

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF APRIL 5, 2007**

JOHN WEINGART ) CHAIRMAN  
KURT ALSTEDE )  
TRACY CARLUCCIO ) COUNCIL MEMBERS  
ELIZABETH CALABRESE )  
TIM DILLINGHAM )  
JANICE KOVACH )  
ERIK PETERSON )  
JACK SCHRIER )  
GLEN VETRANO )  
TAHESHA WAY )

**VIA TELECONFERENCE:**

SCOTT WHITENACK )

**ABSENT:**

MIMI LETTS )  
DEBBIE PASQUARELLI )  
MIKAEL SALOVAARA )

**CALL TO ORDER**

The Chairman of the Council, John Weingart, called the 47<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:12 am.

**ROLL CALL**

The members of the Council introduced themselves.

**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, location of this meeting to pertinent newspapers or circulation throughout the State.

**PLEDGE OF ALLEGIANCE** was then recited.

**MINUTES OF MARCH 22, 2007:**

Mr. Schrier made a motion to approve the minutes of March 22, 2007. Ms. Calabrese seconded the motion. Mr. David Shope mentioned that at a previous meeting, he made comments referencing the amount of methane in the water. The meeting minutes should be corrected to reflect that he said **23 times** the amount, not 23 percent and that the material he submitted was not attached to the minutes. Mr. Weingart noted that the minutes would

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF APRIL 5, 2007**

reflect the clarification. Mr. Alstede abstained from the voting and the minutes were approved with a 10-0 vote in favor.

**MINUTES OF MARCH 30, 2007:**

Mr. Schrier made a motion to approve the minutes March 30, 2007. Ms. Calabrese seconded the motion. Ms. Way abstained from the voting and the minutes were approved with a 10-0 vote in favor. There were no public comments.

**CHAIRMAN'S REPORTS (and Council Members Reports)**

Chairman Weingart announced that the Council meeting on Thursday, April 12, 2007 was cancelled in lieu of the Council meeting on April 5<sup>th</sup>. He mentioned that the next Council meeting would take place on May 10<sup>th</sup>, 2007 at 10 am, unless pressing matters called for an earlier meeting time. Chairman Weingart also announced that the Council will try to schedule most of the committee meetings before the full Council meets on May 10<sup>th</sup>.

**ACTING EXECUTIVE DIRECTOR'S REPORT**

Mr. Borden advised the Council members that the mandatory ethics training and financial disclosure information was included in their meeting packets and that Ms. Kaiser has ethics forms that the Council members needed to fill out. Mr. Borden mentioned that for those members that could not attend the ethics training there might be a way to attend the ethics training over the Internet but that this training had yet to be scheduled. Mr. Borden informed the Council that their packets included a copy of the Highlands Council's annual report and an updated Council and staff directory and phone list.

Mr. Borden reported the recent activities of the Council staff. A delegation from South Korea visited and expressed interest in the utilization of the GIS system for their transportation planning. The group was from a province surrounding Seoul, South Korea. It was a very good meeting between their planners and the Council's GIS staff. Mr. Borden mentioned that there may be another meeting with an additional delegation in the fall.

Mr. Borden advised the Council regarding the municipal outreach the staff had taken part in. There have been several meetings with various municipal councils, planning boards, and environmental commissions. The meetings have been very successful as they give the municipalities a chance to meet with Highlands staff and have the staff address any concerns they may have in the preparation comments.

Chairman Weingart asked if the mailings on the TDR Grant program had been mailed out to the municipalities. Mr. Borden replied that the mailings were indeed mailed out and that they were sent to all 218 municipalities in the 7 counties.

Mr. Dillingham asked if the notes from the meetings with the planners were being treated as public comment, as that is what they, in essence, are. Mr. Borden replied that they were taking notes from the meeting but that everything that was being said was not considered public comment. However, the counties and municipalities may submit their formal comments before the May 11, 2007 comment period deadline and will be taken into consideration in the finalization of the Plan.

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF APRIL 5, 2007**

Mr. Alstede asked if the letter to the State Ethics Commission regarding participation of elected officials in deliberations had been sent out and if the Council staff had received a response. Mr. Borden replied that the staff did not receive a response because the letter had been drafted but, as yet, was not finalized. The staff wanted to capture the full range of issues for the Commission and the letter would be sent out within a week's time.

