



State of New Jersey

Highlands Water Protection and Planning Council

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JON S. CORZINE
Governor

JOHN R. WEINGART
Chairman

DANTE DI PIRRO
Executive Director

MEETING AGENDA

Thursday, April 6, 2006 - 4:00 p.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
 - a. Council Member Reports
7. EXECUTIVE DIRECTOR'S REPORT
8. STAFF UPDATE ON TECHNICAL ADVISORY COMMITTEE CHARRETTE
9. COMMITTEE REPORTS
 - a. Personnel Committee – Chairman Weingart
 - b. Plan Development Committee – Chairman Weingart
10. CONSIDERATION OF RESOLUTION REGARDING GRANTS TO MUNICIPALITIES AND COUNTIES (voting matter with public comment)
11. PUBLIC COMMENTS
12. ADJOURN

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF APRIL 6, 2006**

PRESENT:

JOHN WEINGART)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
ELIZABETH CALABRESE)	
TRACY CARLUCCIO)	
TIM DILLINGHAM)	
JANICE KOVACH)	
MIMI LETTS)	
DEBBIE PASQUARELLI)	
MIKAEL SALOVAARA)	
JACK SCHRIER)	
GLEN VETRANO)	
SCOTT WHITENACK)	

ABSENT:

LOIS CUCCINELLO)
BEN SPINELLI)

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road, Chester, New Jersey on April 20, 2006 at 4:00 p.m.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the twenty-sixth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:10 p.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 MARCH 9, 2006:

Mr. Schrier made a motion to approve, Mr. Glen Vetrano seconded, Ms. Janice Kovach abstained, all others were in favor, APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart reported that the Highlands Council's Annual report for 2005 has been released pursuant to statute. The report was prepared according to what the Council accomplished over the past year and will also be posted on its website. Mr. Weingart noted that it has been sent to the Legislature and to the Governor. Mr. Weingart asked if any members had reports.

Ms. Debbie Pasquarelli advised that she participated in a radio debate the month before and that Ms. Susan Buck was also a participant. She said that it was a very good opportunity to discuss Highlands issues and noted that the debate is available on the radio's website at WRNJ.com.

Since no other members had reports, Mr. Weingart asked Mr. Dante Di Pirro to give the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Di Pirro advised that the Council staff has had some attrition over the past year with Ms. Laura Szwak and Ms. Erin Thomsen leaving staff as of the next day. He noted that the Council has obtained approval from the Governor's office to move forward in hiring six new staff members to make up for some of the lost positions. Mr. Di Pirro said that the new hires will work with planning and science staff, and other positions such as communications will be filled. He advised that the Personnel Committee had discussed filling the vacancies at a meeting earlier in the day and would discuss them in more detail once the positions were advertised and applications had been submitted.

Mr. Di Pirro reported that Ms. Debbie Lawlor, Chief Planner with 20 years experience from the Meadowlands Commission, has offered to assist the Highlands with the Regional Master Plan for six months. Ms. Lawlor will work with Ms. Chris Danis and the staff looks forward to gaining her expertise.

Mr. Di Pirro advised that on March 25th there was a Land Trust Rally attended by staff. He also advised that the Highlands planning TAC (Technical Advisory Committee) Charrette which took place on March 28th and 29th was a great success. The staff has been very busy over the last few weeks, and noted that coming up on April 8th will be the New Jersey Environmental Federation Conference where the Governor will speak. He noted that meetings continue to be held with municipalities which are eager to learn about the opportunities and requirements of the Regional Master Plan and that staff will also be attending the Hunterdon County Tax Board meeting on April 19th.

Mr. Weingart thanked Mr. Di Pirro for his report and said that the Landowner Forum and TAC Charrette sponsored by the staff were major events and commended the staff for a job well done in organizing them. Ms. Pasquarelli reported that the Landowner Forum, held the night before, gave approximately 100 interested members of the public an opportunity to establish contact with various government and non-profit land acquisition agencies. She noted that the level of interest and turn out were very high. She said that Green Acres and SADC representatives attended and were appreciated. She thanked the staff for all their hard work in setting up the Forum. Mr. Di Pirro added that audio from the landowner forum is available on the Highlands website.

