

## **MINUTES**

### **NEW JERSEY HIGHLANDS COUNCIL MEETING OF FEBRUARY 17, 2005**

#### **PRESENT:**

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

#### **ABSENT COUNCIL MEMBERS:**

KURT ALSTEDE  
JACK SCHRIER

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 February 17, 2005 at 10:00 a.m.

#### **CALL TO ORDER:**

The Chairman of the Council, Mr. John Weingart, called the fifth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:05 a.m. Mr. Weingart advised that Mr. Mikael Salovaara would be delayed but was expected to arrive later.

#### **OPEN PUBLIC MEETINGS ACT:**

Chairman Weingart announced that this 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 3, 2003 meeting:**

Ms. Eileen Swan noted that the following addition should be made to page 7, last paragraph: “and he also suggested there might be some cost sharing for the project with Pennsylvania.”

Ms. Swan noted that on page 14, paragraph 5, first sentence, the gentleman’s name should be Mr. David Shope, not Mr. William Shope.

Ms. Tracy Carluccio requested that on page 3, paragraph 4, there should be added to the end of the last sentence, “and that DEP expects to have a draft of their rules ready in March for review by the Council.”

Ms. Janice Kovach then made a motion to approve the minutes of February 3, 2005 with the changes requested, Mr. Glen Vetrano seconded the motion, all members voted in favor, except for Ms. Mimi Letts who ABSTAINED, and the minutes were APPROVED.

**CHAIRMAN’S REPORT:**

Mr. Weingart reported that the Highlands Act requires the establishment of a Tax Stabilization Board to stabilize local property tax revenues in the Highlands region. According to the Act, the Board is to be comprised of three persons knowledgeable in local property tax matters appointed by the Governor. The Council is invited to recommend candidates to the Governor. Mr. Weingart then asked that if any of the members wish to make any recommendations to kindly let him or Mr. Adam Zellner know as soon as possible.

Mr. Weingart reported that he sent a memorandum to all Council members the previous day regarding recommendations on Council committee structure and that it would be discussed later in the day.

Mr. Weingart then asked if any member wished to report, and since none did, he asked for the Executive Director’s report.

**EXECUTIVE DIRECTOR’S REPORT:**

Mr. Zellner said that he provided the members with a chart in their meeting packets outlining budget items and various programs which will be developed in the near future with the DEP.

Mr. Zellner then introduced the Council staff to the public. He also recognized the various agency representatives present at the meeting, including Maura McManimon, the

Executive Director of the Office of Smart Growth, and Monique Purcell from the Department of Agriculture.

Mr. Zellner announced that Commissioner Susan Bass-Levin would be making a presentation on transfer of development rights pilot projects and gave a brief introductory presentation on TDR. He concluded by saying that after the Commissioner's presentation, the Council would consider a resolution by which it would be involved with the pilot TDR projects.

Chairman Weingart then opened a public comment period.

#### **PUBLIC COMMENT:**

David Zimmerman, Planner for Independence Twp. Mr. Zimmerman stated there is a significant area along Route 517 within the Highlands preservation area, which has water and sewer lines, and is zoned for business. The town wants to put 275 multi-family houses including affordable housing units as well as commercial development there. Mr. Zimmerman claims that this area is in a town center, and that the town needs it in order to meet COAH needs. He suggested looking at it as a ratable base, and asked the Highlands Council to petition the Legislature for change in the preservation area boundary lines.

Mr. Weingart noted that the Council is new and is still considering how to perform its tasks in accordance with the boundary lines established by the Legislature.

Mr. Mikael Salovaara noted that when the Council was asked previously about potential boundary line changes, the Council directed the inquirers to the Attorney General's office. He noted that if Mr. Zimmerman was interested, the Highlands staff could provide him with the names of the persons who had inquired.

#### **INTRODUCTION ON TDR PROGRAM:**

Mr. Weingart then directed that further public comments be postponed and invited Commissioner Bass-Levin to make her presentation.

