



State of New Jersey

Highlands Water Protection and Planning Council

100 North Road - Route 513

Chester, New Jersey 07930-2322

(908) 879-6737

(908) 879-4205 (Fax)

www.highlands.state.nj.us

JON S. CORZINE
Governor

JOHN R. WEINGART
Chairman

DANTE DI PIRRO
Executive Director

MEETING AGENDA

Thursday, June 1, 2006 - 10:00 a.m.

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. PRESENTATION – Commissioner Lisa Jackson, NJDEP
9. COMMITTEE REPORTS
 - a. Natural Resources Committee – Councilmember Dillingham
 - b. Land Conservation Committee – Councilmember Pasquarelli
 - c. Budget and Finance Committee – Councilmember Pasquarelli
 - d. Personnel Committee – Chairman Weingart
10. CONSIDERATION OF RESOLUTION SUPPORTING DEDICATED FUNDING FOR LAND CONSERVATION (voting matter with public comment)
11. CONSIDERATION OF RESOLUTION AMENDING COUNCIL BY-LAWS (voting matter with public comment)
12. CONSIDERATION OF RESOLUTION REGARDING RECOMMENDATION LETTER ON THE PROPOSED AMENDMENT TO WQMP FOR ALPHA BOROUGH (voting matter with public comment)
13. CONSIDERATION OF RESOLUTION REGARDING GRANTS TO MUNICIPALITIES AND COUNTIES (voting matter with public comment)
14. PUBLIC COMMENTS
15. ADJOURN

MINUTES

NEW JERSEY HIGHLANDS COUNCIL MEETING OF JUNE 1, 2006

PRESENT:

JOHN WEINGART)	CHAIRMAN
KURT ALSTEDE)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
TIM DILLINGHAM)	
JANICE KOVACH)	
MIMI LETTS)	
MIKAEL SALOVAARA)	
JACK SCHRIER)	
DEBBIE PASQUARELLI)	
SCOTT WHITENACK)	

ABSENT:

ELIZABETH CALABRESE
GLEN VETRANO

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road, Chester, New Jersey on June 1, 2006 at 10:00 a.m.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the 29th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:10 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 of circulation throughout the State.

MINUTES OF MAY 11, 2006:

Mr. Jack Schrier motioned to approve, Ms. Janice Kovach seconded, all were in favor, APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart reported that he had nothing new to report regarding filling the three vacancies on the Council. He noted that the Governor's office is currently reviewing resumes and that the vacancies were seats nominated directly by the Governor with confirmation by the Senate. After the Governor finishes reviewing all the candidates he will give his recommendation to the Senate. Mr. Weingart said he had communicated with the Governor's Office to encourage the selection of new members as quickly as possible and hopefully before the Senate's recess in July.

Mr. Weingart noted that members of the public could find copies of most documents in the members' meeting packets on the back table of the meeting room.

He asked if any members had reports.

Ms. Pasquarelli reported that she attended the New Jersey Planning Officials Conference two weeks prior and the topic was eminent domain and issues related to redevelopment. She noted it was very interesting and that the subject matter covered at that meeting will have direct implications on the Council's work when it examines redevelopment applications in the Preservation Area. She said that if any members wished to discuss it with her she'd be happy to share what she learned at the conference.

EXECUTIVE DIRECTOR'S REPORT:

Executive Director Di Pirro noted that regarding filling staff vacancies there was an excellent response to the Council's advertisement for staff openings. Mr. Di Pirro reported that the Personnel Committee met twice since the last full Council meeting, once on May 18th, 2006, and earlier that day. As a result of those meetings the Committee has determined some candidates to recommend to the Department of Personnel.

The Committee discussed that day the recommendations for candidates to fill staff positions in the Science Unit, Grants and Outreach Unit, Principal Planner for the Planning Unit, and Government Affairs position. He advised that these positions are currently under negotiation and therefore not public as yet, but Mr. Di Pirro noted it is hoped that the necessary approvals to obtain new staff members will be received from the Department of Personnel expeditiously. These positions will greatly benefit the Council in its ongoing development of the Regional Master Plan, and will assist with greater outreach to Highlands municipalities. Mr. Di Pirro noted that the candidates being recommended for these positions will not only work on development of the Regional Master Plan, but possess the skills to handle applications and continue implementation after plan adoption.

Mr. Di Pirro then introduced and welcomed Ms. Megan Saunders, Mr. Anthony Cortese, Ms. Kasia Warzecha and Mr. Chris Percival to the Council. He advised that they are

working at the Council's office through the Highlands Graduate Study Program which the Council approved at its last meeting.

Mr. Di Pirro said with regard to update on Regional Master Plan development, two specific items have been included in the members' meeting packets, an updated Regional Master Plan schedule noting progress, and a one-page document which effectively illustrates where the Council stands as to plan completion. The second document utilizes a picture of a thermometer to demonstrate plan development as to percentage complete of tasks and milestones.

Mr. Di Pirro noted there is an aggressive schedule and meetings will be held with the Plan Development Committee to go over difficult components of the schedule. He added that the nine foot list of tasks for plan development needs some paring back, and that staff will continuously monitor progress and be required to make some crucial determinations. He then introduced Mr. Steve Balzano to give the Council a review as to the project status document.

Mr. Balzano noted that the document shows on the right side of the page the Council's status as to plan development as of May 19th, 2006, and gives a relative percentage complete as to each element listed on the left side. The yellow columns also give a percentage complete as to overall schedule. Mr. Balzano noted that progress is slightly behind the target, but that staff is making significant progress toward adopting the plan at the end of the year. He added that the thermometer was used as a means to demonstrate easily where the Regional Master Plan stands in terms of development. Mr. Balzano also said that if the Council had any suggestions or recommendations that staff would be happy to incorporate and include them. Mr. Balzano explained that the project status document clearly establishes the staff's priorities for the most critical needs in order to maintain the schedule. He noted that staff is addressing and remedying shortfalls.