**COMMITTEE REPORTS**

**Audit Evaluation Committee.** Ms. Carluccio reported that the Audit Evaluation Committee met that morning and that the responsibilities of the committee are outlined in various documents and in great detail in Executive Order 122. The Committee is required to prepare a Request For Proposal ("RFP") that meets the criteria that was approved by the Audit Committee. The Committee will review RFPs prepared by the staff and then send them out to a state approved list of auditors. The results will be ranked by Audit Evaluation Committee and sent back to the Audit Committee.

**Personnel Committee.** Chairman Weingart reported that the Personnel Committee had been fairly active over the past month or so, focusing on the search for a new Executive Director. The Personnel Committee agreed to meet more frequently once an Executive Director was found. The committee met on March 26, 2007. The committee members went over the resumes and interviewed 3 possible candidates. Chairman Weingart informed the Council that the Personnel Committee recommended Eileen Swan for the position of Executive Director. The committee was impressed with her background and skills. Ms. Swan has knowledge of government from work with the Office of Smart Growth. Mr. Weingart repeated that the Personnel Committee was very impressed with her resume and they believe she will make an excellent Executive Director for the Highlands Council, having previously been a Council member.

**CONSIDERATION OF RESOLUTION REGARDING THE APPOINTMENT  
OF THE EXECUTIVE DIRECTOR**

Mr. Schrier made a motion that the Council approve the resolution to make Eileen Swan the new Executive Director of the Highlands Council. Mr. Vetrano and Ms. Way seconded the motion. There were no comments made from the members of the public. Roll Call of the Council members was taken for the vote: Mr. Alstede: aye; Ms. Calabrese: aye; Ms. Carluccio: aye; Mr. Dillingham: aye; Ms. Kovach: aye; Mr. Peterson: aye; Mr. Schrier: aye; Mr. Vetrano: aye; Ms. Way: aye; Mr. Weingart: aye; Mr. Whitenack: aye. With all in favor, Eileen Swan was APPROVED as the new Executive Director of the Highlands Council.

Mr. Alstede brought up the subject of the proposed moratorium on building in the Planning Area. He stated that it would be appropriate to send a letter to the Governor, stating the Council's position on the issue, since the moratorium is directed at the activities of the Council. Mr. Alstede believes that the Council should not be silent and should weigh in on the discussion. Chairman Weingart said, that in talking to the Governor's office, the Governor asked transportation and environment officials to report on whether any projects

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF APRIL 5, 2007**

underway would be detrimental to the Highlands Act or the Regional Master Plan and that as of yet, he has not heard a response. Mr. Alstede suggested that the Council's staff would be an excellent source of information since they have completed all of the science and research needed for the Highlands Act and the RMP. He also suggested that Commissioner Lisa Jackson could either come to the Highlands Council or the Council could send a letter to the DEP office to have some sort of discussion regarding the moratorium.

Mr. Schrier mentioned that he was contacted by the press in the previous week regarding his thoughts on the moratorium. He remarked that he was displeased with the request and believed it to be an intrusion on what the Council is trying to do. Mr. Schrier made it known that he was speaking for himself in saying that he was not in favor of the moratorium and he believes that the Council should speak out against it.

Ms. Carluccio did not agree with the comments made by Mr. Schrier and does not see why different groups cannot advocate their positions with Governor and request a moratorium. It is the right of the public to do so and the people in the towns have every right to speak out against something that might not be in concert with the goals of the Highlands Council. Ms. Carluccio does not agree with individual members speaking on behalf of the Council, as the Council has not taken up the issue.

Mr. Dillingham mentioned that the Commissioners of the DEP and the DOT were asked to evaluate the situation and share the results. The findings would give the Council a sense of the questions that are at hand. Chairman Weingart mentioned that he offered the Governor's office any help the Council could provide in this situation. The Governor is responding to a press conference by the Highlands Coalition and other environmental groups that called for changes to the Highlands Act. The Council's role is to implement the law the way it was written unless it changes by an executive order. Mr. Alstede suggested that the Council establish that they need to be included regarding what goes on in the Planning Area. Chairman Weingart suggested that a letter be sent to the Governor regarding the matter.