#### **PRESENTATION BY COMMISSIONER BASS-LEVIN:**

Susan Bass-Levin, Commissioner of the New Jersey Department of Community Affairs, thanked the Council for all their hard work and for devoting time to the preservation of the Highlands. She announced that her presentation would focus on these main topics: cross-acceptance, affordable housing, and TDR.

With regard to cross-acceptance, Commissioner Bass-Levin noted that the Act requires that towns in the planning area receive plan endorsement from the State Planning Commission. The State Planning Commission is currently working through cross-acceptance with Highlands Counties and that Highlands Council staff has been attending

those meetings. This will ensure consistency in addressing environmental resources and planning needs. The process is expected to wrap up this fall.

With regard to affordable housing, the Commissioner noted that under the current rules, as a town grows, the town assumes an obligation to provide affordable housing. It makes sense for towns to plan comprehensively for what its future should be. The DCA will look at environmental suitability, including the Highland Act regulations and RMP.

With regard to the rehabilitation component, the Commissioner explained that it will be based on the number of deteriorated units in a town. The new regulations do not require additional units, but deteriorated units need to be brought up to code. Regarding prior-round obligations, all towns must satisfy these before they can address growth needs. However, if a town believes it needs modification because of the Highlands Act, the town is invited to meet with DCA to work out a plan to address not only the third round obligations, but also second round. At the Meadowlands, the DCA has assigned a planner to work on affordable housing and would be amenable to doing that here in the Highlands.

With reference to Residential Site Improvement Standards, under the Highlands Act, Commissioner Bass-Levin and DEP Commissioner Bradley Campbell will consult with the Highlands Council. She has asked that DCA staff deal with the DEP and the Highlands Council to come up with appropriate standards.

Commissioner Bass-Levin noted that the statewide TDR law was signed in March 2004 to address density challenges. There is the need to protect environmental resources and strengthen agricultural resources, at the same time looking to where sensible development can be undertaken. The State can greatly benefit from TDR. In addition, the Highlands Act specifically directed DCA to develop pilot TDR programs in the Highlands.

Commissioner Bass-Levin explained there are planning challenges that go along with preservation. TDR gives towns the ability to transfer development potential to a separate receiving area where the infrastructure exists or is planned. The law gives towns flexibility to meet their needs. TDR can be used in a number of ways. It can preserve environmental resources such as farms or can be particularly helpful to send credits from the preservation area to the planning area, or outside the region to other counties, and can do so at no cost to taxpayers. It is not practical to buy all the significant lands, TDR allows preservation in another way.

Commissioner Bass-Levin advised that the Office of Smart Growth has been working on TDR demonstration projects. Some are concerned that TDR may be too complicated for a town to take on. Commissioner Bass-Levin said that having been a mayor herself, she is aware of the challenges that mayors face. DCA was specifically interested in pursuing the TDR pilot projects to demonstrate that TDR is doable. Last week DCA announced six pilots, some will preserve farms, others wetlands or woods, and historic areas. Each project is unique. Each addresses the needs of that town. She advised that the projects are designed to show towns what they can do. A guidebook that will help other towns as

they consider TDR is being prepared. The towns that were ready to move forward were selected.

Commissioner Bass-Levin said that she was very pleased to be able to announce today three Highlands TDR demonstration projects: Oxford Township, Lodi and Prospect Park.

Commissioner Bass-Levin first asked the Mayor of Oxford, Mr. Alex Lazorisak, to come up to receive a commemorative certificate acknowledging Oxford's participation which she presented to him.

Commissioner Bass-Levin noted that Oxford is partly within the preservation area and partly in the planning area. There is a recently closed textile manufacturing site which will feature mixed-use development. The town will be involved in the planning and the land that needs to be preserved will be preserved. Parameters for future growth will be established. Oxford Township received a \$65,000 Smart Future grant.

Mayor Lazorisak said the Township is dedicated to making TDR work in Oxford.

Mr. Salovaara said he was interested in Oxford because of its location being partly preservation area and asked the Mayor if the receiving area was delineated.

Mayor Lazorisak responded it was, and that it is 85 acres. The textile plant lot is 200 acres, but wetlands decreased the usable area for the receiving zone to 85.

