suggested a water consumption fee should be assessed and imposed by the Council on users downstream. Mr. Shope provided Mr. Zellner with copies of letters which he has written to various agencies regarding water rate fees.

Robert Reed, Alexandria Township, Hunterdon County. Mr. Reed offered documents to Mr. Zellner regarding the 650-acre Sweet Hollow preserve. He advised that he is working with Natural Lands Trust on the project. Mr. Reed said 650 acres are worthy of preservation and that 150 acres have been purchased and set aside but there is a concern about the preserve being compromised. He asked the Council to examine the area. Mr. Reed advised that Alexandria Township has completed a water analysis which concludes the need for a 13-acre minimum density to dilute nitrates.

Phillip Orbin, Hunterdon property owner. Mr. Orbin said he learned answers to some of his questions by attending the meeting. He then asked the Council not to lose sight of the identity of the individual property owners. Mr. Orbin owns a 14 acre lot which is improved and has a septic permit as well as a forestry plan and he would like to sell it. He noted there are problematic limitations imposed on the development of his lot.

Mr. Weingart then concluded the public comment period, and turned the meeting focus to the Resolution regarding the 2004 annual report.

CONSIDERATION OF RESOLUTION FOR ANNUAL REPORT (voting matter):

Chairman Weingart read the key paragraphs of the Resolution which authorize the Chair and Executive Director to submit the 2004 annual report at the end of March. Ms. Letts made a motion to approve, Mr. Vetrano seconded the motion, all were in favor, UNANIMOUS.

At 12:05 p.m. Mr. Weingart called a short break, and at 12:20 p.m. called the meeting back to order. The Chairman then turned the meeting to Mr. Zellner and Mr. Ross MacDonald to give their presentation regarding outreach.

PRESENTATION:

Mr. Zellner noted that the staff has been aggressive in reaching out to municipalities in their data collection efforts, compiling contact lists, and keeping lines of communication open.

Mr. MacDonald advised the members that they would find items summarizing outreach and education efforts in their meeting packets. He advised that Ms. Beth Crusias has created a data list for all 88 municipalities. She has requested that the municipalities designate a point person for their town.

Mr. MacDonald noted that the upcoming County meetings will create a network which will help staff in its ability to react quickly to their needs.

Ms. Swan asked to be kept apprised of when staff will be attending County meetings. She would like to attend the meetings in her county and possibly others.

Mr. Zellner noted that the staff will be sending out schedules to let members know what meetings are coming up.

Ms. Pasquarelli commended Mr. MacDonald for his energy and patience as well as his commitment to helping people in Warren County.

Mr. Zellner then introduced Mr. Steven Balzano to present a power point on the development of the Highlands Regional Master Plan.

PRESENTATION:

Mr. Balzano started his presentation with a power point picture depicting the State of New Jersey as a community within a much larger area. He noted the importance of the Highlands region to all New Jersey residents, particularly those within the region itself.

He outlined the six points that will guide in the development of the Highlands Regional Master Plan:

- 1) Vision
- 2) Structure
- 3) Schedule
- 4) Scope
- 5) Budget
- 6) Process

Mr. Balzano proposed that for the purposes of getting maximum input from local officials, civic leaders and the public, that the Highlands region be broken into 3 zones: North, Central and South. By doing so, he indicated Council staff will be able to become familiar with key people within their zone and gather input effectively. He noted that innovative planning is being done by municipalities and staff will identify them. Mr. Balzano stated the Highlands Act doesn't take power away from municipalities, rather the Regional Master Plan will empower local officials by providing them information.

Mr. Balzano reminded that the Regional Master Plan is due in 15 months but will need to be amended and readopted over time. He noted the objective is to evaluate the effects of land use on water quality and quantity, and other natural resources. Mr. Balzano said that land use policies to safeguard resources would be developed. He stated the need for data validation and noted watershed based planning would be done. Mr. Balzano indicated the plan would rely on natural resource analyses and noted that a sample analysis was done in Rockaway River Watershed in Morris County.

