

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF NOVEMBER 9, 2006**

JOHN WEINGART)	CHAIRMAN
ELIZABETH CALABRESE)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
TIM DILLINGHAM)	
JANICE KOVACH)	
MIMI LETTS)	
DEBBIE PASQUARELLI)	
ERIK PETERSON)	
MIKAEL SALOVAARA)	
JACK SCHRIER)	
GLEN VETRANO)	
TAHESHA WAY)	

ABSENT:
KURT ALSTEDE
SCOTT WHITENACK

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the 39th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 a.m.

ROLL CALL: The members of the Council introduced themselves.

PLEDGE OF ALLEGIANCE was then recited.

OPEN PUBLIC MEETINGS ACT:

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

Chairman Weingart announced that Ms. Janice Kovach and Mr. Erik Peterson were on their way and would be joining the meeting shortly. He congratulated the four members of the Council who had been on the ballot for municipal or county posts and were all successful: Ms. Elizabeth Calabrese, Ms. Tahesha Way, Mr. Glen Vetrano and Mr. Jack Schrier.

Mr. Weingart then turned the members' attention to consideration of two sets of minutes.

MINUTES OF OCTOBER 12, 2006:

Mr. Jack Schrier motioned to approve, Ms. Mimi Letts seconded. Mr. Weingart asked if there were any comments or corrections requested and none were received. Ms. Pasquarelli, Mr. Dillingham, and Mr. Vetrano abstained, and the minutes of October 12, 2006 could not be approved since there were not 8 members in favor.

Mr. Schrier noted that during his experience, where members believe the minutes are essentially correct they can vote to approve even if they were not present at the meeting, and asked Mr. Tom Borden if he agreed. Mr. Borden said he would look into that question. Mr. Mikael Salovaara said he could confirm that an absent member could vote in favor of minutes if the member has read them.

MINUTES OF OCTOBER 26, 2006:

Chairman Weingart advised that one member of the public who commented at the meeting on October 26th, 2006 advised Ms. Denise Guidotti via e-mail that a word in the summary of her comment on page 6, last paragraph, 5th line, should be corrected, that the word "Farming" should be changed to "Farny."

Ms. Pasquarelli motioned to approve, Mr. Salovaara seconded, all others were in favor, and the minutes of October 26, 2006 were APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart advised that he attended a planning conference the week before at the New Jersey Planning Association with Ms. Christine Danis regarding the Highlands Act and the Regional Master Plan. He reported that there were approximately 30 municipal planners from the region at the conference, and that many good questions were raised and addressed at the session. He noted that Ms. Danis presented a power point demonstration regarding the Highlands Act which was very useful and could be a good foundation for preparing a presentation on the draft Plan.

Mr. Weingart asked if there were any reports from members and none were received.

COMMITTEE REPORT:

Mr. Weingart, Chair of the **Plan Development Committee**, reported that the committee discussed the process and schedule for release of the draft Regional Master Plan. He further advised that the next Council meeting has been scheduled for Monday, November 20th at 3:00 p.m., and another on November 30th at 10:00 a.m., with both meetings being held at Chester office.

Mr. Weingart advised that Ms. Patty Sly is in the process of securing rooms for the six public hearings regarding the RMP which will be held in January 2007. He noted that one hearing will be held in Trenton, and the others will be at the Haggerty Center of the Frelinghuysen Arboretum, Ramapo College, and Vocational Technical School in Sparta, Warren Hills High School, and Voorhees High School.

Mr. Salovaara asked if the dates scheduled for Council meetings in December 2006 have changed. Mr. Weingart advised that the Council will need to discuss the December meeting schedule and agenda items to determine if changes are necessary, however he asked the members to keep the dates on their schedules. He also reported that a meeting schedule has to be developed for 2007.

