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# *Committee Meeting*

of

## SENATE ENVIRONMENT COMMITTEE ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

### SENATE BILL No. 1 and ASSEMBLY BILL No. 2635

*(The "Highlands Water Protection and Planning Act")*

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**LOCATION:** Voorhees High School  
Lebanon, New Jersey

**DATE:** April 15, 2004  
7:00 p.m.

**MEMBERS OF COMMITTEES PRESENT:**

Senator Bob Smith, Co-Chair  
Assemblyman John F. McKeon, Co-Chair  
Assemblyman Michael J. Panter, Co-Vice Chair  
Assemblyman Robert M. Gordon  
Assemblyman Reed Gusciora  
Assemblyman Larry Chatzidakis  
Assemblywoman Connie Myers



**ALSO PRESENT:**

Judith L. Horowitz  
Carrie Anne Calvo-Hahn  
Lucinda Tiajloff  
*Office of Legislative Services  
Committee Aides*

Kevil Duhon  
*Senate Majority  
Committee Aide*  
David Eber  
*Assembly Majority*

Thea M. Sherridan  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by***  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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*Committee Aide*

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**SENATOR BOB SMITH (Co-Chair):** Good evening.

Thank you all for coming to the -- I think it's the sixth hearing on the Highlands, but the third in the Highlands itself. We, obviously, have a bill that has a great deal of interest. And we'd like to get as many people to put their point of view or their ideas on the public record as possible. And for anybody who is not aware of the process, sitting below the dias is the Office of Legislative Services taking a public record -- a record that will be stenographically transcribed into a transcript and then distributed to all members of the Legislature. So it really is important that you get a chance to have your say, and we want you to do that.

Now, we have had two hearings in the Highlands already. In the first case, I think we had 60 witnesses. In the last case, which was Monday night, we had 75 witnesses. And we really have been blessed in the sense that New Jersey citizens have been making their views known.

That being said, we need to establish some ground rules and make a few suggestions to help tonight's hearing to go more smoothly, and to see to it that we get as many people testifying and hearing their viewpoints as possible. So, number one, we're going to ask that you try your very best to limit your remarks to three minutes, get your points made. Please try to talk about the things that, if you attended the other hearings, that haven't been talked about before. Number two, we'd ask that if you already gave extensive public testimony at any of the five prior hearings, that you give someone else a chance, which is not to say that anybody is prevented or precluded, but we really would like to hear from the people who haven't had an opportunity to speak and to get their views heard. If you are a person who has done a good deal of

testimony in a prior meeting, we would ask that you would at least wait until the end of the meeting so that the new people get a chance to get their opinions on the record.

And I think, Mr. Chairman, were there any other ground rules that we wanted to talk about?

**ASSEMBLYMAN JOHN F. McKEON (Co-Chair):** I think--

Thank you, Mr. Chairman.

First, my name is John McKeon, and I'm privileged to co-chair, from the Assembly side, these historic public hearings. What I'd like to do is introduce those members of the General Assembly that are here sitting as Committee members today; and what has been our continued rule: We're here to listen, to the best that we can, under the parameters of the logistics that were just laid out by Senator Smith. Members of the Legislature are going to have to defer all comment until we are concluded, at which time everybody will have an opportunity to speak. But we're here, of course, to listen.

To my right, all the way to the right, is Assemblywoman Connie Myers. Immediately next to the Assemblywoman, is Assemblyman Larry Chatzidakis -- both of them are long-term members of the Environmental Committee. Ms. Myers was in the last term, and I have the greatest respect for both of them, and look forward to their incisive input this evening.

Committee members who are also present are Robert Gordon of the Bergen County area. Vice Chairman is Michael Panter, who is of the Monmouth County area.

And I believe, under the guidelines set forth by Senator Smith, we're ready to proceed.

Out of courtesy, the first witness this evening will be our host mayor, Mayor Eileen Swan of Lebanon Township.

And you'll hear us say this often: on deck will be Deborah Post of Riamede Farm. So if Ms. Post can get ready.

Mayor, thank you.