Mr. Alstede informed the Council that he had some discussions with Mr. Borden regarding stormwater regulations and the impact that the Highlands Act had on the regulation in the Highlands Region, particularly how it impacts agriculture. Stormwater regulations address agriculture in one way, the Highlands Act treats agriculture in another way. At the time, Mr. Borden had replied that the Highlands Act allows the Council to impose additional requirements above and beyond the existing stormwater regulations in the Highlands Region. Mr. Alstede further noted that it has an impact on agriculture and it needs to be made clear. The agriculture industry needs to have a clear direction to follow regarding stormwater regulations. Mr. Borden responded that there will be an Agriculture Committee meeting scheduled because they have some other agenda items to be taken care of and Mr. Alstede's concern regarding stormwater regulations could certainly be added.

Mr. Vetrano asked if the Counsel could give an overview of the new ethics form the Council members are being asked to sign. Ms. Kaiser explained that one of the forms was the Uniform Code of Ethics that is new as of September 2006. There is also a Plain Language Guide to the Uniform Code of Ethics to help simplify it. The code is not very different

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF APRIL 5, 2007**

from the code of ethics the Council itself has and is similar to the Highlands code in the matter of recusals and conflicts of interests. The form is not yearly and it only has to be signed once.

Mr. Chairman informed the other Council members that there would be a work session the afternoon of May 10<sup>th</sup>, after the 10 a.m. Council meeting.

**PUBLIC COMMENTS**

**David Shope, Long Valley.** Mr. Shope asked when the next TDR Committee meeting would take place. Chairman Weingart responded that it was tentatively scheduled for April 19<sup>th</sup> or 26<sup>th</sup>. Mr. Borden added that the committee meetings are scheduled on Thursdays for the Council members.

**Stan Kazanowski, Wanaque Borough.** Mr. Kazanoski asked if there were going to be any expedited waivers for properties that were mistakenly put into the Highlands area. Chairman Weingart responded that the staff would be available to answer at the end of the Council meeting.

**Andy Drysdale, Chester Township.** Mr. Drysdale mentioned an error in the minutes from the March 22, 2007 Council meeting. The minutes stated that he had been a surveyor **since 1988**. Mr. Drysdale stated that the correct information was that he had been contracted to locate wetlands, flags and groundwater monitoring wells **as far back as 1988**. He noted that this information shows that much was being done to take care of the environment and that the Act was unnecessary. Mr. Drysdale continued to say that any plan that places 1000 foot buffers around vernal pools or condones the regulations put in place by the DEP needs to be put in the trash with the Highlands Act. He added that the individuals who created the Highlands Act should be voted out of office.

**Hank Klumpp, Tewksbury Township.** Mr. Klumpp referenced an article in which Chairman Weingart spoke about two groups of individuals in attendance at the public meetings. The first group that turned out to make public comments had specific concerns and questions regarding the RMP and had read the Plan, yet the second group complained and never read the document. Mr. Klumpp inquired as to which group the farmers fell into and that the farmers are only looking to make the Highlands Act fair for those that are paying the price.


**David Shope, Long Valley.** At a prior subcommittee meeting, Mr. Shope had raised the issue of whether the Council staff was considering existing perk test data, which resides in municipalities or counties, in determining land use. He stated that at the time, the answer he was given was a negative. The data is valuable and should be part of the Council's determination of what's buildable and what isn't. This information is more valid in terms of where you can build than counting trees. Mr. Shope hopes that the Council will reconsider.

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF APRIL 5, 2007**

**ADJOURN**

Mr. Schrier made the motion to adjourn the meeting. Ms. Way and Mr. Vetrano seconded motion. The motion passed with all in favor. The Council meeting was adjourned at 10:51 am.