Mr. Weingart advised that between now and the next full Council meeting a Plan Development Committee meeting will be scheduled.

Mr. Di Pirro then reported with regard to the June 2006 release of data and noted that staff is working on its recommendation to be presented at the next Council meeting on June 22nd, 2006. He noted that the next Plan Development Committee meeting will have the roll-out of data on its agenda.

Mr. Di Pirro advised that agreements have been completed for all seven Highlands counties as to data sharing. He noted that these agreements will ensure that the Council receives accurate data from the counties as well as give it the ability to share the new cutting-edge data it has obtained with them as well.

Mr. Di Pirro stated that the Executive Director's report in the members' packets includes a list of upcoming events on the schedule. Also included in their packets, they would find the final report generated by the two day Technical Advisory Committee Planning

Charrette, as well as a response to comments document which lists the responses received to the master plan scoping document.

Mr. Tom Borden noted that the last two items Mr. Di Pirro spoke of will also be available on the Highlands website, as well as the Highlands Regional Master Plan status document.

Ms. Pasquarelli thanked Mr. Di Pirro for the informative and comprehensive report, and suggested that the Council put forth notice that the documents are available on the website. Mr. Di Pirro thanked her and noted that Mr. Borden should receive compliments for the report as he completed the majority of the work involved.

Mr. Weingart then introduced and welcomed Lisa Jackson, Commissioner of the Department of Environmental Protection, to the Highlands Council and the public.

PRESENTATION:

Commissioner Jackson said that she was thrilled to attend the meeting and to have an opportunity to address the Council and staff who are working so hard to make the Highlands Act a reality.

Commissioner Jackson announced that she was asked to give the Highlands Council greetings from Governor Corzine, and said that he personally gives his support and commitment to the implementation of the Highlands Act to protect New Jersey's resources, and wished to relay his commitment to fairly protecting landowners in the Highlands.

Commissioner Jackson noted that the DEP would be giving a very important press release that day to correct misinformation as to the interim Highlands regulations. She explained that the Department continues to operate under the interim rules which were put in place in May 2005, and further advised that in December of 2005, the Department proposed to readopt those regulations with amendments.

Commissioner Jackson advised that the May 2005 DEP Highlands regulations remain in effect until November 2, 2006. Much of the misinformation which has occurred suggests that the Department's rules have expired and that it is operating without regulations, and that is not the case.

Commissioner Jackson was pleased to say that she is committed to supplying as much technical support as possible to the Highlands staff. She noted it is worthwhile to lend support because the goals are very important and will achieve a successful plan. Commissioner Jackson regarded the public's input and the gathering of resources as all crucial parts of the success of the plan. She noted that it is unfortunate that the Regional Master Plan could not be adopted this June, but agreed that the delay is necessary.

The Commissioner pointed out that another misconception pertains to the harmonization of the Highlands preservation and planning areas. Regarding the two areas as essentially one region is a huge testimony to the importance of regional planning. Commissioner Jackson said that it is necessary to view the region as a whole and not a conglomeration of separate municipalities. The Highlands region cannot grow without infrastructure such as wastewater systems in place. Planning area municipalities may opt out of the Highlands Regional Master Plan but it will be difficult for them to grow.

Commissioner Jackson stated that the DEP intends to keep its solemn promise to stick to pre-Highlands Act value for the compensation of landowners. She noted that the Department continues to request that the Council provide it with the names of any homeowners who feel they have been unsatisfactorily considered.

Commissioner Jackson advised that it remains a high priority for both the Governor and the DEP to reinstate the Garden State Preservation Trust to ensure that homeowners not be harmed. Landowners are encouraged to continue dialogue with the Highlands Council and the Department, and should also note that there is a "Facts and Myths" document available on the DEP's website which provides clear answers to frequent exemption questions and much more.

Commissioner Jackson then offered to address any questions the Council members had.

Mr. Weingart asked about land preservation funding and noted that when former Commissioner Campbell addressed the Council one year ago, he stated there was a need for infusion of new funds for preservation but that, at that time, the DEP was not rejecting any applications for preservation due to a lack of funding. Mr. Weingart asked Commissioner Jackson if that remained to be the case, and she replied it was.

Mr. Jack Schrier said he was particularly pleased that the Commissioner came to the meeting and thanked her for the comments she made to diffuse misconceptions. He noted the Council has suffered some negative input pertaining to rules and that the clarification was much appreciated.

Ms. Mimi Letts also thanked the Commissioner for her support of the Council. She asked what will happen after November 2nd, 2006 as to the Highlands regulations. Commissioner Jackson said that the rulemaking process requires that following public comment on the rules after they are proposed, if changes are major the rules will need to be repropose.

Ms. Pasquarelli added with regard to the ongoing efforts to clear up myths, that some Council members deal with the dilemmas of local officials and construction officials who may not fully understand the Act. She noted that in Warren County, staff will be meeting soon with the DEP on June 12th, 2006, to address and work out solutions to clearing misconceptions. Commissioner Jackson said the Department is very happy to work with County staff on reaching Highlands goals and clearing misinformation.

Ms. Janice Kovach asked if other counties will be meeting with the DEP and whether this coordination and outreach was implemented by the Highlands Council or by the DEP. The Commissioner responded that the DEP has implemented outreach to counties and it will be continuing this effort with others.