**MAYOR EILEEN SWAN:** Thank you very much, Assemblyman McKeon.

Good evening, everybody. Good evening, Legislators. Thank you very much for coming to Lebanon Township this evening and affording us another opportunity to make comment on this bill, and I welcome all the ladies and gentlemen who have come here tonight to Lebanon Township, in the Highlands.

Thank you.

My name is Eileen Swan. I'm a Republican Mayor in Hunterdon County and a Highlands Task Force member. For years, the Highlands have been studied. Three governors appointed panels to review the area. All reached the same conclusion: The critical resources of the Highlands need to be protected for the good of the state. One hundred percent of Highlands residents get their water from the Highlands. Over half of New Jersey residents get their water from the Highlands -- 900,000 people in urban areas; 800,000 residents of Somerset, Mercer, Middlesex, and Union, all getting their water from the Highlands.

Population growth is nearly 50 percent faster in the Highlands than the statewide area. In the region of 3,000 to 5,000 acres of the Highlands is lost every year, in spite of the great work of municipalities. We have an opportunity

now to plan for a sustainable future. Governor McGreevey appointed a Task Force of 19 diverse individuals, representing differing viewpoints of New Jersey residents. For six months, the group met, studied, held public hearings, listened to input, debated, and compromised to finally decide on the recommendations which led to the drafting of the bill we discuss tonight. The draft map of the core preservation area has been shown to municipal mayors and officials throughout the Highlands. The designated area is based on scientific data compiled by U.S. Forest Service, Rutgers, and New Jersey Water Supply Authority.

Though municipalities have done a great job of preservation, we need assistance if we are to be truly effective in turning the tide and protecting critical resources. If home rule had been effective, then we wouldn't be debating this here tonight. This bill will assist municipalities in achieving goals set forth in their own master plans: goals of critical resource protection, goals of maintaining quality of life, goals of development based on carrying capacity analysis for a sustainable future.

This bill offers financial assistance to have master plans and ordinances that reflect a regional view, legal assistance to uphold municipal decisions, financial assistance to stabilize taxes, increased funding for land preservation. There will be stronger DEP regulations in the Highlands, and that is because they are necessary. The forests, pristine rivers and streams, and steep slopes that are characteristic of the Highlands need these regulations to protect and prevent degradation.

The regional council who will oversee the Highlands, as suggested in this act, will be made up of a majority of elected officials of the Highlands,

and so will protect home rule. A municipal advisory board will be set up to give further input. The recommendations of the Task Force called for just compensation for landowners; and to that end, the bill mandates that acquisition appraisals be done at two points in time -- before and after new Highland DEP regulations. The preregulation price will be the basis for negotiations.

Special farm preservation rounds will be held in the Highlands to give Highlands farmers, that were previously not eligible, an opportunity to be included in the program and financial assistance, so that this can happen. The bill ensures consistency with the State Plan, and designated centers are not in the preservation area.

The issue of where growth should occur has been raised. Appropriate growth should be encouraged in consistency with the State Plan. But that growth should not be mandated. Municipalities that have their certification from COAH will be protected while changes occur and will be allowed necessary adjustments, as is consistent with COAH rules. There has been outreach to municipalities at meetings throughout the Highlands, and their input has been actively sought.

I commend the administration and the bill sponsors for their efforts to listen to all. That work continues tonight. The bill is not perfect, and amendments will be made that will clarify the intent and purpose, and will facilitate the action plan. Many residents have already suggested amendments and their concerns have been heard. Who will argue the need to protect water resources? Who will argue that the Highlands is a critical resource area? Planning requires looking ahead and making informed decisions now. Get on

Route 78 or 80 or 206 at 8:00 in the morning and contemplate what the future holds if action isn't taken now.

What will be the value of houses without an adequate water supply? What will statewide taxes look like if we have to find new water sources and treat our reservoirs? Who will live in the Highlands if the development continues and taxes increase and quality of life decreases? The expression *live for today* is for those who are willing to sacrifice tomorrow.

To you, our legislators, I ask that you listen to the comments that offer a way forward that doesn't compromise the future. Make this bill the best that it can be, but do not fail to achieve its mission. The State of New Jersey needs the Highlands, and the Highlands needs the support of the State.