Ms. Pasquarelli added that the Committee had also discussed the status of the Memoranda of Agreement the Council needs to prepare with other state agencies. Mr. Weingart advised that the MOAs with the Department of Environmental Protection, the Council on Affordable Housing, as well as other state agencies would be negotiated after the draft Plan is released so that all agencies can have a better sense of potential areas of conflict and agreement. Ms. Pasquarelli requested, and Mr. Weingart agreed, that the MOUs be included as an agenda item for the Council in December 2006. The Chairman then turned to Mr. Dante Di Pirro for the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Di Pirro reported that the Council and staff are on schedule for release of the draft RMP on November 30th, 2006. As a matter of re-cap, he noted that the months of September and October were very productive. Mr. Di Pirro advised that additional sections of the draft Plan were being publicly released at this including transportation, air, housing, and ground and surface waters. Mr. Di Pirro noted that policy papers have been released to the public in the past, and said that the topics being released at the current meeting had been released to the public for comment on the Council's website in the form of the actual draft sections of the Plan and not in the form of policy papers.

Mr. Di Pirro next advised that the members' requests for changes and revisions would be addressed. He also advised that the agenda for the November 20, 2006 meeting would also provide for member input as well.

Mr. Di Pirro then asked Mr.. Borden to update members with regard to his recent meeting with COAH.

Mr. Borden said the members' meeting packets included a document related to housing which included issues relating to affordable housing. He advised that the goal is to include policy issues on affordable housing as well as issues regarding agency coordination. Mr. Borden also said that coordination issues are embodied in the section of the Plan on housing, and that if members have any comments to add, to let staff know to make sure they are put in the correct place.

Mr. Weingart then asked for an update on the DEP's Highlands rules. Mr. Borden said that the Commissioner of DEP recently signed the Highlands rules and that according to the date published in the *New Jersey Register* they will become final in early December. Mr. Borden said that the rules have been emailed to all the Council members and said that they are substantially as first proposed, and are being adopted with little change.

Mr. Di Pirro next noted that they should have all received the draft first section of the Plan. Additional drafts of various resource topics have been under review with an eye to the Land Use Capability Map and will be provided to all members the next day. He asked that after members receive the resource topics to review, they provide staff their comments in a weeks' time. Mr. Di Pirro stated that the next step is providing members with the whole Plan. Mr. Di Pirro advised that revised sections of the Plan will be mailed to members in the form of 3-hole punched paper, where they can be inserted into the 3-ring binders. He noted that all sections will be clearly marked by date and outdated sections can easily be replaced with the updates.

Ms. Pasquarelli said there are a lot of sections, and asked that a list be prepared to clearly state which section will be discussed. She noted that she has some issues about the housing section, and wanted to know what would be the best way for her to request changes. Mr. Weingart said she should annotate the document which was emailed to her, with the track changes feature in Microsoft Word, and then email it back to the staff for circulation to all members for consensus.

Ms. Letts said she prefers to read the hard copy and asked if she could submit her comments in writing. Mr. Di Pirro said that it would be more helpful to receive her comments electronically, and asked if she could for instance type into the document "insert comment:" and then list her comment at the point in the document where she would have handwritten in her notes, but added that the staff would review comments from members in any form in which they were submitted.

Ms. Tracy Carluccio said that the edits to some sections may raise additional issues that should be discussed by the Council. She asked if the Council couldn't meet earlier on November 20th because she feared that there may not be enough time.

Mr. Di Pirro advised that too many members were not available earlier in the day on the 20th and that was the reason for the 3:00 p.m. start time. Mr. Weingart advised that the DEP had previously scheduled a 7:00 p.m. hearing in the Chester meeting room prior to the Council's scheduling its meeting on the 20th. Mr. Di Pirro said that if the Council meeting is not completed by 7:00 p.m., the meeting would relocate down the road at the Chester Township Municipal Building.

Mr. Weingart suggested deletion of the sections addressing the vision statement and guiding principles. Mr. Dillingham said there is some value to including the words, and said there are strategies embedded in the Plan in between. Mr. Weingart said the Council should look at the language in this section and submit their thoughts on this issue. Mr. Mikael Salovaara said he supported what the Chairman was suggesting and that vision and goals are embedded in the language of the Act, and that the Land Use Capability Map (LUCM) is also part of the Act which should simple be included in the draft Plan and moved to the front of the document.

At that time, Mr. Erik Peterson joined the meeting.