Mr. Di Pirro asked Mr. Balzano to give a presentation regarding the two-day planning TAC Charrette held on March 28 and 29. The TAC Charrette was very well attended with nearly 200 people including Council members Carluccio, Dillingham and Kovach, and Pasquarelli attending.

STAFF UPDATE ON TECHNICAL ADVISORY COMMITTEE CHARRETTE:

Mr. Balzano and Ms. Danis gave a power point demonstration which outlined the events that took place during the TAC Charrette. Mr. Balzano thanked Council staff members Chris Danis and Maryjude Haddock Weiler for all their hard work on this project

Mr. Balzano noted that the Charrette's goals were to identify, prioritize and develop possible approaches and strategies for effective implementation of the Regional Master Plan. Ms. Danis added that the staff worked with the firm of Consilience, Inc. who facilitated the event by virtue of a generous grant from the Geraldine R. Dodge Foundation.

Mr. Balzano said two prime challenges were presented at the Charrette. One challenge was the commitment to good science and its complications. He said the complex scientific work being conducted by the Council is the most progressive planning endeavor by the State to date. Another challenge identified was to affect the negative impacts of development on the ground, where technical disciplines will be implemented. Another major objective was to determine as comprehensively as possible capacity limitations, such how much water is actually available. Mr. Balzano noted that key milestones were identified to define the stages of Regional Master Plan development.

He suggested that all the Regional Master Plan ("RMP") components are inter-related and no one component can stand alone. He suggested that RMP will address strategies to create an interconnected system of publicly and privately preserved lands and farms to achieve and maintain multiple benefits. The importance of land stewardship, not just preservation, was stressed repeatedly by both the commentators at the TAC Charrette, and comments received in response to the scoping document. It was requested repeatedly that the Council focus on innovative alternative approaches. Commenters stressed that preservation priorities need to be identified and a stable source of funding is vital. There have been many requests by commenters that we find new and innovative ways to generate income.

TDR comments received requested that allocation of credits be kept simple, regional, and uniform. It was also suggested that the TDR credit bank should serve as an "exchange" to account for regional valuation differences. Strategies should allocate credits to undevelopable resource lands as well as establish other means to create demand for credits -- for example, through variances, purchases by land trusts, and settlement of natural resource damage claims. It was noted there should be a long term commitment to balance supply and demand of credits over time.

The Regional Master Plan work plan elements will have three major milestones. The first milestone will be to identify accurately the water supply infrastructure which will reach the milestone of the water supply analysis. The second major milestone will be identifying the wastewater infrastructure to complete the waste water treatment capacity analysis. The third milestone will be to conduct the water and wastewater treatment demand analysis to complete the implementation framework for the Regional Master Plan. Mr. Balzano said that all the data will be organized into a series of policy decisions for ultimate implementation. It is important that the details of the Regional Master Plan implementation process be easily understood by local stakeholders and that they clearly identify incentives and disincentives.

In developing the land use capability map, it was stressed repeatedly that it be based on clear science. The land capability has to be compiled in a manner that best serves municipal officials as well. The policy guidance document elements are broken down into six sections: Resource Assessment Component; Smart Growth Component; Transportation Component; Local Participation Component; Consistency and Coordination Component; and the Financial Component.

Mr. Schrier thanked Mr. Balzano and Ms. Danis for their hard work. He asked about land stewardship and who would be the stewards -- the property owners, the state, or some other entity. Ms. Danis replied that it would be a variety, and that staff are working on a multi-tiered approach. Mr. Schrier also asked about the water supply allocations controlled by the NJDEP and whether the Council will be taking over or duplicating those measures. Mr. Balzano said the Council will be partnering with NJDEP to ensure that the goals that best serve the Highlands are reached. Mr. Salovaara asked if the power point presentation which was just given would be available on the Council's website and Mr. Balzano replied that it would.