Thank you. (applause)

ASSEMBLYMAN McKEON: Mayor, thank you very much.

Mayor, if I might-- The Mayor, because she's the Mayor, was allowed to go a little bit beyond the three minutes -- that, in combination with, it's so pleasant to listen to your voice.

We're going to ask our OLS panel if they can be our timers and signal the Senator and I when three minutes is up. And we're going to be strict with that.

(adjustment to PA microphone)

I'm sorry, we're just talking about we're going to be strict with the three-minute requirement.

I'd also, finally, just like to very much thank you, Mayor, not only for hosting tonight, but for you and 19 of your colleagues, stakeholders, bipartisan panel for the last seven months. You did a tremendous job. You had

at least three public hearings like this one and really did the state a great service, and kudos to the entire Highlands Commission. And we thank you for providing the template for our work. We appreciate that much.

Senator.

SENATOR SMITH: Thank you, Chairman.

And I echo Chairman McKeon's comments.

Ms. Deborah Post, from Riamede Farm.

And in the on-deck circle, William Paterson representing New Jersey American Water.

Ms. Post.

**DEBORAH POST:** Hello. My name is Deborah Post. I am a second-generation farmer, and I own and operate Riamede Farm, an apple orchard in Chester.

A farmer's land is typically their sole capital asset. This bill decimates a farmer's net worth. Time permitting, I would like to address Section 26, Section 13, and the lack of a definition of fair value. I will also offer several very specific proposals in areas that have not been addressed so far in previous meetings.

Section 6.0 states as a goal of the bill to "protect resources and lands while recognizing the need to provide just compensation to the owners of those lands when appropriate." Does this language mean that just compensation is not always appropriate? We do appreciate, however, that this legislation includes the goal of equity protection for landowners. However, as currently structured, this goal will not be realized and farmers will bear an extreme disproportionate share of the cost of this legislation, which is huge.

Section 26 states that the “State shall have a right of first refusal to purchase land on substantially similar terms as an executed contract of sale.” While the spirit of the right of first refusal may be headed in the right direction, as currently structured it simply will not work. Why? Rights of first refusal turn legitimate buyers into stalking horses. Most sophisticated parties will not even enter a bidding situation where they perceive they will become a stalking horse. Buyers won’t come to the negotiating table. Thus rights of first refusal sharply curtail the number of buyers, and prices subsequently plummet. This is the pricing curve we all learned in Econ 101. Fair market values require open and competitive free market places with willing buyers and willing sellers. Rights of first refusal upset the structure of the free markets.

I have three proposals-- Oh, Section 26 is also a one-way street. It is not tied in any way to the decisions on development applications. As drafted, this bill gives the council the power to deny any development applications, while having the State decline to execute their right of first refusal. There’s no teeth in the goals of Section 6.0. And one would query from a practical, financial perspective why the State would ever exercise their right of first refusal?

I have three proposals for addressing the problems posed by Section 26. Proposal number one, in the event that the State fails to exercise its right of first refusal on presentation of a contract of sale, the buyer of the property will be given a three-year window, during which any application for development, pursuing (*sic*) to local zoning requirements in effect in July 2003, may not be denied by the local municipality or the council under Section 18.

This proposal will give buyers the incentive to bid on a property. It will give them the assurance that if the State fails to buy the land, the buyer's development plans will not be subsequently blocked by the council or the town.

ASSEMBLYMAN McKEON: Ma'am, your testimony is excellent, but I'm going to ask you to try to wrap it up.

MS. POST: Proposal number two, as an appropriate counterbalance to the State's right of first refusal, the bill should also provide landowners with a put option, allowing any landowner having a development application denied by the town or the council to put their property to the State at fair value. Farmers and other landowners must have a means of receiving their just compensation. If the State can't fund it, they can't deny it.

Proposal number three, the pricing of the State's right of first refusal should be set at 106 percent of the executed contract price. Structuring the right of first refusal with a small premium will do several things. It will make the State the highest bidder. A small premium will provide the funds for the payment of the inevitable breakup fees that will be demanded in all executed contracts. A small premium may also mitigate against the stalking horse problem.