Mr. Dillingham said that he believed the threshold question was whether the vision and guiding principles adds value to the focus of the Plan and he is not sure that it did. Mr. Weingart said everyone should review that section and discuss it on November 20, 2006 and said if it appears to be unclear, it should be corrected. Mr. Salovaara said his concern is that the Act itself has specificity with respect to what the Council must weigh as to ecological values. He asked if that was specifically embedded in the Plan, particularly Section 11.a.(1) which refers to activities that will not harm ecological values in the Highlands. Mr. Salovaara asked where that was specifically referenced, and that is why he had concern.

Mr. Di Pirro said the first step is to complete a resource assessment, and the approach has been to examine all the environmental features in the Highlands and then determine what kind of development can occur that would not violate the overall integrity of these features. After identification, applicable standards have been drafted that should be applied to prevent the violation of the ecological resource. Mr. Di Pirro said the standards will protect the overall value of the resources, and the Council has great deference to set the standards.

Mr. Schrier asked about the process used to evaluate and assess the resources. Mr. Steve Balzano said the levels are set from low to high and are expressed as a scale. Mr. Schrier said a singular rating could affect the priority. Mr. Weingart asked Mr. Balzano to provide the members with a hypothetical example. Mr. Balzano said an example as to forest resource is difficult because forest occurs throughout the entire Highlands Region. He said it depends largely on how intact and contiguous the forest is. For instance, Mr. Balzano stated that in a community that is largely developed, a forest resource area would be more isolated, and would not provide the same value as a small part of a larger forest.

Ms. Kovach asked how to ensure that that all layers are applied to the forest patch to be sure they are not incorrectly identified as a potential growth area. Mr. Balzano said the cumulative capacity limits have to be met to identify sustainable water supply areas before a municipality can grow. If a deficit is identified, the town will need to develop a plan to remedy the deficit before opportunities for growth will be allowed.

REGIONAL MASTER PLAN UPDATE:

Mr. Weingart said the Council should always keep in mind when reading the Plan that it needs to be very clear. He then turned the members' attention to the Plan discussion issues, asking Mr. Di Pirro to make the staff presentation.

Mr. Di Pirro noted that through the Council's Work Sessions, Members have reached agreement on a great number of policy positions for inclusion in the draft Plan. A few issues remain. Today's issues relate to: mandatory growth; designated centers; pending plan endorsement petitions in the Highlands Region; COAH; and coordination and consistency issues. He noted that the balance of the key unresolved issues will be presented for resolution at the

Council meeting on the 20th (he said that right now that list includes buffers, clustering, and TDR prioritization and valuation).

According to Mr. Di Pirro, the first issue for discussion today was, "Whether the Council position should remain that the Plan's potential growth zone will not mandate growth?" He noted that The Council has long taken the position that the Plan will not mandate growth. He said that as we draw close to releasing the draft Plan, some members of the public have asked if the Plan's "Potential Growth Zone" mandates growth and if the Plan Endorsement process (submittal of the Plan in the Planning Area to the State Planning Commission) will mandate growth upon towns.

He said that it is worth reiterating here that the Plan's Potential Growth Zones do not mandate growth. It is voluntary on the part of a planning area town whether it wishes to seek to conform to the Plan or not. And even when a town conforms it continues to be voluntary whether the town chooses to develop in the potential growth zone or not.

In addition, the fact that the Council will submit the Planning Area portion of its plan for endorsement by the State Planning Commission still would not mandate growth upon towns. Endorsement of the Plan would not change the ability of towns to continue to have the choice of whether to seek Plan Endorsement by the State Planning Commission or Plan Conformance by the Highlands Council.

Ms. Pasquarelli asked where that would leave towns which want to conform to the Plan, but the Council says they won't have to accept the growth to conform. She further asked what would happen if the Plan was not endorsed by the State Plan. Mr. Borden advised that the COAH rules are under review and are currently being revised. Ms. Pasquarelli said that the Act states that there is no consequence if the State Planning Commission fails to endorse the Highlands Regional Master Plan. Mr. Di Pirro said he hoped that the State Planning Commission would endorse the Highlands Plan for the Planning Area but noted that the Highlands Act does not provide a direct consequence if that does not happen.

Mr. Dillingham said there is often confusion with the State Plan and Mr. Schrier agreed that it has been misinterpreted. Mr. Borden said that the resolution adopted by the Council in the past dictates that the Council will not mandate growth. Mr. Weingart announced that there remained consensus among the Council that the Plan would not mandate growth.