Mr. Schrier noted with regard to the DEP approving applications in a timely manner, that the unfortunate reality is that it is often a lengthy process. He asked what the DEP is doing to improve the amount of time it takes to obtain a determination on applications. Commissioner Jackson said that the Governor has charged her with improving the administrative process. The desired end result is to have the Department be able to provide a yes or no answer in a timely manner. She noted that the Department is working very hard to cut down on redundancies and is hopeful that within a year the application process will be much more transparent and swift.

Ms. Tracy Carluccio noted she was pleased to hear the Commissioner mention harmonization. She asked how harmonization will be achieved as to the timeline up to the November 2nd, 2006 DEP regulations and the subsequent release of the Regional Master Plan. Commissioner Jackson said that the Department will work as closely as possible with the Council to ensure that its rule writers include language in the regulations specific to the Highlands Regional Master Plan not yet being released.

Commissioner Jackson spoke with regard to lending DEP staff to assist the Council, that what she would prefer is a list of deliverables rather than sending staff to the Council office.

Since no other questions were received, Mr. Weingart thanked her for coming and turned the meeting to the Committee reports.

COMMITTEE REPORTS;

Committee Chair Tim Dillingham gave the report for the **Natural Resources Committee** which met on May 18th, 2006. He noted that the Commissioner's comments served as a good segway as to the topic of review of water quality management plans ("WQMP"). He advised that DEP will not approve a WQMP amendment project in the Highlands planning area until first receiving a recommendation from the Highlands Council. The Committee discussed how the Council will conduct its review.

Mr. Dillingham advised that concerns raised at the meeting were related to workload, and balancing the multitude of issues and tasks related to wastewater management, which can be very complex. He noted the Committee does not have a formal request yet as to the process to be approved, but it is developing the crucial elements and continues its work on development of the Highlands Regional Master Plan.

Committee Chair Ms. Pasquarelli next reported that the **Land Conservation Committee** held a meeting on May 18th, 2006, and reviewed the information obtained at the

Highlands Landowner Forum which was held in April. The Committee determined that another landowner forum will be held in fall.

Ms. Pasquarelli reported that properties need to be prevented from falling through the cracks. For example, she said if a property doesn't qualify under existing programs, and the owner needs to meet with Council staff and then Green Acres staff and a number of agencies to address the issues, the Committee and Council should support new programs to assist.

Ms. Pasquarelli advised that the Committee and staff drafted a resolution which is in the members' packets and will be addressed later in the meeting. She advised that staff has also drafted a document which outlines what legalities pertain to properties, such as what the Act does and does not cover. She noted that at the next Committee meeting that document, which is lengthy and very detailed, will be discussed further.

Ms. Pasquarelli reported that there is a deadline in the Act to guarantee pre-Act land values for preservation and acquisition by the State, and that the Committee supports and recommends the Council's approval for extending the current 2009 deadline.

Treasurer Pasquarelli next reported on the **Budget and Finance Committee** which also met on May 18th, 2006, to review the Regional Master Plan development budget. The Committee discussed funding for the Land Equity Initiative, which the Council supported, and also reviewed the budget and therefore have moved programs forward.

Ms. Pasquarelli reported that the ongoing State budget was also reviewed and examined for the remainder of FY06 as well as FY07. She noted that one of the Committee's responsibilities is to oversee the Council's expenses, and that it could be ready to finalize the budget as early as the next meeting to be presented to the full Council. She noted the Committee also reviewed and made minor changes to the Council's bylaws which were necessitated by its changing needs.

Committee Chair John Weingart then reported on the **Personnel Committee** which met twice since last Council meeting. The Committee reviewed staff recommendations and noted that the Council received a huge number of responses of interested people. Mr. Weingart advised that the Committee has accepted the two recommendations advanced by staff, and hopes the Governor's office and the Department of Personnel approve the positions expeditiously.

CONSIDERATION OF RESOLUTION SUPPORTING DEDICATED FUNDING FOR LAND CONSERVATION:

Mr. Borden advised that the resolution under consideration is the follow up on an action taken by the Council one year ago which stated that it supports the bill that has been introduced for a Highlands water tax.

Ms. Pasquarelli noted that a recent *Star Ledger* article mentioned that only eight parcels have been preserved. She said that if one were to consider the dollar figure necessary to satisfy all the future needs for purchasing conservation easements in this area, it would amount in the billions. It is obvious that amount of money is not available. She read the last whereas paragraph of the proposed resolution which sums up the need to create a dedicated and stable funding source for land preservation.

Mr. Schrier agreed that it is a huge amount of money that would be necessary to preserve all potential lands but that all the money is not needed immediately because preservation will happen over time. It is critical that the Council and public remain mindful that all lands are not available. Mr. Weingart agreed.

Mr. Schrier made a motion to approve, Ms. Letts seconded. Mr. Weingart asked if any members of the public wished to comment on the resolution.

David Shope, Long Valley. Mr. Shope stated that the Council has not considered the demographics of landowners and that Mr. Art Brown said in 2002 that the average age of a farmer in New Jersey was 58 years old. Mr. Shope provided the Council with an article about the strain on agriculture from the newspaper *The Lancaster Farmer* which notes the need for funding to promote marketing opportunities.

Julia Somers, Executive Director, Highlands Coalition. Ms. Somers expressed the Coalition's pleasure that the Council is taking this important action.

No further comments were received on the resolution. On the prior motion made and seconded, all were in favor, APPROVED.

CONSIDERATION OF RESOLUTION AMENDING COUNCIL BY-LAWS:

Mr. Di Pirro stated that the Council's procedures for budgeting measures have been working well and that one addition would be made regarding the number of required signatures on checks for actual invoices. Mr. Di Pirro advised that the process is straightforward and the major issue to call attention to would be the change to now requiring both the Executive Director and the Treasurer's signature on outgoing checks. He noted that at the Council's inception, the procedure was that only the Executive Director needed to sign checks after review by the Treasurer.