Proposal number four, I propose that the fair value of a farmer's land be defined as the highest of: one, any fair market value appraisal; two, a future fair market value appraisal utilizing 1998 zoning requirements; or three, a fair market value appraisal as of July 2003. The definition of fair value must not punish those who are still tilling the land today, while rewarding those who have recently sold to developers.

ASSEMBLYMAN McKEON: I'm going to really, please, ask you to--

MS. POST: I have one more topic that has not been discussed.

On Monday evening, you allowed people to go for 12 minutes if they were in favor of this proposal and you put farmers on at the end of the night at midnight. I demand the right to read my last proposal.

Section 13 requires the implementation of a transfer of development rights program. However, the bill provides no guidelines, definitions, goals, or descriptions of this program. While TDRs have been used in a small way in many parts of the country, there is no major TDR program in any state. There is no extensive pricing experience or database on which to evaluate the effectiveness--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Point of order, she's already used her time.

MS. POST: --of TDR programs that provide just compensation for the land.

ASSEMBLYMAN McKEON: Please, let her finish, please.

Thank you.

MS. POST: It is inappropriate to ask New Jersey farmers to rely on an unproven and untested technique for providing equity protection. With that caveat, the success of a TDR program will depend on the breadth of the marketplace for the TDRs. The larger the marketplace for utilizing the TDRs, the more buyers of TDRs there will be. More buyers means higher prices. Higher prices mean just compensation may be approached. TDRs are nothing

more than derivatives, to use financial jargon. And ask any Wall Street trader what the value of a derivative with no buyers is, he or she will answer, "Zero."

Well, I realize that the current TDR legislation includes a mandate to create a market for TDRs. The idea that healthy, free markets can be mandated by government is simply laughable. I propose that the Highlands bill include the stipulation that TDRs from the Highlands land be utilizable anywhere in the State of New Jersey. I propose that there are no local limitations for sending and receiving jurisdictions within the state. TDRs from an environmentally sensitive Highlands property should be allowed to increase density over and above the existing zoning requirements in any town, in any city, in any part of the state. Local municipalities must not be barred from denying the usage of a Highlands TDR. Allowing the Highlands TDRs to be used to build dense housing in highly desirable New Jersey suburban areas, overruling local zoning, will guarantee a healthy marketplace for the Highlands TDRs.

It is the protection of the water supply of these suburban areas that the Highlands legislation purports to promote. Shouldn't these communities be asked to share some of the pain of the Highlands bill?

Thank you. (applause)

ASSEMBLYMAN McKEON: Here's what we're going to ask everybody, very nicely, to please do. This isn't a matter of courtesy to us, because frankly there's a finite number of hours that we'll be here to. It's courtesy to all of you. We have over 150 people that would like to testify, and we're going to do our best to get to as many as we can. So the time that -- when

you violate the rules -- comes from, is really taking it out of your fellow speakers. So please be courteous to everyone else here.

I can tell you -- I guarantee you -- if my mother came up to the microphone, at three minutes she's getting cut off. And that's the way it's going to be handled from this point forward, no exceptions.

So with that, the Chairman had called on Mr. Paterson. Please come to the microphone.

And on deck, from the Morris County Board of Agriculture, is Kurt Alstede.

Three minutes -- that's it -- for everybody.

**HENRY PATERSON:** We'll try to be two.

Henry Paterson, and I'm the Executive Director of the New Jersey Water Supply Authority, which is the State agency that operates the Spruce Run Reservoir, Round Valley Reservoir, and the D&R Canal.

As you came to this hearing tonight, you drove over/near Rocky Run, Black Brook, Mahockaway (phonetic spelling) Creek, the Spruce Run, Turkey Brook, Drake's Brook, and many other numerous named and unnamed waterways that share the commonality of being located in the Highlands, and feed directly into the Spruce Run Reservoir or pumped into the Round Valley Reservoir, or feed the main stem of the Raritan River. More than 1.7 million New Jersey citizens in portions of nine counties rely on Raritan basin water. All of that water originates in the Highlands.