Mr. Di Pirro said the second issue for discussion was, "Should the Plan address the redrawing of the boundaries of designated centers?"

He noted that members of the public have inquired how the Highlands Plan will interact with the State Plan as it relates to designated centers.

He said the Highlands Act places all designated centers (centers that were designated by the State Planning Commission prior to enactment of the Highlands Act) in the Highlands Planning Area. The Act makes the Highlands Regional Master Plan voluntary in the Planning Area and requires that Council to adopt a Plan for the entire region.

Mr. Di Pirro explained that as a result of these provisions, the Highlands Council does not have the authority to redraw designated center boundaries. This authority lies with the State Planning Commission. Neither can the Council fail to satisfy the requirement of the Act to provide sound science in the form of a capacity-based Plan for the entire region. This science should assist the State Planning Commission in its work, including but not limited to, protecting, enhancing or mitigating natural resources as part of its planning mission.

Mr. Weingart asked what if a town comes to the Council for conformance, and the center that it had previously identified is deemed by the Council not to meet the criteria for development. Mr. Di Pirro advised that most of

the designated centers are consistent with the science in the draft Plan and there is a great deal of "common ground." Ultimately, it is up to a municipality whether it wishes to conform to the Highlands Plan or not. If it wishes to conform, it would follow the Plan's science.

Mr. Weingart asked how many centers there were in the Highlands Region and Mr. Balzano replied there are 21, and that they are only in the Planning Area. Mr. Di Pirro noted that the Council does not have any authority to require Plan Conformance over towns that do not choose to conform with the Plan. Mr. Weingart added that towns in the Planning Area can remain as they are.

Ms. Carluccio said that criteria for Plan Conformance should clearly be stated as to opting in, and that resource values and goals are the most important. Ms. Letts said the Council is providing towns with data they have never had before.

There was consensus that the Plan would not address the redrawing of boundaries for State Plan designated centers.

Mr. Di Pirro advised that the next question for decision was "Should the Council request that the Office of Smart Growth and the State Planning Commission not decide plan endorsement petitions in the Highlands Region until the Council has had the opportunity to release its draft Plan and provide comments on the petition."

Mr. Di Pirro stated that the Office of Smart Growth and State Planning Commission have been coordinating with the Council staff on pending petitions for Plan Endorsement. They advised staff that there are only two petitions that have the potential of being decided prior to adoption of the Highlands Plan. With regard to both, Smart Growth and the Commission have worked with all parties, including the Council, so that the petitions can be timely decided and the parties can have the benefit of the Council's science and comments.

In consideration of the applicants' desire for a prompt decision on the petitions, Mr. Di Pirro stated that those comments should be provided as soon as possible. He said that Council staff recommends that the Council provide comments in December (which will be possible given the release of the draft Plan on November 30th), after review and approval of staff recommendations by the members.

Ms. Pasquarelli suggested that the Council send such a letter to the Office of Smart Growth. Ms. Kovach asked whether the Council has been able to provide OSG with any comments to date on these applications. Mr. Di Pirro replied to Ms. Kovach that the Council did provide OSG with initial comments but explained that it would be unable to offer more until the draft Plan was released. Ms. Pasquarelli said the letter could address the fact that the Highlands draft Plan would be available at the end of November so it would not hold up the State Planning Commission's ability to make endorsement decisions. Mr. Di Pirro said staff would prepare the letter and Ms. Pasquarelli asked that the minutes reflect that staff would draft the letter for the Chairman's signature. All members agreed.

Mr. Di Pirro noted that the next question was "Should the Council put coordination and consistency policies relating to other state agencies into the Plan and, after release of the draft Plan, work with agencies to put procedural issues into memoranda of understanding?"

He noted that each of the topic areas in the Plan will cover coordination and consistency within that respective topic. Mr. Di Pirro stated that staff proposes that the Council continue to put as much of the substance directly into the Plan. Therefore, MOUs would mainly address process, and for example as to the coordination with DEP, the harmonization of regulations.