Mr. Di Pirro further explained that a process is included for exemption of the dual signature requirement for bills which are recurring, and that Section 3 b) of the resolution outlines that process. Mr. Di Pirro read the portion aloud.

Ms. Pasquarelli added that it was not practical to have several signatures on a check for routine expenses which are defined on page 3 of the bylaws, and that the wording there to define those expenses is "regularly scheduled disbursements" such as the phone bill.

Mr. Weingart noted one other change pertained to the hiring of staff in the original language of the bylaws on page 4 as pertains to hiring executive staff. Mr. Weingart read the relevant paragraph aloud noting that it would amend the bylaws to require the Personnel Committee, rather than the entire Council, to approve hiring for non-executive staff positions.

Mr. Schrier said he would like to have the last whereas paragraph stricken, to leave in the 10-day notice requirement. He motioned that the resolution with the added provision that the whereas paragraph be specific for this action. Mr. Salovaara seconded.

Ms. Pasquarelli commented that she supports the finance changes but not the hiring procedure. She noted that she argued a year ago that the Council should be making personnel decisions, and that staff is a critical component.

Mr. Schrier disagreed, and said that sometimes decisions need to be acted upon rather quickly, and does not believe it diminishes the authority of the Council.

Ms. Letts noted her agreement with Mr. Schrier and said the Personnel Committee has been fully informed by the Executive Staff, and there is a need to keep the process simple.

Ms. Kovach noted she was not in favor of making the change because the Committee discussed the possible need to reevaluate and ability to go back and make changes. She thought that at this particular time needs were immediate, but will not be in the future.

Mr. Di Pirro noted he supports the resolution as put forward, and assured that due care has been taken. He said it should be emphasized that in the private sector, there is a clear advantage there because they are able to move swiftly and make offers to proposed personnel.

Mr. Weingart then asked if any members of the public wished to comment on the resolution.

Greg Sipple, Warren County. Mr. Sipple noted that being someone in government for many years, it was his belief that the Council having a full review is desirable. He said that the counties do it and they function and he recommended it.

Deborah Post, Chester. Ms. Post expressed concerns about staff turnover on the Council, and that she has heard there are abuses of power.

With regard to delegating authority to the Personnel Committee to sign off on personnel decisions, Mr. Weingart noted that some Councils leave personnel actions entirely up to the Executive Director.

On the prior motion made and seconded, Ms. Kovach, Ms. Pasquarelli, and Mr. Alstede opposed, therefore, the resolution was DISAPPROVED.

Ms. Pasquarelli motioned to strike the whereas paragraph on page 4 pertaining to the change in hiring approval process, leaving the bylaws unchanged in this regard. Mr. Salovaara seconded, all were in favor, APPROVED.

Mr. Borden noted for clarification on the record that the decisions made by the Personnel Committee earlier that morning will move forward. Ms. Kovach and Ms. Pasquarelli agreed.

CONSIDERATION OF RESOLUTION REGARDING RECOMMENDATION LETTER ON THE PROPOSED AMENDMENT TO WQMP FOR ALPHA BOROUGH (voting matter with public comment):

Ms. Pasquarelli explained she has a prior involvement in related matters during her service as a public official for Greenwich Township. She announced that she was recusing herself from any consideration of the proposed resolution and stepped down. Mr. Weingart noted that the Council had an adequate number of Council members (eight members) present, not including Ms. Pasquarelli, to consider and vote on the resolution but that any resolution would need all eight members in agreement to pass.

Mr. Borden provided an overview of the resolution. He noted that the matter was before the Council for priority consideration as a result of Mount Laurel litigation which involves a particular block and lot in Alpha Borough. He advised that it was requested in a Case Management Order that the Highlands Council provide its recommendation to NJDEP on a proposed Water Quality Management Plan amendment. He noted that the resolution is applicable only to this particular block and lot and that the recommendation of the Council was requested by the Court, if possible, within 30 days from receipt of the proposed amendment – which would be Monday, June 5th, 2006.

Mr. Weingart suggested that it would be appropriate to receive public comment once a resolution was introduced before the Council began its discussion. Mr. Schrier made a motion to approve the resolution and Ms. Kovach seconded. Mr. Weingart asked whether members of the public had any comments.

Nancy Chambellen, Warren County Environmental Commission. Ms. Chambellen noted that the Highlands Council is unique in its charge. She said that the Pohatcong Superfund site continues to experience pollutants flowing in the aquifer and that the Alpha site needs to be addressed in order to avoid a public health crisis. Ms. Chambellen said that approval of the Alpha project may cause additional migration of pollutants to and may impact existing wells. She noted that the Alpha project affects critical Highlands water resources, and recommends that the Council disapprove moving forward with this project prior to the adoption of the Regional Master Plan.

Ms. Letts asked Ms. Chambellen about the potential contamination issue and wanted to know whether professional studies have been done. Ms. Chambellen stated that she has worked with the EPA and it was determined that the plume of contamination continues to

move because it remains in an unremediated state. She said that it was a 40 year clean up project, and that the contamination has been present in the aquifer for 30 years. She noted that this particular site lies at the far end of the contamination and so it hasn't been reached yet and that additional municipalities in the area may be affected if the water allocation is allowed for this project.

Julia Somers, Highlands Coalition. Ms. Somers strongly urged that the Highlands Council recommend to the NJDEP that it not approve the project. She noted that the NJDEP proposed rule states that it will give great weight to the recommendation of the Highlands Council. She said the NJDEP can only approve a water quality amendment after receiving the recommendation from the Highlands Council in determining the Water Quality Management Plan for Alpha. She read her comment letter aloud and noted that the letter has also been submitted prior to the meeting for the Council's review. She urged the Council not to sign off on any WQMP applications prior to the adoption of the Regional Master Plan. She noted that her recommendation was also signed onto by a long list of supporters.