COMMITTEE REPORTS:

Mr. Weingart reported that the **Personnel Committee** had agreed with staff's proposed approach to fill the six vacant spots on the staff for which authorization has been received from the Governor's Office. He noted that advertisements will be placed for five positions and that one probably will be filled by someone currently working for the Council as a consultant. He reported that the Personnel Committee recommends that staff immediately advertise on the web and in newspapers for the positions.

Mr. Mikael Salovaara motioned to follow that recommendation, Ms. Kovach seconded, all were in favor, APPROVED. Mr. Salovaara asked that the staff be sure to thank the NJDEP and the Governor's office for authorizing the Council to hire the six staff members considering the existing State hiring freeze and the ongoing concerns regarding the State budget.

Mr. Weingart next reported that the **Plan Development Committee** met earlier that day and that the 18 month time frame for the Regional Master Plan was discussed. Mr. Weingart stated that the schedule is a major challenge and he noted that many had asked from the very beginning how the Council would accomplish such an undertaking. Mr. Weingart noted that it is now clear that the June 2006 deadline for adoption of the Regional Master Plan is unreachable due to the level of detail required to complete an accurate plan based on good science and the Council's commitment to provide extensive opportunity for public input in the planning process.

Mr. Weingart reported that the Plan Development Committee agrees with a recommendation it received from staff calling for a revised schedule with many data sets released in June, a draft plan made public in October and plan adoption by the end of the year..

Mr. Di Pirro said that the staff has been working incredibly hard to do a detailed inventory of where the RMP stands with respect to each of the aspects of the plan. It is a cutting edge plan and includes complex myriad layers of scientific data. Mr. Di Pirro noted that the proposed schedule for Regional Master Plan roll-out would begin with a public release in June of all the data generated over the last year. The public will be able to see the parcel data the Council has gathered, as well as habitat, infrastructure and transportation networks data. Municipalities and counties have contacted the Council

to advise that they also have additional data to offer, and the staff would like to deliver that information to the public. He noted that, in essence, the delay in adoption extends the public comment period.

Mr. Di Pirro advised that during the summer the Council will examine the input it receives and effectively integrate and validate the accuracy of the data. The final portion of the schedule would be ultimate release of a draft Regional Master Plan in the Fall and, after the required public hearings, the adoption of the RMP at the end of the year.

Mr. Di Pirro stated that the Act requires that the Highlands Council conduct a resource capacity analysis, and create a plan based on sound science, as well as afford maximum public input. The staff also recommends that the Council continue to focus on a process to create a specific source for funding, as well as a process to expedite preservation opportunities for willing landowners. He stated that the Department of Agriculture and the NJDEP Commissioners were very supportive in finding a process to achieve this.

Mr. Salovaara asked whether the Council should write to the Legislature or Governor to advise about the delayed adoption. Mr. Weingart noted that both he and Mr. Di Pirro have spoken to NJDEP and the Governor's office. Mr. Borden noted that the Governor's office is aware and Mr. Di Pirro noted he also contacted the Act's prime sponsor Senator Smith to advise him of the Council's progress. Mr. Salovaara said he would prefer that the Council write to the Legislature to let it know it's missing the deadline for plan adoption. He added that the land equity issue should be kept separate.

Mr. Schrier made a motion to adopt the schedule recommended by the Plan Development Committee and staff, Ms. Pasquarelli seconded. Mr. Weingart opened a public comment period regarding the proposed schedule.

Stephen Shaw, Esquire on behalf of Hunterdon and Warren counties noted he respectfully disagrees with Highlands counsel's advice to change the schedule. He said it is incumbent that the Council file a motion to be allowed an extension. He said that the Council is at risk for acting *ultra vires* wherefore the actions it takes could be considered voidable.