Mr. Vetrano asked if Oxford had only one developer for the demonstration project and Mayor Lazorisak responded that a developer(s) has not been selected yet. He noted that Oxford wants to see this project implemented quickly, but will not rush on choosing developers.

Ms. Lois Cuccinello thanked Commissioner Bass-Levin for jump-starting TDR and for helping towns outside the Highlands region. She congratulated Commissioner Bass-Levin and Mayor Lazorisak and noted that the Highlands Council is enthusiastic about TDR and will be tracking these pilots closely.

Mr. Salovaara asked Commissioner Bass-Levin if there is a practical limit on the extent that TDR can be used. He asked that if TDR is finite, should we start with public sending areas before private ones. Commissioner Bass-Levin replied that cases are all fact sensitive and TDR is just one of many tools that towns have. TDR will either work or not work depending on the circumstances. Determinations will have to be made on how best to implement the Highlands Act. Here, OSC asked for towns that were interested in the TDR pilot, and 14 towns came forward at which time the specifics of each town were analyzed.

Mr. Ben Spinelli asked Mayor Lazorisak what attracted Oxford to participating in the TDR pilot project. The Mayor said the change was desirable as a way to obtain compensation, preserve the outskirts of the town and direct development to the

downtown. Mr. Spinelli noted that TDR serves as an additional tool (beyond the other existing tools) that can achieve a town's goals. He also added that TDR can make it attractive for developers to come in and redevelop downtown.

Ms. Mimi Letts said she wanted to echo what Ms. Cuccinello said, saying she is also enthusiastic about TDR. Revenue is a significant issue in preserving land in the Highlands. She asked how the Council should evaluate the success of this pilot and asked how credits will be established.

Mr. Weingart noted that the Oxford Township project will be the type of TDR that is within a town so bank credits will not be used. Other projects (i.e. where credits are used outside the town) will use bank credits. Commissioner Bass-Levin added that for Highlands TDR to be successful, it would be desirable to send outside region.

Ms. Tracy Carluccio asked what the public input was with the pilot project and Mayor Lazorisak responded it had been very good and that people in town have been looking for ways to revitalize since Oxford is an old mining town. There is public support for revitalizing the downtown area and protecting the historic buildings.

Next, Commissioner Bass-Levin spoke about the TDR demonstration project in Lodi, Bergen County. She noted it is another example of a receiving area being established outside the Highlands region. The town will accept credits from the preservation area. The proposed receiving area in Lodi is a large under-utilized industrial area, formerly a BASF plant. She noted that revitalizing sites like old industrial plants represent a wonderful demonstration of smart growth -- replacing an old manufacturing site with new development.

The last project Commissioner Bass-Levin addressed was Prospect Park, Passaic County, also not in Highlands region, which is willing to accept credits from the Highlands. There is a soon to be closed quarry on a 78 acre site. The site represents one quarter of the town's size and has the infrastructure to accept growth. This demonstration project shows how TDR can be done on a regional basis.

Commissioner Bass-Levin then presented Mayor William Kubofcik of Prospect Park with a certificate acknowledging the town's participation in the pilot project. She noted that the town had received a \$20,000 Smart Future grant. The Commissioner said that she looks forward to working with the town and mayor.

Mayor Kubofcik thanked Commissioner Bass-Levin for the certificate and mentioned that he worked on urban study planning while in college. He is happy to be partnering with the State in making the town's vision a reality. Mayor Kubofcik noted the site is privately owned and it's going to be a challenge because the corporation who owns the quarry is extremely large. The original performance bond for this site was only \$25,000. He was proud to announce that the town had been successful in getting the company to amend it to a \$2.5 million performance bond.

Mr. Weingart wished the Mayor well and noted that the Council would be happy to assist in any way.

Commissioner Bass-Levin recognized that establishing successful TDR pilots in the Highlands is just one part of the development of the regional master plan and noted that there is much work to do. She said she'd be working with the Council and specifically would work on assisting towns outside of the Highlands as they consider the financial benefits they can obtain by participating in TDR when they grow. She noted that the benefits are substantial, and specifically include the ability to recover impact fees (something only possible when accepting TDR credits). She extended her appreciation to everyone on the Council and said she looks forward to protecting the environmental resources in the Highlands.

