

## **MINUTES**

### **NEW JERSEY HIGHLANDS COUNCIL MEETING OF OCTOBER 6, 2005**

#### **PRESENT:**

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

#### **ABSENT:**

MIKAEL SALOVAARA

The following are the minutes from the New Jersey Highlands Council meeting which was held at the Chester Township Municipal Building, 1 Parker Road, Chester, New Jersey on October 6, 2005 at 10:00 a.m.

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

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

**ROLL CALL:** The members of the Council introduced themselves.

**PLEDGE OF ALLEGIANCE** was then recited.

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

Chairman Weingart announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and that the Highlands Council had sent written notice of the time, date and location of this meeting to pertinent newspapers of circulation throughout the State. Mr. Weingart thanked Mayor Ben Spinelli for providing the meeting location due to the temporary closure of the Highlands Council's Chester office.

### **APPROVAL OF MINUTES (September 15, 2005):**

Chairman Weingart asked if there was a motion to approve the minutes of September 15, 2005, Mr. Jack Schrier so moved, Ms. Janice Kovach seconded, the remaining members all were in favor, APPROVED. Mr. Alstede joined the meeting after the minutes had been approved.

### **CHAIRMAN'S REPORT:**

Chairman Weingart advised that the Senate Environment Committee held a non-voting session on the Highlands Act one week prior. Mr. Weingart and Mr. Adam Zellner attended and testified at the meeting as did DEP Commissioner Brad Campbell, Hunterdon Freeholders Marcia Karrow and Nancy Palladino, and Sierra Club Director Jeff Tittel. Mr. Weingart reported that four of the five members of the Committee were present including Senator Smith, Senator McNamara, Senator Ciesla and Senator Sweeney.

Mr. Weingart reported that Senator Smith and the others who spoke were upbeat about what they have been hearing about the work of the Council to implement the Highlands Act. Senator Smith made clear that he was not planning to consider amendments to the Highlands Act until after the Highlands Regional Master Plan is adopted. Mr. Weingart noted that Senator Smith asked that the Highlands Council keep him informed of changes as they arise. Mr. Weingart said that overall it was a good exchange and opportunity to discuss the Act.

Mr. Weingart asked if any members had reports. Ms. Kovach advised that she attended a round table in Hackettstown held the week before with Mr. Zellner and Mr. Tom Borden. They discussed the legislation and the status of the work with which Highlands Council and its staff are involved. Ms. Kovach noted that she provided background information on the Act at the meeting as well as details about the MP3 pilot programs and grants. She advised that Mr. Borden provided information about the legal shield.

Mr. Spinelli reported that he attended a meeting in Lake Hopatcong where Mr. Zellner gave a presentation regarding available grants for municipalities. He also reported that he will be meeting with the State League of Municipalities on October 21<sup>st</sup> at the Frelinghuysen Arboretum.

Ms. Mimi Letts advised that she gave a Highlands presentation to the Women's League in Parsippany. She noted that she was pleased with the level of interest at the meeting.

Mr. Schrier reported that he attended the Morristown Historical Society the week before with Ms. Laura Szwak. He noted that it was well attended, approximately 40 people met, and the purpose was to speak on the historical aspects of the Highlands Act, provide opportunity for Q&A, as well as to obtain feedback.

Mr. Glen Vetrano reported that thanks should be given to Mr. Zellner and Mr. Steve Balzano for the September 20<sup>th</sup> technical seminar they gave in Newton. He noted the seminar was televised, and greatly helped municipalities in Sussex County by providing an overview for planning board officials and members, construction officials and elected officials in attendance. Mr. Vetrano said master plan development was covered and that in-depth questions were asked and answered. He noted that the seminar generated beneficial information.

Ms. Eileen Swan reported that she and Ms. Christine Danis attended a meeting of the AIA in Alexandria, Hudson County on October 1<sup>st</sup>. At the meeting they provided Highlands perspectives and plan to meet again in November. Ms. Swan noted there was a high level of interest about the Highlands at the meeting.