Wilma Frey, speaking on behalf of Laura Altman, resident of Pohatcong Township. Ms. Frey said that Ms. Altman was present earlier but had to leave and that she agreed to present Ms. Altman's comments on her behalf. She provided her comments in writing to Ms. Frey, who read them aloud. Ms. Altman is in support of open space in the southern Warren County area. She noted the Alpha project will add 167 housing units and that the current population of the town is 3,000. This growth will cause increased property taxes on the prior residents because the wastewater infrastructure cannot support the new growth and therefore will need expensive upgrades. The project will add about 400 residents to Alpha which will then require construction of a new school. Alpha Borough has already satisfied its COAH obligation for affordable housing. Ms. Frey expressed that Ms. Altman urges the Council to reject the Alpha proposal.

Scott Olsen, Byram Township. Mr. Olsen said that Ms. Julia Somers spoke well on what he believes to the issue. He noted that until the Highlands Regional Master Plan is complete, he suggests that the Council not approve the project.

Robert Goltz, President, Warren County Chamber of Commerce. Mr. Goltz said that letters are still being received on this issue and that the Council doesn't have to act on this today. He said he thinks it should make a precedent today because business initiatives need to continue in the Highlands Region and may not be stalled pending the adoption of the Regional Master Plan.

Debra Post, Chester Township. Ms. Post commented that she is concerned by a strategy of delay and that people's lives are on hold. She asked the Council not to delay.

David Shope, Long Valley. Mr. Shope said that Courts don't generally request, they order. He recommended that the Council approve what the Court has ordered.

When no one else indicated a desire to speak, Mr. Weingart then closed the public comment period on the resolution. He stated that he finds the matter to be a troubling issue because the Council's primary task at this time is to get the Regional Master Plan done and that getting involved in site-specific issues is bound to take staff and Council time from that mission. However, as Mr. Shope said, we have been asked by the Court to make a comment on this application with a deadline of Monday. Mr. Weingart noted that to do nothing is to do something because if the Council submits no comments, then the NJDEP may not be able to act. He noted a number of articulate people had spoken in opposition to the project, but that the Council had not had the opportunity to hear from anyone speaking on behalf of the borough or the developer.

Mr. Scott Whitenack noted that having been a member on a town planning board, he learned that public comment will not always tell you everything. He believes there is probably a lot more in play than what the Council knows. He heard the COAH issue being raised, the litigation, issues concerning overdevelopment and the need for another school, which he believes is all reason to require more information to make a recommendation. Mr. Whitenack said he would need more education and would want to abstain on the resolution for that reason only. Mr. Kurt Alstede agreed he did not feel he had enough information to make a sound decision on the matter either.

Mr. Dillingham said there are issues of concern about the EPA's perspective and he agreed with Mr. Alstede and Whitenack that the Council does not have enough information at this time, however, delay is not a readily available option. He noted that the Council hopes these types of situations will be minimal, but inevitably there will be situations such as this that will arise. In light of the fact that there the Regional Master Plan remains under development with limited information, the Council actions is premature to say whether the project is in compliance with the goals of the Highlands Act. Mr. Dillingham offered the suggestion that the Council's recommendation be to say that it can not weigh the Highlands Act criteria due to the absence of a completed Regional Master Plan. He further said that the Council does not have to say "yes or no" to the project, but it can say that the public has raised enough concerns and that it recommends further review and investigation.

At this point, Mr. Weingart suggested a revised text for a letter that would have the Council say it was unable to provide substantive comments to the DEP within the 30 day deadline but that it would forward to the DEP all the public comments it had received and ask that they be considered.

Mr. Schrier agreed to amend his motion to reflect the proposed text composed by Mr. Weingart and Ms. Kovach agreed to amend her second.

Ms. Tracy Carluccio said the Council should include in the letter that not only does the Council not have a completed Regional Master Plan, but that it has been given a difficult deadline of 30 days to render a recommendation on the project. Mr. Schrier said he would like to add to the end of item 3 on page two of the resolution under the Now Therefore heading a statement which states "asking the Council to take action on or before June 1st

is premature.” Mr. Borden said the determination could not be made by NJDEP, whether or not to approve the application, without a recommendation from the Highlands Council. Referring to a comment made by Ms. Carluccio, Mr. Borden agreed that the Council could recommend that NJDEP review the comments the Council has received.

Ms. Letts wanted to know about the specifics of the actual project. Mr. Borden replied that it is an expansion of the sewer service area designation. Ms. Letts noted that it lies within State Planning Area 1 which is a development area designated for development. Ms. Carluccio noted that there are many considerations that have to be addressed and that the review by NJDEP is not as detailed as the criteria the Council would consider in making such a determination.

Mr. Schrier advised he withdraws his prior motion and now motions to approve the resolution with the suggested changes, Ms. Letts seconded. Mr. Alstede noted he desired the Council to remain neutral with regard to the comments it has received.

Mr. Dillingham noted he is concerned with using the word “unable” in the language of the letter recommendation. Mr. Weingart noted that his proposed letter would now indicate that the Council is “unable to comment within the 30 day time limit.” Mr. Di Pirro cautioned that the Court may come back and ask how much time the Council needs.

Ms. Carluccio noted the need for a process, possibly a checklist which will address the noted concerns. She added that a committee could develop the process and the Council should be careful to not waste its ability to provide comment to NJDEP. Mr. Schrier advised he is not in favor of the idea of applications languishing in Trenton. Mr. Dillingham said he would like to know if the Council will include the comments it has received today to the NJDEP, and Mr. Weingart advised the letter could advise the NJDEP that the Council is forwarding them.