David Shope, Long Valley. Mr. Shope said that he has been held in limbo for over two years and that he thought it is time for the Council to put something on the table so he can sue.

Jerry Kern, Pohatcong Township. Mr. Kern said he is in limbo and that the Council is delaying because it doesn't have the science. He said the science should have been in place before the legislation was enacted.

Wilma Frey, NJ Conservation Foundation. Ms. Frey said that having more time to work on the plan is an excellent idea and that the Council will have a more accurate sustainability analysis. She commended the staff and Council for its decision.

Debra Post, Chester. Ms. Post said the Council should reread the Kelo decision and that a reasonable plan should have pre-dated the passing of legislation. Ms. Post added that since the Council doesn't have a plan yet and it has been two years since the legislation passed it has affected people's lives long enough.

Nancy Palladino, Hunterdon Freeholder. Ms. Palladino said that she is interested to hear what to expect because it has been a year since cross-acceptance. She said she also wants to know what the delay will mean in terms of process. Last July there was supposed to be a cross-acceptance meeting but it was postponed to February, and it did not occur. She said she is concerned about plan endorsement process and that petitions could be held up in the Preservation Area and possibly in the Planning Area as well. Ms. Palladino noted that counties need direction and expressed concerns about the expiration of pre-Act property valuation conditions. She said that landowners should have appropriate equity. Ms. Palladino said that she finds it ironic that there was justification to pass a law of such magnitude but that it is being decided now that there isn't sufficient information to form the plan.

Andy Drysdale, 32 E. Fox Chase Road, Chester. Mr. Drysdale noted he was disappointed the night before at the landowner forum with the slide shown previously on a TDR presentation. Mr. Weingart asked whether Mr. Drysdale wished to comment on the resolution at hand, and Mr. Drysdale stated that he believed the Act should be overturned because it is too restrictive. He noted that a voluntary plan would probably serve to effectively promote preservation in the Highlands.

Susan Buck, Oxford. Ms. Buck noted that residents have been waiting two years within the Preservation Area for a plan and also thought the Planning Area will now be compromised. She said that economic growth will come to a halt. Ms. Buck asked that the Council to go back to the Legislature and request that the Act be amended because it should be modified to accept this delay. The Act should not have been rushed through. Ms. Buck said she would prefer seeing the plan be completed correctly, and suggested that instead of being "blind to line" to just get rid of the line.

Hank Klumpp, Tewksbury Township. Mr. Klumpp would like the Council to go back to the Legislature and advise that the biggest problem with the Act is the lack of funding. He also said he agreed with Susan Buck's comments and that the boundary lines should be moved according to science and not politics. He expressed that it has been over two years already and wants the Council to adopt a plan.

Nancy Chembellen, Warren County. Ms. Chembellan thanked the staff for including comments provided regarding the Regional Master Plan. She said that some important items in Warren were overlooked and that she appreciates the recognition of those. Ms. Chembellan also commended the Council for its dedication to substance and its attempt to adopt a reasonable workable master plan.

Raza Ashemi, Flanders. Mr. Ashemi said he has been paying \$30,000 per year in property taxes and that the last two years since the Highlands Act passed have been difficult. With regard to lost property valuations he thought property owners should be offered a reimbursement deal for unadjusted property taxes.

Seeing no additional public comments, Mr. Weingart asked if Council members had any additional comments. Mr. Salovaara asked about Mr. Di Pirro's reference to the Council accepting comments after summer. Mr. Di Pirro stated that this issue did not influence the staff recommendation but that it was important to note of the need to ensure adequate public input into the development of the plan.

Mr. Alstede noted he is uncomfortable with disregarding the legislative deadline without seeking and obtaining permission or an amendment to the Act to extend the statutory deadlines.