Mr. Salovaara asked what section this was contained in and Mr. Borden replied it was section 11(a)(4). Mr. Glen Vetrano asked where the Council stood as to coordination with other agencies. Mr. Di Pirro advised that the agencies have been made aware of the need for coordination, and are working with us.

Ms. Letts asked about road projects that have already been approved. Mr. Di Pirro said that we can't fully engage yet because the Plan isn't out yet, but in the Planning Area there are statewide regulations which apply and said that the Plan and its policies have to meet the regulations in place for road projects.

Mr. Dillingham said the Council hasn't spent enough time talking about its authority. He thought it has focused on the relationship with municipalities sufficiently, but not with other agencies. The Act is specific and mandates coordination. Ms. Letts wanted to know what the Council's authority is with regard to agencies and Mr. Di Pirro said the Council does have the authority to seek State agency coordination to meet the goals of the Plan.

Mr. Weingart asked about the Council's authority as it relates to the Department of Transportation. Mr. Borden said the Council has authority to ensure that actions of state agencies are coordinated and consistent with the Highlands Act. As to COAH, Mr. Borden noted that the Council has jurisdiction over housing policy, but there may be conflicts. Where specific situations are identified the Council will craft an MOU for addressing the issues of conflict.

Mr. Vetrano said that the term of harmonization is very important and the Council's real charge is protection of the Preservation Area, and that the Planning Areas has a separate status. Mr. Weingart said the Highlands Act amends several statutes pertaining to other agencies and asked the staff to brief the Council on the implications of these sections at the next meeting. Ms. Carluccio said if possible, Mr. Borden could memorialize the conflict issues for clarification. Mr. Salovaara stated that would be a lengthy memorandum and said that the Act specifies that the Council consult with the DOT on the transportation component and that is only one agency. Di Pirro agreed that the memorandum might in deed be lengthy and asked if it could wait until after the draft Plan is released. Ms. Letts wants the Council to have clarification on this issue before adoption of the Plan.

Mr. Weingart stated the important thing was that the Plan be clear and Mr. Di Pirro added that interpretation is key. Mr. Weingart asked if staff could provide the Council with as clear an explanation as possible of how of the Act envisions the resolution of conflicts between the Council and other state agencies. Mr. Borden noted that situations that have been identified as clear conflict have been included in the consistency sections in the plan, and the rest will be in the MOUs. The legal staff will prepare the memo in December.

It was agreed that the Council would continue on its current approach of putting coordination and consistency polices related to state agencies into the Plan and, after release of the draft Plan, work with agencies to put procedural issues into MOUs.

At that time Mr. Salovaara had to leave to attend another meeting.

Mr. Weingart said Mr. Di Pirro would now list the issues which will be addressed on November 20, 2006. Mr. Di Pirro noted that the issues are listed in the first paragraph of the memo in the members' meeting packets, including buffers, clustering, TDR, COAH prioritization and valuation. Mr. Di Pirro stated that when members receive the next batch of sections of the Plan to please identify any additional issues they would like addressed on the 20th. Ms. Letts stated that an issue was whether affordable housing obligations would be required if a municipality were to agree to be a TDR receiving area.

Mr. Schrier said he would like added to the next agenda the issue of funding for diminished values. He said that the Council should update because if the Council believes it is not sufficient, the Council should take some action and present it to Trenton. Mr. Di Pirro stated that said he was at the Statehouse the day before where the

Governor's office and agency staff had been discussing the need to assess funding from the Garden State Preservation Trust to address Highlands needs. Mr. Erik Peterson said the Council has to determine how much money it is going to need, and how it is distributed. Mr. Weingart stated there was a recent letter sent to the Governor by the Council and that it included dollar amounts. He asked that copies of the letter be included in the members' meeting packet for the 20th.

Ms. Carluccio noted that she had a number of issues and has submitted them but wanted to know how the Council will reach consensus on substantive changes. Mr. Weingart said members would be briefed. He asked how staff would flag what has changed because if he received a revised section he wouldn't want to have to re-read the entire section to see what has changed. Ms. Carluccio said after the Council receives the final draft, the members might do a summary memo to list what changes they have suggested.