Mr. Balzano stated the following outline will guide in development of the plan:

- 1) Craft the vision
- 2) Develop staff and structure in the three zones
- 3) Manage the schedule

Mr. Balzano concluded and proposed drafting a resolution authorizing establishment of three zones.

Mr. Weingart thanked Mr. Balzano for his presentation and opened a public comment period.

PUBLIC COMMENT:

Lisa Voyce. Ms. Voyce asked how the Council will compile its technical advisory committee and Mr. Weingart replied that they would be working on that as soon as possible.

Robert Frye, Pohatcong Township. Mr. Frye stated his family has been farming for 140 years and that the Act now requires people in the Highlands to provide inexpensive water. He said that property owners feel powerless and that they are being forced to supply water without being compensated.

Tom Dallessio, RPA. Mr. Dallessio thanked Mr. Balzano for his presentation commenting that it was very helpful. He advised the Council that he is working on TDR and offered to bring the Council an expert from Florida. Mr. Dallessio stated he will continue attending Council meetings.

Mr. Weingart asked if there were any more comments from the public, and none were received. He then advised that the Council would consider the next item on the agenda.

CONSIDERATION OF RESOLUTION ESTABLISHING ADVISORY GROUPS FOR REGIONAL MASTER PLAN (voting matter):

Mr. Weingart noted the proposal for formation of the Partnership Committee, which would be allocated to the Local Official Committee, and the Technical Advisory Committee, allocated to the Plan Draft Committee. Mr. Jack Schrier made a motion to approve, Mr. Dillingham seconded the motion, all were in favor, UNANIMOUS.

The Chairman addressed the issue Ms. Ashmun raised regarding Committees. Ms. Swan, Ms. Carluccio, and Mr. Schrier stated they would support committee meetings being open to the public. Mr. DiPirro, Mr. Vetrano and Mr. Alstede noted that making committee meetings public would present scheduling conflicts and could compromise productivity. Mr. Zellner advised that certain committees such as Budget and Finance should be differentiated from other committees and not be public.

EXECUTIVE SESSION:

At 1:20 p.m. Mr. Vetrano made a motion to table the discussion to go into Executive Session, Ms. Janice Kovach seconded the motion, all in favor, UNANIMOUS.

REPORT ON EXECUTIVE SESSION:

At 2:50 Mr. Weingart called the meeting back to order. He advised the two items of discussion in Executive Session were the anticipated litigation of Hunterdon and Warren County, and Attorney-Client advice regarding NJDEP rulemaking responsibilities and Highlands Council Regional Master Plan responsibilities. Mr. Weingart advised that the Council took no action on either area.

PUBLIC COMMENT:

Mr. Weingart asked for public comments. None were received.

Mr. Spinelli noted perhaps discussing public comment to the NJ Water Supply Authority being added to the agenda to address the issue of water supply tax increases. Ms. Swan made a motion to discuss the issue, Mr. Alstede seconded the motion. Ms. Swan advised that Mr. Frank Scangarella at NJWSA does acquisition work and analyzes critical areas. Mr. Weingart asked when the NJWSA will take action on the water tax proposal and Mr.

Zellner replied they would not be taking action before the Council meets on April 7, 2005. Mr. Vetrano made a motion to table the discussion, Mr. Schrier seconded the motion, all were in favor, UNANIMOUS.

Mr. Alstede asked if authority has been delegated for press releases and what the process was for approval of releases. Mr. Weingart advised that the press release on March 16th was initiated by staff, and subsequently submitted to him for review and approval with Mr. Vetrano providing a quote. Mr. Schrier asked that members be notified prior to release via email.

Mr. Alstede made a motion to authorize the Executive Director to prepare press releases for review and approval of the Chairman or Vice-Chairman, and to notify members of releases via email, Mr. Dillingham seconded the motion, all were in favor, UNANIMOUS.

ADJOURN:

At 3:00 p.m. Mr. Vetrano made a motion to adjourn, Ms. Pasquarelli seconded the motion, all were in favor, UNANIMOUS.