Ms. Lois Cuccinello reported that interest in the Highlands is far reaching. She noted that the Council has been invited to a meeting in Paterson on October 18<sup>th</sup> to talk about how urban areas can utilize TDR aspects.

Mr. Schrier said that the Council is committed through the Chair to reaching out to all 88 municipalities. He added that opposition to the law was rampant at the outset, but since then the Council and staff have been engaging all the entities in a manner that would be as participatory a process as possible which has helped.

Ms. Debbie Pasquarelli thanked Ms. Danis and Mr. Balzano for attending a meeting in northern Warren. She noted it was attended by five municipalities, three of which are not in the Highlands, and that it was those three who initiated the meeting. Ms. Pasquarelli said that towns are willing to meet and interact with the Highlands Council.

#### **EXECUTIVE DIRECTOR'S REPORT:**

Mr. Zellner thanked everyone for attending and noted that the Council and staff are interested in learning about upcoming events taking place throughout the Highlands municipalities. Mr. Zellner reported that though the Chester office is temporary closed, the staff is keeping things moving forward.

Mr. Weingart said that committee reports will be abbreviated due to the temporary closing of the Chester office and that at the Council's next meeting on October 20<sup>th</sup>, complete written copies of all committee reports will be provided to the members and public.

Mr. Weingart then opened a public comment period.

#### **PUBLIC COMMENT PERIOD:**

Hank Klump, Tewksbury. Mr. Klump owns a 150 acre farm in the preservation area. He asked how the Highlands boundaries were determined. Mr. Klump thought that

Tewksbury did not provide water into a reservoir. He said that the 88 acre DEP standard is unrealistic.

Mr. Weingart turned to item 9 of the agenda, the consideration of a resolution approving grants to municipalities.

**CONSIDERATION OF RESOLUTION APPROVING GRANTS TO MUNICIPALITIES (voting matter):**

Mr. Borden read the entire resolution to the Council and public.

Mr. Vetrano motioned to approve, Ms. Swan seconded. Mr. Weingart noted that some members would recuse themselves from voting in favor of grants with regard to their specific towns.

Mr. Weingart asked if there were any questions and none were received. Mr. Zellner noted that this was just the beginning of the grants process and that staff will continue to provide information in the future. Mr. Weingart asked for any public comments.

John Love, Randolph Township, Town Manager. Mr. Love thanked the Council for providing grant funding and expressed his appreciation on behalf of Randolph Township.

Mr. Weingart then asked which members would be abstaining from voting in favor of the resolution as to their respective towns.

Ms. Kovach abstained from Clinton Town, Mr. Scott Whitenack abstained from Morristown Town, Mr. Spinelli abstained from Chester Township, Ms. Pasquarelli abstained from Greenwich Township, and Mr. Schrier abstained from Mendham Township; on the prior motion made and seconded, all were in favor, APPROVED.

Mr. Weingart asked that the Council come forward to formally present the grants.

Mr. Weingart called the officials from Warren County. Those accepting on behalf of Washington Boro were Mayor Marianne Van Deursen, who introduced Boro Manager Mr. Richard Sheola, Councilman Terry Houssell, Councilwoman Christina Wykowski, Boro Engineer Mr. Bob Miller and the Director of Business Improvement District Mr. Jim Shelton. Mayor Van Deursen noted that the group of individuals present have been working closely on the redevelopment and revitalization of Washington's business district, and were honored that the Highlands chose to award the grant. She noted that without the help of the Council it would be very difficult to achieve their goals.

Mr. Weingart called the representatives of Sussex County. Mr. Skip Danielson, Mayor of Byram Township expressed his appreciation to the Council noting that Byram Township has great interest in preserving its area, and stated that the grant would be put to good use toward protecting Byram's 17 lakes which provide important headwaters for drinking water in northern New Jersey.

Mr. Glen Vetrano took the opportunity to express appreciation for the grant funding on behalf of the Council and also as a resident of Sussex County. He stated that without the input of municipal leaders the Council cannot accomplish its goals and said that the grants would be very useful in Sussex. Mr. Vetrano noted the importance of Byram Township in Sussex County.