Ms. Calabrese said her understanding is that the scope of the information necessary for the plan is a huge undertaking. In light of the size of the task at hand, she asked what the rationale of the Legislature

was in setting 18 months as the deadline for plan adoption. Mr. Di Pirro said since it was a group of legislators who collectively sponsored the Act, it was difficult to determine legislative intent. He thought some felt that the Act needed to aggressively protect the most pristine lands while others proposed that the Act be done as quickly as possible. Mr. Di Pirro said there are no sanctions in the Act for not meeting the deadline.

Ms. Letts said that it was likely unanticipated in the legislation that there wasn't a public body already in place to accomplish the mandates, unlike the NJDEP who would have the benefit of an established staff and resources at hand. The Council did not exist at the time the Act was passed and time was necessary to obtain staff and start up.

Mr. Dillingham noted in the absence of specific language in the legislation it would be difficult to determine what would be the outcome of the delay. He noted in contrast that the Legislature was very clear on protecting the lands quickly and promoted the Council to be as aggressive as possible. Mr. Dillingham said that the work being undertaken is extremely complex and that the Council is being responsible in attempting to be as thorough as possible. He stated with response to public comment, that there are existing State funds under the open space and farmlands programs focused to meet pressures on resources.

Ms. Letts said that the staff had presented a Gant chart for the plan to the Plan Development Committee and that there were over 680 tasks identified to be accomplished in order to guarantee that the plan is a viable and accurate plan. It illustrates how attentive to details the staff is attempting to be and thought the plan will be great.

Mr. Whitenack said usually a schedule is set at the beginning and that there are things you can do to meet criteria, such as leave blanks where necessary and put them out for comment. He noted that he would like to move forward in that manner.

Mr. Vetrano said that obviously to do the plan correctly more time is necessary. If the Council is to remain credible it should move as expeditiously as possible to adequately represent the landowners. He said that at every turn funding issues pop up. The Governor said in his recent budget address that "people without a voice" shouldn't suffer due to the budget. Mr. Vetrano noted that he is eager to support the extension, but not to forget about the "people without a voice."

Ms. Carluccio said that one of the under-estimated tasks was the lack of compatible data. She noted that anyone who has ever looked at applications for NJDEP permits will find there is a true lack of data. She said it is not known how much water exists, and that the resulting problem has been over-allocations in the past. Ms. Carluccio noted the task at hand becomes that much more complex when the data needed is for completion of a viable plan. She said she supports the extension and that the staff has done excellent work so far.

Ms. Pasquarelli said she supports what her colleagues were saying and noted that at the Plan Development Committee meeting, the reason highlighted for the extension was that the Council has set a very high standard for public input. She said that a plan could have been adopted by June, however noted that the public is being better served by doing it right. Ms. Pasquarelli noted that the Committee reviewed Mr. Balzano's nine-foot Gant chart in great detail and also expressed that she thought the delay in adoption will ultimately not change where the Council would have been in December had it adopted the plan in June.

Mr. Alstede moved to amend the motion to have the Council ask the Legislature for permission to extend the deadline for plan adoption, no second was received.

Mr. Weingart noted that he understood the proposed resolution to implicitly include the Council's intent that the Council notify the Governor and Legislature of the changed schedule by letter.

Mr. Schrier amended his prior motion to make Mr. Weingart's statement explicit in the resolution, Ms. Pasquarelli seconded the amendment, Mr. Alstede opposed, all others were in favor, APPROVED.

Mr. Whitenack asked who the point person would be and Mr. Borden noted he will inform and obtain confirmation of the process.

Ms. Pasquarelli commented that the Land Preservation Committee needs to meet as soon as possible to come up with accurate numbers needed for funding preservation. Mr. Salovaara agreed. Ms. Letts noted that the Council needs to estimate how much funding is needed based on an assessment, and not just say that it needs funding.

Mr. Di Pirro said the staff will identify the immediate needs. Ms. Pasquarelli said land preservation will likely sign on to an initiative and could earmark priorities. Mr. Di Pirro said this initiative will be passed to the Land Preservation Committee and Mr. Weingart noted a resolution was not needed for this action.