No other comments were received on the resolution.

On the amended motion made and seconded, all were in favor, APPROVED.

CONSIDERATION OF RESOLUTION REGARDING GRANTS TO MUNICIPALITIES AND COUNTIES (voting matter with public comment):

Mr. Weingart advised there were currently no applications for grants to municipalities or counties to consider and opened a public comment period.

PUBLIC COMMENT PERIOD:

Sylvia Kovachs expressed that she could not thank the Council enough for it’s openness at Natural Resources Committee meetings by allowing the public to provide comment.

Katherine Schmidt, Morris County. Ms. Schmidt asked what the total amount of dollars paid was for Council member positions. Mr. Weingart noted that Council members are

not paid. Ms. Schmidt asked how she could obtain the Highlands Council's budget. Mr. Weingart advised that staff can provide and Mr. Borden noted that the annual report is on the Council's website, and that she could obtain one today after the meeting.

Robert Goltz, President, Warren County Chamber of Commerce. Mr. Goltz said he was attending the Council's meetings with open arms this year. He extended an invitation to a Council staff member to attend monthly meetings because the county receives a lot of questions from residents at its public meetings regarding Highlands issues. Mr. Goltz advised that the county would also open up office space to a Highlands staff member if they would like to come up and use computers and cubicles. Mr. Goltz noted his desire to attend the upcoming municipal meeting. Ms. Pasquarelli advised him that Mr. David Dech is coordinating that meeting.

Robert Frey, Pohatcong Township farmer. Mr. Frey said that there seemed to be a vendetta against the farmers because of non-severable exemptions and that farmers have not gotten a decision on the Act or Administrative Procedures Act about exemptions applications. He said he regretted not being able to make his comments when the Commissioner was present.

Mr. Weingart advised that he signed a letter that morning in response to the ethanol letter Mr. Frey sent to the Council, and noted he would receive it in a day or so. He advised there is no specific language as to non-severable exemptions and Mr. Borden noted that NJDEP is processing exemption requests for certain project in the Farmland Preservation program where it would be considered a lot.

Monique Purcell, Department of Agriculture. Ms. Purcell said her understanding was that what Mr. Borden said was correct, and that she believes the date is August 15th. She noted conversations are taking place to extend that date, and a meeting is scheduled for 9:00 a.m. the next day with Susan Craft to discuss the issue further.

Lois Drysdale, Chester Township, 16.5 acres in the preservation area. Ms. Drysdale asked if after making her comments, she could read and submit Deborah Post's comments because Ms. Post had to leave the meeting. Ms. Drysdale stated that she and her husband should have been retired by now. She said the Highlands Act has unfairly taken three quarters of their retirement fund and has put their lives on hold. Next she read Ms. Post's comments which pointed to the fact that TDR was never considered and also asked about the Council members' awareness as to reasons why there is a 40% turnover of Council staff.

Douglas Williams, Flanders. Mr. Williams noted he has been attending Council meetings for about a year and doesn't hear enough about how additional water service will be provided to planning areas. He said sufficient piping and trucks and employees will not be available to supply water to the planning areas. He noted his concern that the planning areas are inadequately set up to support the growth. Mr. Williams felt landowners don't have anything to offer their children in the future, so they will be forced to move out of state.

Andy Drysdale, Chester Township, 32 E. Fox Chase Road. Mr. Drysdale said that the Council has stated it plans to share the science with counties, and asked if it will also be shared with the public. He also referred to a map shown at the last Council meeting which illustrated areas where pollution was present. Mr. Drysdale said that without testing private wells it is impossible to know for sure where pollution is. He provided his comments in writing.

Matt Polsky. Mr. Polsky noted he was slightly involved in the fight for the Highlands Act but hasn't been involved since. After seeing the Highlands Scoping Document, he decided to participate and felt the need to point out that the Council has not received enough credit. He advised that he was not representing anyone at the meeting today, but was giving his own personal comments. Mr. Polsky stated he submitted an 11 page document to the Highlands Council which outlined dozens of tenets and his views. He noted he has been a long time advocate for sustainability. He encouraged the Council to keep pushing science, and the framework for the plan, which completely makes the future a possibility for real awareness and cooperation with agencies. Cooperation building and involving farmers and environmentalists should be a bigger priority for the Council. He noted he was disheartened when he heard public comments which referred to finding an endangered species on their property as a sort of horror, and said he would find it a privilege to be asked to protect an endangered species on his land. Mr. Polsky said there needs to be a third party to bring all the participants together to determine what is fair and equitable. He said it won't be easy, but that he's not convinced that it can't be done. He provided his comments in writing to the Council.

No other public comments were received.

ADJOURN:

Mr. Weingart said the next meeting is June 22nd at 10:00 a.m.

Mr. Schrier motioned to adjourn, Mr. Whitenack seconded, and the meeting ADJOURNED at 12:40 p.m.



State of New Jersey

JON S. CORZINE
Governor

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

JOHN R. WEINGART
Chairman

DANTE DI PIRRO
Executive Director

Public Notice

Highlands Council Consideration of Recommendation on the Proposed Amendment to the Upper Delaware Water Quality Management Plan for Alpha 519 L.L.C.

Please take notice that the Highlands Council is reviewing a proposed Amendment to the Upper Delaware Water Quality Management Plan to address a site-specific wastewater management plan amendment for a development known as: *The Grande at Park Ridge Estates* developed by Alpha 519 L.L.C.