Dated: May 8, 2007

  
\_\_\_\_\_  
John Weingart, Chairman

Vote on the Approval of  
the April 5, 2007 Minutes

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	_____	<input checked="" type="checkbox"/>
Councilmember Calabrese	_____	_____	_____	<input checked="" type="checkbox"/>
Councilmember Carluccio	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Dillingham	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Kovach	_____	_____	_____	<input checked="" type="checkbox"/>
Councilmember Letts	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Pasquarelli	_____	_____	<input checked="" type="checkbox"/>	_____
Councilmember Peterson	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Schrier	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Vetrano	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Way	_____	_____	_____	<input checked="" type="checkbox"/>
Councilmember Weingart	<input checked="" type="checkbox"/>	_____	_____	_____
Councilmember Whitenack	<input checked="" type="checkbox"/>	_____	_____	_____

**PUBLIC COMMENTS SUBMITTED**

SUBMITTED 4-5-07 COUNCIL MTG.  
PAGE 1

Mr. Weingart talks about Two different groups of people who turned out to the public meetings in a newspaper article.

He claims the first group had specific concerns and questions about the Master Plan and had read the document and made helpful comments to<sup>be</sup> examined.

He also claims the second group had not read the document and they wished the Highlands Act had never been passed.

What group are the farmers in?  
Was this article a (polite) kick in the gut?

If you are saying ~~we~~<sup>farmers</sup> fall into  
the second group - shame on you!  
By now you know we are not  
looking for anything more  
than making the Highlands Act  
fair for the people paying the  
price. We have read it !!

Hank Klumpp  
24 Longview Rd  
Lebanon NJ 08833

# Highlands Council ready to choose a new leader

## Eileen Swan seen as a strong candidate

By JON SLUSHER  
EDITOR

The Highlands Council is expected to vote tomorrow, Thursday, April 5, on a new executive director to replace Dante DiPiro who resigned last month to take another position.

Former Lebanon Township Mayor and Committeewoman Eileen Swan is reportedly a strong candidate for the position. Swan served on the Highlands Council before her appointment to head the state Office of Smart Growth a year ago.

The Highlands Council met last Friday to discuss three candidates, including Swan, that were recommended by the council's Personnel Committee, said Highlands Council member Erik Peterson on Monday.

The council received 15 applications for the executive director position, said Council President John Weingart last Friday.

"We have some terrific candidates," said Weingart. "This will be an opportunity to get a wonderful new executive director."

Weingart said the council is looking for someone who is a good leader, can direct a high-powered staff, has familiarity with the Highlands Act and land use planning and regulations, and "has a passion about the

mission of the Highlands Council."

The executive director position "is a difficult job," said Weingart. "The Highlands Act is very complicated."

Once selected, the first task of the new executive director will be to help finalize the Highlands Master Plan and help ensure that the policies will be effective without being overly cumbersome, said Weingart.

The Highlands Council recently held the last of eight public meetings seeking public input on the draft of the Master Plan. Weingart said that two different groups of people turned out at the meetings.

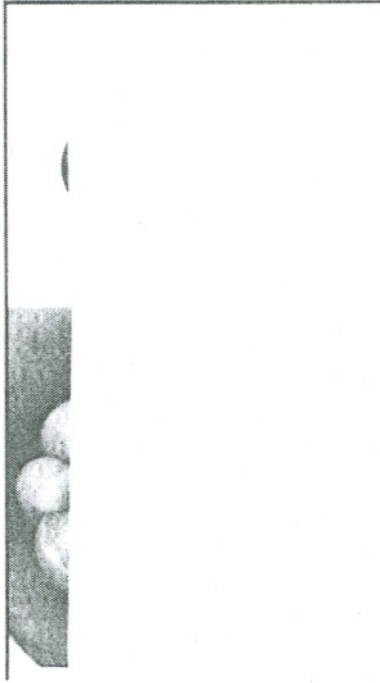
The first group had specific concerns and questions on the Master Plan draft. "They had read the document and told us what they either liked or disliked," said Weingart. "We received lots of helpful comments for the council to examine."

However, others who turned out to the meetings had not read the document "and wished the Highlands Act had never been passed," said Weingart.

The Highlands Council is taking written comments until Friday, May 11. The Highlands Council staff has been reviewing the comments, categorizing them and looking at the different

issues that were raised, said Weingart.

"There is a large amount of work that needs to be done before adopting the final plan," he said. The council recently approved a program that will offer grants of up to \$25,000 to municipalities who would look into the possibility for being receiving areas for development credits in the Highlands region, he said.