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

Mr. Balzano summarized the proposed resolution which assists municipalities and counties in meeting their COAH fair share planning obligations, and that the grant proposed now was for an amount not to exceed \$7,500 to Pohatcong Township.

Mr. Salovaara motioned to approve, Mr. Whitenack seconded, no public wished to comment, all were in favor, APPROVED.

Ms. Calabrese left to attend another meeting.

PUBLIC COMMENT PERIOD:

Nicki Goger, Farm Bureau. Ms. Goger brought a letter to the Council written by Farm Bureau President, Mr. Rich Nieuwenhuis. She read it aloud to the Council and public. The letter addressed issues about the agricultural grant program for Integrated Pest Management (IPM Program). She provided copies of the letter to the Council.

Howard Wolf, Community Builders Association. Mr. Wolf said the Council has agreed to delay adoption of the plan and said that a rushed plan can only weaken the implementation of the Act. He said not one landowner has been compensated for land which has been rendered worthless because there exists no money to pay land owners. Mr. Wolf said it is time for the Council to petition the Legislature to change the Act due to lack of funding.

Debra Post, Chester. Ms. Post provided copies of a deed restriction related to a property in Pitkin County, Colorado to the Council. She advised that she attended the Landowner Forum the night before and noted that the majority of people who attended were primarily senior citizens of the working class and that the ramifications of the Highlands law rests solely on their shoulders. Ms. Post said that the Act has ultimately fueled the race to develop. She also provided written copies of her comments to the council.

Hank Klumpp, Tewksbury Township. Mr. Klumpp said he attended a TAC meeting where TDR was discussed in the past. He noted he was surprised to learn that the representatives were uninformed because they said it is a mystery how TDR will work out. He noted that the meeting was 6 hours long. Mr. Klumpp said that in July of 2005, a meeting of the TDR Technical Advisory Committee was held and that many problems were identified. He feels that no progress has been made in the eight months since because there still remains insufficient funding and wants to know when there will be. Mr. Klumpp said that he believed when you take something and you don't pay for it, it is stolen. He provided his comments in writing.

James Kessler, Mansfield Township, farmer. Mr. Kessler said he echoes most of the comments made by others. He noted he represents the Township which has asked that he advance a resolution passed by the town to address a property issue in Mansfield. The property is half in the Preservation Area and half in the Planning Area. The property is also divided by a set of railroad tracks and the Mayor and Township Committee have passed a resolution to request that the NJDEP modify its regulations to allow for an expansion of the gravel driveway to the property so that trucks waiting to enter in the morning have a place to park and not be on the road blocking traffic. Mr. Kessler said a copy of the resolution has already been sent to the NJDEP Commissioner's office. Ms. Pasquarelli asked if the property he referred to was Borealis. He said it was and Ms. Pasquarelli noted that it is being worked on. Mr. Kessler provided a copy of the Mansfield Township resolution and accompanying cover letter.

Laura Szwak. Ms. Szwak said she appreciated working with the Council and staff and noted that if she will be working at the New Jersey Conservation Foundation and will be available to assist with land preservation questions. She said she will be working with landowners to preserve their properties and thanked the Council and staff.

Andy Drysdale, Chester Township. Mr. Drysdale read his comments aloud to the Council and public. He referred to an article by the Bloustein School at Rutgers which stated New Jersey remains in the slowest expansion since World War II. He also said that New Jersey is a hostile place to do business and that the Act needs to be overturned. Mr. Drysdale added that several voluntary programs are in place which could be made mandatory, and they could accomplish adequate conservation. He asked that people write or call the Legislature to make changes. He provided his comments in writing.

Jodi Anderson, Lebanon Township. She noted that she attended the landowner forum the night before and that she owns a 70 acre tree farm in Hunterdon. She said that she hopes the Council recognizes the hardship of the landowners.