Mr. Weingart then called Passaic County representatives. Mayor of Ringwood Boro, Ms. Wenke Taule, expressed her appreciation for the grant funding and noted that Ringwood is delighted to be an MP3 municipality and is anxiously looking forward to working with the Highlands Council and its staff.

Mr. Bill Drew representative on behalf of West Milford Mayor Joseph DiDonato, thanked the Council for the COAH grant and stated that West Milford looks forward to being an MP3.

Ms. Lois Cuccinello noted on behalf of Passaic County that West Milford, Ringwood and Bloomingdale are 3 towns which have already applied for and been approved grant funding. She noted there are five towns in Passaic County in the preservation and planning area that are working to take advantage of grants and are all interested and proud to be working toward achieving Highlands Council's goals.

Mr. Weingart called the representatives from Morris County. Mr. Schrier noted that Morris County has 32 of its 39 municipalities in the Highlands and as a result, Morris County has 5 members on the Highlands Council. He added that the people of Morris represent some of the most preservation minded officials in the State of New Jersey.

Mayor of Randolph, Mr. Edward Tamm, noted that Randolph has accumulated several thousand acres of open space and will certainly put the grant to good use for developing and setting standards for maintaining open space to benefit future generations. He expressed his hopes that the document could be utilized as a model statewide.

Mr. Russell Stern, the Roxbury Director of Planning, thanked the Council for the grant and noted that Roxbury would be putting it to good use.

Dover Town Mayor Javier Marin expressed his appreciation for the grant funds on behalf of the town. He stated that opportunities for redevelopment are important to Dover Town and that critical issues for Dover are the understanding of the value of TDR, its long term effects and what opportunities exist through the use of TDR. Mayor Marin noted that most people do not realize that the river runs under the town of Dover, and that funding and collaboration is a huge benefit which will help maintain and improve the areas surrounding the river.

Mt. Olive Mayor Richard De La Roche, thanked the Council and stated that Mt. Olive is 80% in the Highlands and is proud to have the largest natural lake in the State of New Jersey and has great interest in preserving water resources and are open minded to

obtaining open space. The mayor stressed that it is essential to all the residents of New Jersey to have clean drinking water.

Mr. Eric Maurer, Business Administrator on behalf of the Mayor and municipality of Morristown thanked the Council for the grant funding which will be utilized for the housing element of their master plan.

Pequannock Township Mayor Ed Engelbart expressed his gratitude to the Council for providing Pequannock Township the grant funding to assist with its COAH third round obligations. Mayor Engelbart noted that Pequannock is often referred to as the “mother and father” of Morris County as it was settled in 1740.

Mayor of Harding Township John Murray expressed his appreciation to the Council for its support and its work on water and open space preservation. Mayor Murray noted Harding Township is looking forward to working with the Council. He said that Harding Township supplies important water supplies through the Highlands and the Great Swamp National Wildlife Refuge.

Montville Township Administrator John Rompala thanked the Council for the grant to assist with meeting its third round COAH obligations. He echoed and reinforced what Mr. Schrier said about the areas in Morris County being committed to the preservation of open space. He noted Montville and Randolph were two of the first communities to adopt the open space tax and expressed appreciation for the recognition.

Mr. Scott Whitenack noted that Morristown looks forward to receiving grants which will enable it to take action and move past obstacles to providing affordable housing.

Chester Councilwoman Joan Fischer stated she was pleased and honored to accept the grant and said that it would be put to good use.

Mr. Weingart called the four Council members from Hunterdon County, including himself, and noted the awards to Tewksbury and Clinton. Council member and Clinton Councilwoman Ms. Janice Kovach thanked the Council on behalf of the Mayor of Clinton. She noted that no substantive certification had been received to this point and that the towns will utilize the grant for first, second and third round COAH obligations.

Mr. Weingart noted that Somerset County also received grants but that its representatives were not able to attend the meeting.