One other commonality of these Highlands waters is that they recognize no political boundaries. They flow down hills, through our towns and counties, or are the boundaries of our towns and counties, and they need the

protection afforded by the Highlands Water Protection and Planning Act. We need a combination of regional, county, municipal, and site-by-site action to truly protect the Highlands waters.

Water supply is one of New Jersey's most critical resources for future prosperity and environmental quality. Protection of supplies are far preferable to treatment of polluted supplies. Without additional protection of its watersheds, reservoir degradation will occur from both the water yield and a water quality perspective.

Several years ago, the Authority, together with some towns surrounding Spruce Run, created the Spruce Run Initiative, which has put out a report in 2002 which talked about targeted preservation, coordinating development with preservation, improved ordinances, and educational efforts. And out of that, the New Jersey Water Supply Authority has committed, beginning last year, \$5 per million gallons dedicated to the purchase of critical watershed properties, as identified in this initiative.

In our first year, together with Mayor Swan and some others, we have acquired properties totaling 680 acres and will do substantially more this calendar year. Over the next several years, after the passage of S-1, the Water Supply Authority will be expanding its program to cover all of the Raritan watershed that is located in the Highlands. We look forward to these challenges and to working with you, your respective committees, and as they and we commit to the Highlands.

Thank you very much. (applause)

SENATOR SMITH: Thank you, Mr. Paterson.

Mr. Kurt Alstede, President, Morris County Board of Agriculture.

And in the on-deck circle, Styra Eisinger, from Bethlehem Township.

**KURT W. ALSTED E:** Good evening. I appreciate the opportunity to speak before you tonight. My name is Kurt Alstede. I am the President of the Morris County Board of Agriculture, and I'm also a full-time farmer in Chester Township, in Morris County.

At one time, I was one of the state's young farmers. Today, I'm one of the middle-aged farmers in the state. I think it's very important for you to recognize that a number of us who have been in the farming career starting at a young age have made a very deliberate decision to stay in this business, and stay in it in a very difficult area of the state, in Northern New Jersey, with some very trying circumstances. A lot of us have made commitments to preserve our farms, and we're also excellent stewards of the natural resources that everybody seeks to acquire.

Amongst our concerns, speaking for both myself and for the agricultural community in our county and the entire Highlands region, are a lot of the provisions of this proposed legislation that will literally make it impossible for us to conduct the normal agricultural practices that we do today, that afford people of this state the abundance of quality food that they enjoy and the quality of life that they enjoy by being able to visit our farms and purchase our products.

I'd like to speak specifically to the issue of impervious cover. The bill proposes a 3 percent impervious cover. That allows just over 1,300 square feet per acre. Our home farm has 325 acres, which is almost four times the average size of a New Jersey farm, which averages just over 80 acres.

For those of you who have visited our farm on the several legislative tours that we've hosted there, I'm sure if you were to look at the various buildings and driveways and roadways, you would say, "My gosh, there's no impervious cover on this farm." Yet, I'm already in excess of the amount that would be allowed. I have gravel driveways. I have 270,000 square feet that requires 206 acres. I have paved driveways of 40,000 square feet, 30 acres; a parking lot that's paved, 15,000 square feet, 11.5 acres; a gravel parking lot of 108,000 square feet, 83 acres; a farm market of 14,000 square feet, 11 acres; barns of 25,000 square feet, 19 acres; houses to live in, 7,500 square feet, 5.7 acres; greenhouses, 14,000 square feet, 10 acres.

It equals about 378 acres that I'd be required to own in order to have these structures that I have right now. That means if I want to build a sandbox for my daughters, I would need to come before the Highlands Council because I'd be creating impervious cover. I wonder how much it would cost?

We're federally required to provide restroom facilities in the fields for our workers. That would be impervious cover. I guess I'd need to get a permit for that also.

Of utmost concern is the lack of a definitive definition that makes sense for impervious cover. Today we use plastic mulches to conserve water with trickle irrigation. We use 90 percent less water on a per-acre basis through the use of this technology. Is plastic mulch an impervious cover? Further, plastic hoop houses, high tunnels that are used for season extension in the field, are they impervious covers?