ANDREW DRYSDALE  
Land Surveyor  
32 East Fox Chase Road  
Chester, NJ, 07930  
Tel. 908-234-1079 Fax 908-234-1326

April 5, 2007

Highlands Council  
100 North Road  
Chester, NJ 07930

Good Afternoon,

My name is Andy Drysdale, my wife Lois and I live and own farmland at 32 East Fox Chase Road, Chester, NJ, we have been trapped in the "Preservation Area", since August of 2004, some of our land is now in the "Conservation Zone" of the Regional Master Plan.

Before I discuss this further, I would like to set the record straight regarding the minutes approved at the last meeting (March 22, 2007). I should have gotten here a little earlier and caught the mistake and omission at that time. The minutes said that I had been a surveyor since 1988. This would make me about 27 years younger than I really am. That would be a good thing. The bad part is that the real point and very important part of my statement was entirely missed. My reference to 1988 was as follows.

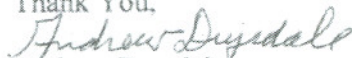
As a land surveyor I have often been contracted to locate wetlands flags and groundwater monitoring wells as far back as 1988, that were required by the DEP long before the unfortunate McGreevy Administration even existed.

The important point in that statement was that the undeniable evidence in my records shows that much was already being done to take good care of the environment and that the Highlands Act was totally unnecessary.

Regarding the Regional Master Plan, any plan that proposes 1000 foot buffers around vernal pools or condones the draconian regulations put in place by the DEP such as 3 % impervious coverage, 25 and 88 acre septic requirements, needs to be put in the trash can along with the hideous Highlands Act.

As for the misguided people who created this Act, with no funding in place to compensate those who would be harmed when their constitutional rights were violated, they must be voted out of office as soon as possible! As for the rats involved, they must be caught and prosecuted to the full extent of the law!

Thank You,

  
Andrew Drysdale

**RESOLUTION 2007-11**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING**  
**COUNCIL APPOINTMENT OF EXECUTIVE DIRECTOR**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) empowers the Highlands Water Protection and Planning Council (Highlands Council) to appoint, retain and employ personnel as it may require without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for those purposes; and

**WHEREAS**, the Highlands Act authorizes the Highlands Council to conduct its business as needed, subject to the statute, to effectuate the purposes of the enabling legislation; and

**WHEREAS**, Section 5.g. of the Highlands Act provides for the Highlands Council's appointment of an Executive Director to serve, at the pleasure of the Council, as its chief administrative officer; and

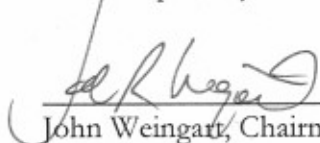
**WHEREAS**, pursuant to the Highlands Act, the Highlands Council has adopted bylaws which provide for the appointment of an Executive Director whose duties are enumerated in said bylaws and who shall serve at the pleasure of the Council.

**NOW, THEREFORE, BE IT RESOLVED**

1. The Highlands Council hereby appoints Eileen Swan as its Executive Director, at an annual basis of \$121,000.00.
2. The Executive Director is hereby authorized and directed to exercise all of the duties and responsibilities as set forth in the bylaws.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 5<sup>th</sup> day of April, 2007.

  
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John Weingart, Chairman

**RESOLUTION 2007-11**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING**  
**COUNCIL APPOINTMENT OF EXECUTIVE DIRECTOR**

<u>Vote on this Resolution</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
Council Member Alstede	<u>✓</u>	—	—	—	—
Council Member Calabrese	<u>✓</u>	—	—	—	—
Council Member Carluccio	<u>✓</u>	—	—	—	—
Council Member Dillingham	<u>✓</u>	—	—	—	—
Council Member Kovach	<u>✓</u>	—	—	—	—
Council Member Letts	—	—	—	<u>✓</u>	—
Council Member Pasquarelli	—	—	—	<u>✓</u>	—
Council Member Peterson	<u>✓</u>	—	—	<u>✓</u>	—
Council Member Salovaara	—	—	—	<u>✓</u>	—
Council Member Schrier	<u>✓</u>	—	—	—	—
Council Member Vetrano	<u>✓</u>	—	—	—	—
Council Member Way	<u>✓</u>	—	—	—	—
Council Member Weingart	<u>✓</u>	—	—	—	—
Council Member Whitenack	<u>✓</u>	—	—	—	—