Mr. Di Pirro said that Mr. Jeff LeJava has started a similar list which provides substantive changes. Ms. Pasquarelli reminded that as she said earlier, she has serious disagreement on the housing and community development section, specifically about requirements for mixed use and also for design standards as a requirement for Plan conformance. She said she wanted this issue on the agenda for November 20th. Secondly, she asked if staff could address the issue whether the Council would do another set of public hearings after adoption but before final conformance.

Mr. Weingart asked if there were any other comments from members and none were received. He then opened a public comment period.

PUBLIC COMMENT:

Steve Shaw, Counsel for Warren and Hunterdon Counties. Mr. Shaw said that he did not believe the response the Council has received regarding COAH is sufficient. He said that the State Plan will be adopting its own plan and a municipality that does not have state planning designation for their project, a developer will be able to go against a municipality that does not have substantive certification will be subject to a builder's remedy. He thought the way the COAH regulations work, they are on a growth share methodology. Any municipality that is a receiving area will incur additional COAH obligations as a result. The Council should have MOAs before it adopts the RMP. Mr. Weingart said we were in agreement that we wanted the MOAs, but asked Mr. Shaw if the thread he was concerned about was that the State Planning Commission will change its plan, and Mr. Shaw said he believed they will.

Ms. Carluccio said the Council's Plan is not mandating any growth. Mr. Peterson stated he believed that the issue is all the layers of restriction, and Ms. Kovach said that if there are depletive water issues, and no sewer capacity, how to ensure that improper growth does not occur and asked if they will have substantive certification by the time the Plan is adopted. Ms. Pasquarelli noted that 4% of the land area to be identified as suitable for growth is mandated by the Act. Mr. Shaw said if the Council identifies an area suitable for development, it will open towns up to builders' remedy lawsuits.

Mr. Dillingham asked Mr. Borden to review this issue and get back to the Council with clarification because the issue keeps coming up and needs to be resolved. Ms. Pasquarelli asked if Mr. Borden could talk to Mr. Shaw outside of the meeting to clear this up. Ms. Letts noted that the Council has been encouraging towns to get substantive certification and has provided grants for them to apply for certification.

Paul Chrystie, Executive Director of the Coalition for Affordable Housing & the Environment. Mr. Chrystie said that Mr. Shaw is incorrect because even if the Council identifies an area appropriate for growth, it is not mandating it. He said that an area is suitable for growth because it is suitable and meets the requirements according to science, not simply because the Council says so. He stated he did not believe that the Council is creating a problem, and that the provision that would require substantive certification would avoid any possible

problem. Mr. Chrystie said that nearly all Highlands towns are already in the process, and that COAH will be helpful and quick to address Ms. Kovach's question about substantive certification.

Greg Poff, Byram Township. Mr. Poff thanked the Council for the opportunity to participate in the municipal partnership program regarding development of a village center in the town. He also thanked the Council for the item on the agenda at the meeting today about MOAs with agencies. He said that Byram Township would encourage the Council to continue to have the agreements in place and guide coordination because it would be a benefit to Byram Township. Mr. Poff stated that the Byram Township Council resolved Monday that designated town centers will not be changed by the Council and provided a copy of the resolution to the Council. He stated he looks forward to the release of the draft Plan and working with the Council.

Dave Peifer, Association of New Jersey Environmental Commissions. Mr. Peifer commented regarding the Plan Conformance document. He said the State Planning Commission addresses a multitude of issues. One observation he made was that the process seems to be present but believes that it should be reordered. He thought it would be better if municipalities have a clear starting point, and where to go next, and so on. He noted that this is a labor intensive process from a political standpoint. Towns may find that the process is not implementable. Mr. Peifer said the process may be too cumbersome, and said that he would provide a written comment. He wants to know how the GIS mapping information will be provided to the towns. Mr. Peifer said he also would like to know as to the petition for Plan Conformance requirements, that there are many resource assessments required. He asked if these are something the town will do themselves or if the Council will collaborate or provide the information to them. Chairman Weingart suggested that these issues be presented in writing if possible.

David Shope, Lebanon Township. He provided a couple articles from the Star Ledger. He said that he believes that agriculture is not viable. He said that New Jersey ranks 50th out of 50 states in small business. Middlesex Water Company has raised its quarterly dividends thirty times because it sells water at full price. Mr. Shope asked how the exemptions will provide for deaths.