The Highlands Council intends to discuss this matter and may take action at its regularly scheduled meeting on June 1, 2006. The current New Jersey Department of Environmental Protection ("NJDEP") rules, at N.J.A.C. 7:38-1.1, include a provision stating that NJDEP "shall not approve a Water Quality Management Plan amendment" in the Planning Area of the Highlands Region without first obtaining a recommendation from the Highlands Council.

Any interested party may submit written comments to the Highlands Council (Attn. Dante Di Pirro, Executive Director - at the above address) in advance of the June 1, 2006 meeting or may also provide oral comments during the regularly scheduled meeting on June 1, 2006 at 10 a.m. at 100 North Road in Chester, New Jersey.

On March 20, 2006, the NJDEP published the following public notice for this project in the New Jersey Register (*please note* – the comment period for NJDEP comments closed on April 20, 2006, the following is provided for informational purposes only):

NEW JERSEY REGISTER
VOLUME 38, NUMBER 6
MONDAY, MARCH 20, 2006

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF WATERSHED MANAGEMENT

Proposed Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Delaware Water Quality Management (WQM) Plan. This amendment, submitted on behalf of Alpha 519 LLC, will also amend the Alpha Borough Wastewater Management Plan (WMP) and the Phillipsburg, Lopatcong, Pocatcong, and Alpha WMP.

This amendment proposes to add the entire 25.4 acres of Block 96 Lot 5 in the Borough of Alpha, Warren County to the Future Sewer Service Area of the Phillipsburg Wastewater Treatment Facility. This lot is located in the southeastern portion of the Borough and is bordered by the Norfolk Southern

Rail Line to the east and the Pohatcong Township municipal border to the south. This property will be accessed by Route 519 on the west side. In addition, this amendment proposes the construction of 92 single family three-bedroom homes, four three-bedroom condos, eight two-bedroom condos, and four one-bedroom condos on Block 96, Lot 5. The total projected wastewater flow from this development, calculated in accordance with N.J.A.C 7:14A 23.3, would be 31,200 gallons per day (GPD).

This proposed amendment has been reviewed in accordance with Executive Order No. 109 (2000) and N.J.A.C. 7:15-5.18. The development is designed to convey stormwater into an existing storm sewer system which discharges into Pohatcong Creek (FW2-TM C1). The discharge point of this existing storm sewer system encroaches upon the Special Water Resource Protection Area of Pohatcong Creek. To mitigate this impact, a 150-foot buffer was provided on-site, prior to discharge into the existing storm sewer system, to emulate the effects of the Special Resource Protection Area. The site design also conforms with all other aspects of the Stormwater Management Rule (N.J.A.C. 7:8). There are no streams or wetlands on-site or nearby which would require Riparian Corridor Analysis. There are no records for threatened or endangered species or habitat on-site. The proposed development will be provided with water within an existing Aqua NJ water allocation.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Delaware WQM Plan. All information relating to the WQM Plan and the proposed amendment is located at the Department, Division of Watershed Management, P.O. Box 418, 401 East State Street, Trenton, New Jersey 08625. The Department's file is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Division of Watershed Management at (609) 984-6888.

Interested persons may submit written comments on the amendment to WQM Program Docket, Division of Watershed Management, at the Department address cited above with a copy sent to Mr. James Biegen of Maser Consulting, One River Centre, Building 2, 331 Newman Springs Road, Red Bank, NJ 07701. All comments must be submitted within 30 days of the date of this public notice. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to the WQM Program Docket at the Department address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

RESOLUTION 2006-22

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL SUPPORT FOR A DEDICATED SOURCE OF FUNDING FOR LAND CONSERVATION

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

WHEREAS, Section 2 of the Highlands Act finds that "a new regional planning approach and the more stringent environmental regulatory standards should be accompanied by" ... "a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands" as soon as possible; and

WHEREAS, Section 6.n of the Highlands Act empowers the Highlands Council to identify and designate areas in the Highlands Region within which development shall not occur in order to protect water resources and environmentally sensitive lands while recognizing the need for a strong and significant commitment by the State to fund the acquisition of exceptional natural resources; and

WHEREAS, Section 6.o of the Highlands Act authorizes the Highlands Council to identify lands in which the public acquisition, including lesser interests, therein is necessary or desirable in order to ensure preservation thereof; as well as any lands the beneficial use of which are so adversely affected by the restrictions of the Highlands Act as to require a guarantee of just compensation thereof; and

WHEREAS, by Resolution 2005-18, the Highlands Council expressed its support for a dedicated, directed and stable source of land acquisition and stewardship funding and directed the Land Conservation Committee and staff to include in its consideration a Highlands source water protection fee and all potentially feasible proposals; and

WHEREAS, the Highlands Council acknowledges the actions of Governor Corzine to included in his fiscal year 2007 budget recommendations a surcharge in the amount of 4 cents per 1,000 gallons of water to fund drought mitigation, interconnection, and land acquisition projects; and

WHEREAS, the Highlands Council acknowledges Senators Smith and Martin who sponsored the introduction of Senate bill S969, known as the "New Jersey Clean Water, Drought Mitigation and Water Resource Security Trust Fund Act", as a means to provide a funding mechanism for water quality and water supply capital projects and watershed land acquisition projects; and

WHEREAS, the Highlands Council acknowledges the numerous federal, State, county, local and other funding mechanisms already in place to preserve water resource and environmentally sensitive lands through the Garden State Preservation Trust ("GSPT"), including the Green Acres Program and State Agriculture Development Committee Farmland Preservation Program; and

WHEREAS, the GPST Fund, the Green Acres Program, and the Farmland Preservation Program presently provide a significant source of funding for acquisition projects in the Highlands Region but will no longer be able to issue any new bond, note or other obligation after June 30, 2009 unless the Trust Fund is reauthorized; and

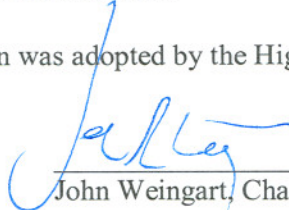
WHEREAS, the Highlands Council shares the conviction of the many individuals and representatives of groups who have repeatedly testified before the Highlands Council that there needs to be a dedicated, directed, and stable funding source sufficient to preserve and steward the lands envisioned to be protected by the Highlands Act.