Chairman Weingart thanked her for her presentation and said that the Council looks forward to working with her in the future. At 11:10 a.m., Mr. Weingart announced a short break.

At 11:25 a.m. Chairman Weingart called the meeting back to order and opened the floor for public comments.

**PUBLIC COMMENT:**

Marcia Karrow, Hunterdon County, Board of Chosen Freeholders. She stated her concern about the "COAH hook". Ms. Karrow noted that in Section 11 of the Act, it says that the Council will recommend to planning areas voluntary development plans, but then in Section 13 the Act states the Council will determine planning areas. She said a lot of towns in the region do not want growth. Ms. Karrow said there should be a water tax. The Hunterdon County Planning Board wrote to Commissioner Bass-Levin seeking to get Hunterdon County "out of the COAH hook" in Section 5:94. Ms. Karrow then asked for the help of the Council.

Jack Guerin, Morristown, taxpayer. He mentioned a newspaper article about the Highlands bill from a year ago which says there will be no money in the budget to compensate landowners. Mr. Guerin believes that TDR will not be a sufficient funding mechanism. He said he believes that funding is the main issue and wondered what the Council members are being paid.

Mr. Weingart suggested that Mr. Guerin stay to hear the afternoon's TDR presentation.

Ms. Debbie Pasquarelli noted that Council members are not paid and their participation on the Council is strictly volunteer.

Wayne Najducl, Independence Township. He wanted to give additional details about the development of the shopping center on Route 517 and Old Allamuchy Road which was mentioned earlier in the day by another public commenter, Mr. Zimmerman. He said it is currently in public hearings. The first one already took place, and the second one will be



on March 2<sup>nd</sup>. No DEP permits have been issued at this point. He wanted the Council to know that the developer and the town are under litigation because of the environmentally sensitive nature of the area – it is steep slope and large amounts of stormwater come down into the basin and never leave the basin. Mr. Najduel said developers want to fill the basin and then macadam. All the neighbors around this development area are against it. Soil modifications were done a year ago without any permits even though the town said not to, they did anyway. Then Warren County Conservation came in and stopped the developer. He advised that it was an area which should be addressed.

Kim Ball Kaiser, Highlands Coalition, Vice-Chair, Project Director. Ms. Kaiser urged the Council to make certain to review the DEP regulations and provided written comments to Mr. Zellner for consideration.

George Melick, Hunterdon County Freeholder and John DiMaio, Warren County Freeholder. Mr. Melick noted that existing provisions in the Municipal Land Use Act would alternatively allow the redevelopment of Oxford Township's industrial site as “planned development.” He said the Highlands Act should not take credit for Oxford's TDR program because the town could have sought redevelopment of the industrial site another way. Mr. Melick also stated that there are flaws in the Highlands Act because there should be a fee on water and this could fund reimbursement of the cost to buy land. A water fund could provide payments in lieu of property taxes and the establishment of water rates can be used to promote conservation. Mr. DiMaio believed that the amount of fees charged should be utilized to penalize people for over-using or wasting water.

Jeff Tittel, Director, Sierra Club. Mr. Tittel said he supports TDR but believes the Council needs to do capacity analyses first. TDR should be delayed until after an evaluation has been done to determine how many Highlands credits are actually there and how many units are needed to transfer out of the Highlands. When looking at environmental constraints, the impacts on water resources have to be considered before transferring credits out of the Highlands. Oxford is a C1 stream and would have to deal with that even if it is brownfield. It is an environmentally sensitive place. Mr. Tittel asked that the Council look at clarifying legal policies to deal with issues that will undoubtedly come up as to the regulations.

Mr. Mikael Salovaara asked with regard to the TDR presentation given that morning, whether his understanding is correct that no matter what is done, today the six demonstration projects mentioned will go forward.

Mr. Tittel replied “yes, it is” and he believed the Council should give its input because the value of credits needs to be determined.