Another issue is the 300-foot proposed buffer around man-made water structures. We've constructed, with the assistance of the Soil

Conservation Service, several man-made ponds. All of our drainage systems go into there, both subsurface and surface water. With the combination of terraces and sod waterways--

SENATOR SMITH: Mr. Alstede--

MR. ALSTEDE: Yes.

SENATOR SMITH: --you have about 15 more seconds.

MR. ALSTEDE: Okay.

And so, I've got a one-acre pond that I use for irrigation. I would lose 8 acres of land as the buffer to this man-made pond. I made it, and now you're telling me I have to give up this land for a pond that I built.

We would also urge you to have mandatory agricultural representation on the Highlands Council, selected through the New Jersey Agricultural Convention with a veto approval by the Governor, much like we select members of the State Board of Agriculture and the farmer members of the Fish and Game Counsel.

SENATOR SMITH: Mr. Alstede--

MR. ALSTEDE: Thank you.

SENATOR SMITH: --obviously, the agricultural amendments have not been made to the bill. Believe me, that your concerns have been heard. We're going to try our very best to make sure that farmers are encouraged in their farming activities and that they don't become an endangered species in New Jersey.

So we thank you very much for your comments.

Let me ask, at this point, to have Styra Eisinger come forward.

MR. ALSTEDE: Thank you very much. (applause)

SENATOR SMITH: And in the on-deck circle, Steve -- and we're not sure of the last name. It looks like K-A-L-L-E-S-S-E-R or E-Z-Z-E-R.

Ms. Eisinger.

**STYRA EISINGER:** Thank you.

My name is Styra Eisinger. I come from Bethlehem Township. I would like, if I may, to respond to something that was said just now by the previous speaker. My understanding is-- I am the Agriculture Liaison from Bethlehem Township to the County. My understanding is that under the current bill -- the act that we're discussing -- no existing property uses, including farming, will be affected by the act. The 3 percent impervious cover cap only applies to new development. I would like to make that very clear in case there was some misunderstanding about it.

Since the State Plan for New Jersey was presented in the 1970s, it has been clear that the Highlands are critically important to the well-being of a large part of the state, and that the area needs protection with enforcement teeth in it. More than 25 years later, we are finally close to accomplishing that. The Highlands Water and Planning Act, therefore, is not moving too fast as some would have you believe, but is instead a bill which is way overdue. And I support it.

I have heard fears of decreased property values if the Highlands Act goes through. This is nonsense. I've been active in farm and open space preservation in New Jersey for 10 years, and I can tell you that the value of preserved land, after preservation -- this is the residual value -- has gone up in every case that I have worked on. Even more, properties which adjoin or are in the vicinity of preserved lands also rise in value. The effect is well-documented,

including a study by the U.S. Army. Go on the Web and just put in to one of your search engines: correlation, property taxes, and development. And you will find that development does not lower taxes and that preservation does raise property values.

I've also been hearing rumors spread -- I think false rumors -- that farmers are fearing restrictive permits that would tie their hands. The Highlands Act does not supersede the Right To Farm Act, as set out by the State Ag Development Board. In fact, the SADC is solidly behind this bill. Any activity now permitted on a farm will continue unchanged. I've heard the comment that we in the Highlands should keep our resources for ourselves. I've heard two people say that to me. Why should we share our resources with people in the big cities downstream, so to speak? This is the most unconscionable talk I have ever heard in my lifetime. The well-being of the entire State of New Jersey -- and that includes us in the Highlands -- is interdependent.

Can anyone imagine a time when we in the Highlands would have water, but our fellow citizens elsewhere would not? Everyone needs a secure source of water. As it happens, the Highlands is the custodian of that source. And more to the point at this moment, the Legislature is the custodian of the water supply.

ASSEMBLYMAN McKEON: Ma'am, 15 seconds please.

MS. EISINGER: The Highlands Act is a piece of visionary legislation that comes almost at the last moment, if the drought of 2002 is any indication. It looks to the future, and the Legislators who put their name in approval of the bill will have the thanks of the State of New Jersey for a very long time to come. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

MS. EISINGER: I have to say that I have to leave--

ASSEMBLYMAN McKEON: Ma'am, please, thank you very, very much.