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Council hereby support efforts to expeditiously reauthorize the GSPT Fund; and
2. The Highlands Council hereby support efforts to create a statutory funding mechanism for water quality and watershed land acquisition projects; and
3. The Highlands Council hereby authorizes the Highlands Council Chairman and the Executive Director to prepare and submit a letter to the New Jersey Governor and Legislature in support of these initiatives and offering the services of the Council to help evaluate the impacts of any specific proposals on the implementation of the Highlands Act.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 1st day of June, 2006.



John Weingart, Chairman

RESOLUTION 2006-23
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF AMENDED BYLAWS

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

WHEREAS, Section 6 of the Highlands Act empowers the Highlands Council with powers, duties and responsibilities, in addition to others prescribed in the Highlands Act; and

WHEREAS, Section 6.a of the Highlands Act authorizes the Highlands Council to adopt and from time to time amend and repeal suitable bylaws for the management of its affairs; and

WHEREAS, Section 6.g of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Council adopted initial bylaws at its first meeting by Resolution 2004-01 dated December 16, 2004 and revised the initial bylaws by Resolution 2005-01 dated January 6, 2005; and

WHEREAS, the Budget and Finance Committee considered and recommended amendments to the bylaws regarding the process for disbursements and financial reporting to the Highlands Council; and

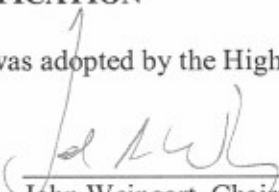
WHEREAS, pursuant to the Highlands Council bylaws, the bylaws may be amended at any regularly scheduled meeting where ten days advance notice has been given to all Highlands Council members and the Highlands Council hereby waives this advance notice requirement solely for this particular set of amendments.

NOW, THEREFORE, BE IT RESOLVED

The Highlands Council hereby adopts the attached amended bylaws dated June 1, 2006.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 1st day of June, 2006.



John Weingart, Chairman

RESOLUTION 2006-24

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL REVIEW OF PROPOSED WQMP AMENDMENT FOR ALPHA BOROUGH

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

WHEREAS, Section 8 of the Highlands Act mandates that the Highlands Council adopt a Regional Master Plan in order to protect and enhance the significant values of the resources in the Highlands Region; and

WHEREAS, Section 11.a(6)(c) of the Highlands Act states that the Regional Master Plan shall, in its smart growth component, identify undeveloped areas in the planning area, which are not significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests, are not prime agricultural areas, and are located near or adjacent to existing development and infrastructure; and

WHEREAS, Section 11.a(6)(d) of the Highlands Act states that the Regional Master Plan shall, in its smart growth component, identify water and wastewater infrastructure that would support or limit development and redevelopment in the planning area; and

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") had adopted rules at N.J.A.C. 7:38-1.1 et seq. ("Highlands Rules") governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-1.1, specifies that pending completion of the Regional Master Plan, NJDEP shall not approve a Water Quality Management Plan amendment for a project proposed in the Planning Area of the Highlands Region without first obtaining a recommendation from the Highlands Council; and

WHEREAS, on March 20, 2006, NJDEP published a public notice stating that it had reviewed a proposed amendment to the Upper Delaware Water Quality Management Plan, submitted by Alpha 519 L.L.C., in accordance with Executive Order No. 109 (2000) and N.J.A.C. 7:15-5.18, to include all 25.4 acres of Block 96 Lot 5 in the Borough of Alpha in the Future Sewer Service Area of the Phillipsburg Wastewater Treatment Facility; and

WHEREAS, a Case Management Order issued by the Honorable Victor Ashrafi, from the Superior Court of New Jersey, Docket No. SOM-L-000623-04, dated April 11, 2006 was issued in reference to *Mount Laurel* litigation on Block 96 Lot 5 involving a project to build ninety-two single family three-bedroom homes, four three-bedroom condos, eight two-bedroom condos, and four one-bedroom condos; and

WHEREAS, the Case Management Order included a provision respectfully requesting that the Highlands Council respond to the proposed amendment for Block 96 Lot 5 within thirty days from the receipt of the proposed amendment; and

WHEREAS, the Highlands Council received the proposed amendment for Block 96 Lot 5 on May 4, 2006 and conducted a staff review recommending the proposed amendment with conditions; and

WHEREAS, the Highlands Council's Natural Resource Committee reviewed the proposed amendment for Block 96 Lot 5 and decided to seek additional public comment which was accomplished by providing public notice of the opportunity to submit comment on or before June 1, 2006; and

WHEREAS, the Highlands Council wishes to provide a response regarding the proposed amendment for Block 96 Lot 5 on or before June 5, 2006.

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Council is presently unable to provide a substantive recommendation, regarding the proposed Water Quality Management Plan amendment for Block 96 Lot 5 in Alpha Borough, within the requested 30 day time period given the preliminary information that is under development for the Regional Master Plan.
2. Additional information regarding the proposed amendment may be provided to the Highlands Council on or before June 1, 2006 at 5:00 pm.
3. The Highlands Council requests that NJDEP consider all comments received by the Highlands Council and the Chairman and the Executive Director are hereby authorized to compile and forward to NJDEP all public comments received on the proposed amendment for on or before June 1, 2006.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 1st day of June, 2006.



John Weingart, Chairman