Bill O'Hearn, Highlands Coalition. Mr. O'Hearn thanked Mr. Balzano for his presentation and noted he was eager to see the data in June. Regarding harmonization language proposed by the NJDEP, he asked if it will affect the manner in which the NJDEP regulations will be implemented. Also, in his town of Ringwood, he noted a deal had just closed for Ray Cove Property and so with creativity, SADC and Green Acres still do have money, deals are going through. Mr. O'Hearn said that SADC is looking for

customers and they are striving to streamline their process. Mr. Borden noted he will follow up and report back to the Council and Mr. O'Hearn regarding the DEP regulations issue he asked about.

Anthony Patire, Independence Township, preservation area. Mr. Patire noted he did not anticipate the length of the meeting and therefore could not stay but provided a letter to the Council which identified his specific situation.

Jerry Kern, Pohatcong Township. Mr. Kern said he also attended the Landowner Forum the evening before and spoke with someone from Green Acres who noted preservation would take away all of a property owner's rights except for agricultural rights. He thought there should be a "Highlands preservation loan fund" that the people get paid directly from. Mr. Kern noted that people are only being paid for their building rights and said that the representative from Green Acres admitted that the program was out long before the Highlands and that it was not set up to work with Highlands specific issues. Mr. Kern said the program was geared toward people who were willing sellers and noted that Highlands preservation area landowners are different because they feel they are being forced to sell. He said those landowners should be fairly paid for their land.

David Shope, Long Valley. Mr. Shope suggested the Council review page 7 out of the New Jersey Water Supply Authority's safe yield study and provided a copy to the Council. He said to examine the Raritan Basin watershed vs. the Highlands and said that all the land south of this area remains unprotected. He wondered if there should be a bill to protect there. Mr. Shope said that TDR should step up and compensate all the lost value to property owners due to the impacts of environmental laws.

Susan Buck, Oxford. Regarding compensation for land, she noted she is unsatisfied with the notion that speeding up the SADC process will adequately compensate landowners. Ms. Buck said she believed the legislation needs changes because the programs in place are not viable tools.

Jim Matarazzo, Tewksbury Township, farmer. Mr. Matarazzo said he agreed with Ms. Carluccio's statements about the magnitude of work that the Council is undertaking. He said he is upset that property owners have lost the majority of their bundle of rights. He wants to know what motivates the members to be on the Council. Mr. Matarazzo said it is hard to get inspired about maintaining his 37 acres when his rights have been so compromised. He feels it is the opposite of what a free country is supposed to be and said he agrees with Mr. Klumpp's comments.

Mr. Weingart asked if there were any other comments and since none were received, noted that the Council's next meeting will be held on April 20th at 4:00 p.m.

ADJOURN.

RESOLUTION 2006 - 16
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CERTAIN PLANNING ASSISTANCE GRANTS

WHEREAS, the Highlands Water Protection and Planning Act (the "Highlands Act") mandates that the Highlands Water Protection and Planning Council (the "Highlands Council") adopt a Regional Master Plan by June of 2006; and

WHEREAS, Section 6 of the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

WHEREAS, on August 4, 2005, the Highlands Council by Resolution 2005-27 authorized the initiation of a grant application process for certain grant categories, and included among the categories are Fair Share Planning grants; and

WHEREAS, the Highlands Council Plan Development Committee and the Budget and Finance Committee have considered and recommended the approval of certain Zoning and Parcel Analysis grants and Fair Sharing Planning grants;

WHEREAS, the Highlands Council's staff has reviewed the following grant application and recommends approval by the Highlands Council;

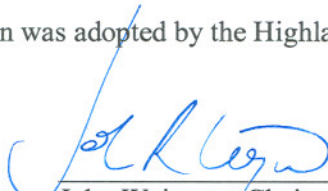
NOW THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is authorized to enter in a grant agreement with the following municipality for an amount not to exceed that amount indicated.

Fair Sharing Planning COAH Third Round grant not to exceed \$7,500:

Township of Pohatcong

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 6th day of April, 2006.



John Weingart, Chairman