Mr. Weingart advised the municipal officials present about the upcoming Partnership meetings the Council is holding for local officials. He noted that public notices have been sent to the chairs of the governing bodies -- Planning Board Chair, Environmental Commission Chair, Zoning Board Chair, Open Space Board -- of every Highlands municipality. Three meetings are set for October 18<sup>th</sup> at 3:00 p.m., and on the 19<sup>th</sup> and 20<sup>th</sup> at 7:00 p.m. in the Chester office. The notices are posted on the website and Mr. Weingart said he hoped as many municipalities as possible will attend.

Mr. Weingart turned the meeting to the committee reports.

### **COMMITTEE REPORTS:**

Mr. Weingart noted that the written committee reports will be provided on October 20<sup>th</sup>, and that the **Plan Development Committee** has met since the last Council meeting discussing towns around planning areas opting into the Highlands Regional Master Plan. He stated that the issue of whether part of a town can opt in is still under consideration and further that the Committee has also been discussing whether a town could choose to opt in for only some of the plans and policies in the Council's RMP. The committee has decided to draft a white paper and resolution for the Council to consider alternate ways to proceed and is in the process of scheduling a meeting for Thursday October 13<sup>th</sup> in the hopes of bringing the issue to the full Council for its next meeting on the 20<sup>th</sup>. Mr. Weingart added that it is a major issue which will require much conversation.

Regarding the **Local Participation Committee**, Mr. Schrier reported that meetings have been conducted and that the full reports are forthcoming.

Mr. Dillingham gave the **Natural Resources Committee** report. He noted that they met on the 15<sup>th</sup>, and that application reviews and wastewater management plans were discussed. Mr. Dillingham reported that redevelopment and jurisdiction over the review process was also highlighted.

Mr. Dillingham said the committee also addressed a proposal by DEP to amend the Surface Water Quality Standards addressing Highland waters and the criteria for modified Category 1 status for point source discharges and non-point source discharges. He reported they will be meeting again and providing input to the DEP on its proposal. Discussion about buffer zones around streams for water quality preservation was also highlighted.

Mr. Dillingham reported that the committee also worked on utilizing uncommon federal funding for land preservation. The committee also discussed the significance of capacity in streams for wastewater as to how much growth a region could support. Mr. Balzano has been working with consultants on those specific issues. Mr. Dillingham noted that comments were received from the public about creating a "Highlands area standard."

Ms. Letts asked about the proposals for C1 classifications and the 300 foot buffer. She stated in her town that 300 feet would be large buffers and asked what the ramifications for people living in the buffer would be.

Mr. Dillingham replied that the committee is still working through the issue, but the understanding is that C1 classification triggers storm water management standards and that exemptions would apply for pre-existing structures. Ms. Carluccio said that there may be limits on the footprint of the buffers. Mr. Dillingham said the idea of differential standards for areas identified for growth and how they differ from areas that the Council



identifies would be explored. He added the committee is looking to protect streams in towns that are not in the deepest parts of the preservation area.

Ms. Cuccinello then reported that the **Interagency Committee** met on September 22<sup>nd</sup> and drafted interagency letters for additional discussion and then hard copy.

Ms. Swan gave the report on the **Land Conservation Committee**. She noted that the committee met on September 22<sup>nd</sup>, and that the report is being completed. An updated funding report and what is available for preservation in the Highlands area as well as new ideas for acquiring funding in Highlands will be included. The committee discussed federal funds and Ms. Laura Szwak and staff have provided many avenues to pursue for funding such as a water fee.

Ms. Swan noted that a meeting with SADC and Green Acres staff will be held on October 17<sup>th</sup> at 10:00 a.m. in Chester, to coordinate roles and priorities in effort to streamline programs.

Ms. Swan advised that partnership and TAC information were also discussed. She thanked staff for the briefings they provided and noted that the committee also talked about the rules regarding the New Jersey Infrastructure Trust Fund which will have Highlands impacts.

Mr. Weingart asked if there were any questions and noted that though the written committee reports could not be completed due to the closure of the Chester office, the staff has done well in keeping up. He then opened a public comment period.