David Shope, Long Valley. Mr. Shope advised that the NJ Water Supply Authority is currently doing its annual rate review process and is accepting comments. Spruce Run Reservoir/Round Valley charges 11 cents per person, per year. Mr. Shope proposes \$25 dollars per person per year. He asks that the Council speak with Henry Patterson of the



New Jersey Water Supply Authority. He believes the cost of development rights has to be absorbed.

Tom Dallessio, Regional Planning Partnership. Mr. Dallessio advised of a program that may be of interest to the Council which RPP is sponsoring. It will be held February 23<sup>rd</sup> at the Bloustein School at Rutgers in New Brunswick called, "How Can We Afford Smart Growth at 3:00p.m. Also, on March 9<sup>th</sup> at the College of New Jersey, experts from Michigan and Massachusetts will give a presentation. On March 23<sup>rd</sup> another meeting will take place on differential taxation regarding land use assessment. Mr. Dallessio advised that white papers will be provided at all the meetings and RPP wants to prepare drafts to the Legislature.

Kent Hardmeyer, USDA. Mr. Hardmeyer announced he will be working with the Council staff regarding the Agricultural rules and came to the meeting today to introduce himself.

Mr. Zellner reported that as to TDR, the Council and staff will be working hard not to prejudice the TDR plan. There are many towns other than the demonstration towns which Commissioner Bass-Levin mentioned that are interested in the plan. TDR is voluntary and towns do not have to participate if planning in the planning areas is not desired.

Ms. Swan noted that the Mayor of Oxford made the TDR pilot plan work for his town, and said the Mayor is to be commended for his efforts, and added that, for the record, the Council is not seeking to take credit for this accomplishment.

Mr. Tim Dillingham thanked the public for their comments and asked that they submit their concerns to the Council in writing. He noted that the Council plans to do a land capability map in order to implement the Act, and that it will be based on science.

Ms. Debbie Pasquarelli added that she and Ms. Janice Kovach attended the Hunterdon County cross-acceptance meeting. She noted that concerns are being raised about how COAH obligations may be impacted by the Highlands Act and suggested that the issue be addressed as the Council moves forward.

#### **CONSIDERATION OF TDR PARTICIPATION (voting matter):**

Mr. Weingart asked the Council to take up consideration of the Resolution for TDR participation which was included in their meeting packets. Ms. Swan and Ms. Tracy Carluccio presented proposed amendments. Mr. Salovaara pointed out that the word "towns" should be changed to "municipalities" throughout, and also that a verb was missing on page 1, in paragraph 8, the word "are" should be added after the word "that."

Ms. Cuccinello stated the Council's role is to promote finding out more about TDR because at this point it is unknown how much money will be generated by TDR.

Ms. Letts asked that the TDR demonstration projects be for study purposes only, and not for setting precedents.

Mr. Vetrano said that he supports TDR but has concerns over the number of municipalities that showed interest such as Prospect Park. He believes confidence needs to be built because it will take a long time to see the benefit of redeveloping a quarry. He suggested people could have been more inspired by other pilots.

Mr. Salovaara wanted to know how the quarry project was selected, and Mr. Zellner answered that meetings were held with the Office of Smart Growth, DEP, and also site visits were made. Mr. Zellner stated that the staff was assured that the project was appropriate.

Ms. Pasquarelli asked how to define the end result of the pilot quarry project since it is so long term, and Mr. Zellner said even though results won't be seen for some time, it would be a good project to utilize and develop a guide for future TDR projects on similar large scales. He added that both small and large projects for demonstration projects were selected, and since it is a large project, it was decided to start it sooner than later.

Ms. Letts asked how to decide on the economics of the program. Mr. Zellner said through the adoption of the resolution today, by authorizing staff to do the work on the demonstration projects, Council staff will set up the mechanisms for determining how many credits are given to each case. The procedures are being established now so that it can be determined how much a credit will cost.

Ms. Swan moved the Resolution for TDR participation with the amendments, the motion was seconded by Tim Dillingham, all were in favor, UNANIMOUS.

### **EXECUTIVE SESSION**

At 12:30 p.m., Mr. Scott Whitenack made a motion to break for lunch and that Executive Session be conducted over lunch, which Mr. Salovaara seconded. All were in favor, UNANIMOUS.