Andy Drysdale, Chester Township. Mr. Drysdale said he lives in the Preservation Area. He said he is encouraged by statements at the last Council meeting where members stated they appreciate the public comments. Mr. Drysdale provided his comments in writing to the Council.

Richard Hudson, Mayor of Hopatcong. Mayor Hudson said he sent the Council a memo and the members should be receiving it soon. He said the Council is supposed to adopt a Plan based on science and he hopes that it is better than what was used in the Act. Mr. Hudson said the Council is not touching town centers, but that it is writing new rules. He said the fear is how the Council will use this new science.

Helen Heinrich, NJ Farm Bureau. She stated with regard to the 6 documents which were provided to the public at the meeting, that she liked the farm to market roads included in the language, and agreed that Mr. Shope was correct when he mentioned that farms are supposed to be businesses. She said that large lot zoning is the sure death of farming in the Highlands. Ms. Heinrich said she hopes that the Council is serious about preserving agriculture and sticks with the smart design standards to avoid the loss of contiguous farmland. With regard to recreation and tourism she said the document doesn't refer to agritourism, and believes the potential is great for agritourism. Ms. Heinrich said the Plan is supposed to be comprehensive and if the smart growth or design standards become watered down then that will defeat the purpose. Towns that do not opt in are still subject to the DEP Highlands regulations. She said she is also looking forward to the coordination with the State Planning Commission. Ms. Heinrich said that she appreciates that funding is an issue the Council is focusing on.

William O'Hearn, NY/NJ Trail Conference, and Councilman of Ringwood. He said that as to the recreation and tourism document, that the Highlands trail is not mentioned. It is NJ's State Trail from Bear

Mountain in New York all the way to Phillipsburg. Fundamentally his experience is that it will take more than two towns to make tourism work. He said that the Highlands are under marketed. As to the transportation document, item number 4, Mr. O’Hearn said he agrees with Mr. Dillingham as to agreement on principles. He believes the Council is taking a neutral position as to the Lackawanna Cutoff project and noted his strong opposition to the project. Mr. O’Hearn said that he would want more trails and bike paths that connect recreation areas. He also asked where ATVs and off-road vehicles will be addressed in the Plan.

Julia Somers, Highlands Coalition. Ms. Somers said she hopes that one day she will be able to access the data layers on line. She said thankfully on Tuesday ballot question 2 was passed to upgrade capacity issues as to State parks. She said that the renewal of the GSPT is hugely important and cannot be understated.

Mr. Schrier said the Act has been perceived as being rushed through. The task force began its work in 2003, concluded in February of 2004, the Act was introduced in March of 2004 and was signed in August of 2004, and stated his first comment to the joint committee was that “it is all about the money.” He said two years later we are still going through the mechanics. Mr. Schrier noted that a few words can create chaos and said the Council needs to be careful of language chosen in the Plan. He remarked that the Act was passed, and look what it has wrought. Mr. Schrier complimented his colleagues on the work they have done to date on the Plan.

Mr. Weingart asked if there were any other members of the public or Council wishing to comment, and none did. He noted that would conclude the meeting, and reminded that the meeting on November 20th would begin at 3:00 p.m.

ADJOURN:

Ms. Letts motioned to adjourn, Mr. Schrier seconded, all were in favor, and the meeting ADJOURNED at 1:10 p.m.

<u>Vote on the Approval of Minutes</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	_____	__x__
Councilmember Calabrese	__x__	_____	_____	_____
Councilmember Carluccio	__x__	_____	_____	_____
Councilmember Dillingham	__x__	_____	_____	_____
Councilmember Kovach	__x__	_____	_____	_____
Councilmember Letts	__x__	_____	_____	_____
Councilmember Pasquarelli	__x__	_____	_____	_____
Councilmember Peterson	_____	_____	_____	__x__
Councilmember Salovaara	__x__	_____	_____	_____
Councilmember Schrier	__x__	_____	_____	_____
Councilmember Vetrano	__x__	_____	_____	_____
Councilmember Way	__x__	_____	_____	_____
Councilmember Weingart	__x__	_____	_____	_____
Councilmember Whitenack	_____	_____	__x__	_____



Dated: November 20, 2006

John Weingart, Chairman