#### **PUBLIC COMMENT PERIOD:**

David Shope, Long Valley. Mr. Shope said that the Highlands Act was enacted over a year ago and that the identification and compensation for people who have lost their land due to the law has not been completed. He said that a water tax would not be sufficient to generate the funding necessary to compensate land owners. He asked that the Council address the issue.

Debra Post, Chester. Ms. Post said she has lost several million due to the devalued land she owns and felt the Act is a taking. She said she is attempting to recoup the lost asset value but that her property value has been devalued 80-95%. She made clear that she resented the Council awarding grants earlier in the meeting to municipalities but not having funds available to give landowners like herself whose land has lost significant value due to the Highlands Act.

Jerry Kern, Pohatcong. Mr. Kern owns 70 acres. He stated that his land didn't initially meet the preservation area requirements but was later added to the area. He said he has lost value on his land. He believes that the Act gives landowners an unfair choice to either put their land in land preservation within the next five years or lose out completely. Mr. Kern feels residents are at the mercy of the DEP and asked for funding assistance.



Martha Player, Long Valley. Ms. Player asked for information as to her 3 acre parcel. She noted that she wants to keep her land vacant and asked what restrictions would apply if she was considering selling it. Mr. Weingart said Ms. Szwak could to speak to her and answer questions.

Mr. Dillingham noted that even though he didn't report on the fact that land devaluation is being analyzed, the issue is being addressed. He noted that the fiscal impacts have not been completely demonstrated yet, but the Council is working to fully examine the fiscal impact in the Regional Master Plan.

Ms. Swan said with regard to funding possibilities that there are some sources currently available through open space and that the work is continuing. She added that not specifically answering the concerns raised by those speaking at the meeting, however there is Green Acres funding being added to municipalities and that work on funding will progress.

Mr. Shope interrupted to ask that the meeting be adjourned. He argued that with the public comment period over, the Council should not continue to talk but should move to the next item on the published agenda which is to "adjourn."

In response, Mr. Schrier moved to close public comment and Ms. Pasquarelli seconded.

Mr. Weingart explained that the Council members only meet in public and that, he found it completely appropriate for members to use this part of the meeting to discuss issues raised in the public comment period or any other Highlands issues. Mr. Zellner noted this was the prerogative of the Council Chair.

Ms. Pasquarelli said that she is concerned about the land value comments received. She felt that the lack of discernable progress is troubling. She also said that the fourteen members alone cannot solve the problem. She added that decisions in Trenton will need to be made. Ms. Pasquarelli thought that members receiving comments are desirable, however she asked who else the public could address other than the Council in order to effectuate progress.

Mr. Weingart and Mr. Zellner noted that the Council does provide comments and information to legislators who serve the various communities, but added that the public should also write to their legislators. Mr. Weingart added there is a process in the Act for hardship waivers.

Ms. Letts asked whether Green Acres funds would apply. Ms. Swan confirmed that land preservation would apply. Mr. Spinelli noted five projects which have been preserved and added that compensating land owners has been a priority and conducted according to fair market value. He believed the short term outlook is still positive.

Ms. Swan echoed Mr. Spinelli, and Mr. Schrier noted that land preservation does go forward. He said that not every piece of property in the preservation area is available for sale. For example, he noted that when looking at the stock market, if stock goes down it doesn't mean that it will not go back up. Mr. Schrier stated that over history land values do not typically go down and that land values could rise in time and that land owners could very possibly make money on their properties. He noted that Morris County has the advantage and benefit of \$25 million per year for preserving land as well as programs such as the Forest Legacy Program.

Mr. Weingart expressed appreciation for the public comments received. He advised that the next meeting will be held on October 20th at 10 a.m. in the Chester office. He noted that the Natural Resource Committee would meet after the lunch break.

**ADJOURN:**

Mr. Schrier made a motion to adjourn, seconded by Mr. Vetrano, all were in favor, and the meeting ADJOURNED at 11:40 a.m.