### **LUNCH**

Break was from 12:30 to 1:55.

### **REPORT ON EXECUTIVE SESSION**

Mr. Weingart called the meeting back to order at 1:55p.m. He reported that during the Executive Session the members were briefed by legal counsel concerning two lawsuits challenging the Highlands Act and received legal advice concerning the role of state agencies as set forth in the Highlands Act. Mr. Weingart further stated that the Council considered entering a legal services agreement with the Attorney General's Office.

Mr. Weingart then read aloud a Resolution authorizing the DEP work group to initiate discussions with the NJDEP concerning the relationship between the Highlands Council

and the DEP on Highlands matters. Ms. Carluccio made a motion to adopt the Resolution, Ms. Swan seconded the motion, all were in favor, UNANIMOUS.

Mr. Weingart then read aloud a Resolution authorizing staff to enter into a legal services agreement with the Attorney General's office for the remainder of Fiscal Year 2005. Mr. Salovaara moved the Resolution. Ms. Pasquarelli seconded. All were in favor, UNANIMOUS.

Mr. Weingart then introduced Mr. Larry Baier, Director of the Division of Watershed Management at the NJDEP for his presentation.

### **PRESENTATION:**

Larry Baier thanked Chairman Weingart and the Highlands Council for inviting him to the meeting.

He gave a power point presentation on the DEP Highlands regulatory program. Mr. Baier discussed passage of the Highlands Act, the locations of the preservation area and planning areas, and the definition of major highlands development.

He explained how DEP had established a Highlands preservation area approval that encompasses all related aspects of the regulatory programs administered by the DEP.

He described each of the exemptions set forth in the Act. He also described the Highlands letter of interpretation which is available to applicants.

Mr. Baier then described the rules that the Act requires the Department to adopt within 270 days of adoption. He described the role of the Division of Watershed Management in the application process and in consistency determinations under the Water Quality and Management Planning Act. He said the Department is looking forward to working with the Highlands Council.

Ms. Carluccio asked Mr. Baier about his statement that Water Quality Management serves as “gatekeeper” to counties in their planning areas, and whether those plans were being rewritten.

Mr. Baier replied that the DEP is in the process of sending mapping out to the planning agencies and DEP is taking a conservative approach. The Department will be asking the agencies to verify that DEP has mapped their area correctly. Mr. Baier added that only after DEP hears back from the planning offices will they officially adopt plans.

Ms. Carluccio asked about public involvement and Mr. Baier explained that the water quality management plan development process includes a public comment period.

Mr. Baier addressed the fact that as to coordination between the DEP and the Council, NJDEP has begun sending copies of all its determinations to the Council.

Mr. Weingart thanked Mr. Baier for his presentation, and noted that the process for coordination on exemptions is an agenda item at tomorrow's DEP work group meeting.

Chairman Weingart then introduced Mr. Jim Tripp, a nationally recognized expert on TDR, for his presentation on TDR.

#### **PRESENTATION:**

Mr. Tripp and Mr. Jason Patrick, of Environmental Defense, Mr. Tom Dallessio, of RPA and Ms. Chris Sturm, of NJ Future then gave a power point presentation. Mr. Jim Hess of Regional Planning Partnership, and Mr. Rob Pirani were also present to assist in the presentation and were contributors to the compilation of data being presented.

The groups made their presentation to assist the Highlands Council in thinking about TDR. They discussed preservation goals, regulatory options, acquisition costs, and how TDR can help.

They discussed the need to identify what land is not environmentally constrained, and to set a priority for land acquisition. They concluded that if the Highlands Council determines to preserve all acres in the preservation area, it would total 300,000 acres. They stated that under the Act the preservation area is not a no-build area. They estimate that several thousand units could be built in the preservation area alone. They conclude that there are limits to an acquisition strategy since there is not enough money available to buy all the land.

They described that prices are likely to rise and that acquisition depends on willing sellers. They believe that there will be a funding gap between the money available for acquisition, and the number of acres that will be desired to be acquired. They suggest that TDR is an excellent way to bridge that gap.

They conclude that if the TDR program identifies 5,000 acres for receiving it will get four extra units at \$20,000 per credit. The TDR program could thus garner \$400 million dollars.

They further note that there are different types of TDR, specifically, either intra-municipal or regional. Finally they described the workings of a TDR bank.

Mr. Dillingham thanked the groups for their presentation and Ms. Carluccio asked the groups to send the Council suggestions on prioritizing land.

#### **DISCUSSION ITEMS:**

Mr. Weingart then asked the members to consider the chair's proposal to establish eight committees. The proposed committees are as follows:

1. Local Officials and Public Participation
2. Economic Development and Project Review
3. Land Acquisition and TDR
4. Budget & Finance
5. Personnel
6. DEP and Agriculture
7. Interagency/Cross-Acceptance
8. Plan Draft Review

Ms. Pasquarelli asked to be moved from the Economic Development & Project Review committee to the Local Officials and Public Participation Committee. In her place, Mr. Glen Vetrano agreed to move to the Economic Development Project Review committee from the Local Officials committee.

Ms. Carluccio suggested each committee appoint a vice-chair. Mr. Weingart agreed and advised that each committee should choose a vice-chair at one of their early meetings.

Mr. Weingart said that members could sit in to another committee's meeting from time to time. If any member wished to change assignments, to see him as soon as possible.

Chairman Weingart noted that he spoke with absent Council member Mr. Schrier about these committee changes previously, and that he was generally supportive of them.

Ms. Pasquarelli then made a motion to approve the committee structure. Mr. Vetrano seconded the motion. All were in favor, UNANIMOUS.

#### **PUBLIC COMMENTS:**

Wilma Frey, Highlands Coalition. Ms. Frey asked if committee meetings would be public. Mr. Weingart said they would not be public meetings as defined by the Open Public Meetings Act in that a quorum of Council members would not be present at any committee meeting and the committees would not be empowered to make decisions. Mr. Weingart and Mr. Di Pirro pointed out that public involvement would be actively sought throughout the development of the regional master plan. Ms. Frey then provided copies of the Highlands Coalition's Treasures map to all the Council members.

Lorraine Caruso, ecologist and biologist. Ms. Caruso is worried about whether water preservation will be the main focus and goal of the master plan. She stated the fact that so many other factors and issues come into play, she expressed her hope that the Council does not become distracted. She suggested the Council look to the environmental community for conductivity studies to determine the extents of aquifers. She offered the idea that entire Highlands valley can be considered aquifer recharge in essence.

David Shope, Long Valley. Mr. Shope said that TDR receiving communities will also have to consider the impact on jobs and COAH obligations. He said sending

communities are getting off “scott-free” because they are getting all the benefits but the receiving towns pay for the growth.

Ms. Letts pointed out that as the population in New Jersey ages, people are looking for alternative living and it appears that those people are looking to urban areas.

Mr. Spinelli noted that the protection of water is important to the population already existing in the Highlands region, and that it’s not just population growth which is a concern.

Sandy Batty, ANJEC. She provided to the Council copies of a memorandum regarding DEP Highlands regulations.

Pat Matarazzo, Rockaway Township, asked if the Highlands Act gives the DEP right of first refusal in land acquisition. Mr. Dante Di Pirro advised that that section was deleted during legislative drafting and is not part of the existing law.

Kathleen Caren, West Milford. Ms. Caren expressed her hope that people don’t get so caught up in wanting to be compensated monetarily that protection of the water is compromised. She also asked the Council to revisit the Eagle Ridge townhouse development project.

Bill Wolfe, West Amwell Twp. Mr. Wolfe said regarding TDR constraints, there are many other important factors which he didn’t see demonstrated in the presentation given earlier, and he hoped they are considered. He urged the Council to talk to their counselor regarding it’s vulnerability as to takings challenges.

Mr. Vetrano made a motion to adjourn, Mr. Scott Whitenack seconded the motion, all were in favor, UNANIMOUS.

**ADJOURN:**

The meeting adjourned at 4:00.