MS. EISINGER: Okay.

ASSEMBLYMAN McKEON: On deck is Isle Goshen.

**STEVE KALLESSER:** Just for the Committee, the proper spelling of my last name is K-A-L-L-E-S-S-E-R, and this is my written testimony.

Thank you very much.

Thank you, Senators and Assemblyman, for meeting with us tonight. As a resident of the Highlands and someone who works in the Highlands, I'm deeply concerned about your legislation. I'm employed as a forester at a small company which manages forest land for over 700 properties in northern and central New Jersey. Sixty percent of our client base is in the Highlands, amounting to over 19,000 acres of forest land. For ease of understanding this acreage, it's the combined acreage of High Point State Park and Jenny Jump State Forest.

As a natural resources professional, I can foresee several unintended consequences of the legislation as proposed. It is my hope that you will make a small change which will address this specific concern. Forestry is not addressed in any way in your legislation, which draws me to believe that it would be a regulated activity by way of the broad definition of disturbance, which includes cutting or removal of vegetation. The science of forest vegetation and harvest patterns, and its effect on water yields, have been around for 50 to

60 years. It has long been understood that even age-managed forests provide cleanest water and consistently higher water yields.

While many examples for forestry providing clean water can be cited, the most pertinent to this discussion is that of the New York City water system. New York City's reservoir system periodically must undergo a filtration avoidance determination, as their water flows virtually untreated from the reservoir to the consumer. Without meeting strict water quality requirements, several billion dollars worth of filtration infrastructure would be mandated, as a result of the Clean Water Act. Forestry is practiced on city-owned watershed lands. Forestry on private lands is not a regulated activity within the watershed management areas. Furthermore, private landowners in the watershed areas often received cost share towards implementing certain forestry activities.

Forest landowners and the professional landowners, who guide their management, have a very important guide to get these results. In New Jersey, the New Jersey Forestry and Wetlands Best Management Practices Manual, published by NJ DEP's Forest Service, is based on sound science reported by major universities, the forest experiment stations of the U.S. Forest Service, and best management practices of other states in the region. By strictly adhering to peer-reviewed scientific principles and guidelines, foresters avoid lasting impacts to water resources.

In contrast, in an overmature forest, the abundance of dead material eventually rots, fertilizing both the ground and the surface water. This addition of nitrogen and phosphorous compounds into the drinking water is an unintended consequence of your proposed legislation. For this and other reasons, I would suggest that forestry be exempted, specifically, from the

permitting process, as long as it meets certain quality requirements. The property should be qualifying, following a forest management plan--

SENATOR SMITH: Steve, 15 more seconds. And we do have your written testimony.

MR. KALLESSER: --approved by the DEP Forest Service, pursuant to farmland assessment. In addition, any forestry activity taking place within the preservation area should be required to certify, under penalty of law -- the foresters should -- that those best management practices will be followed.

It's important if you're not letting people develop their forest land -- at least they should be able to hold it under farmland assessment without being penalized. Please don't penalize people who want to keep privately owned open space.

Thank you. (applause)

SENATOR SMITH: Thank you.

Ilse Goshen.

And after Ilse, on the on-deck circle, Gary G-U-T-J-H-A-R.

**ILSE GOSHEN:** Hello. My name is Ilse Goshen.

I am a resident of Bloomsbury, located in the Highlands region of Hunterdon County. I am one of 886 citizens residing in a town approximately one square mile in size. We are not much different than the many other small towns located in the New Jersey Highlands facing the same problems that Bloomsbury is confronted with. Our small town of Bloomsbury, along with our neighbor of Bethlehem Township, is faced with the development -- villages at the Musconetcong by American Properties. They are attempting to buy and

develop 440 acres along the shores of the Musconetcong River to construct 987 condominiums, town homes, single-family homes, and business retail space.

Imagine the impacts this development will have, not only on Bloomsbury and Bethlehem Township, but also to the surrounding Musconetcong River valley. The Musconetcong River is in the final stages to be included in the National Wild and Scenic Rivers Program. Not only is this river wild and scenic, but it has been nominated for designation as a Category I water body with the New Jersey Department of Environmental Protection.

The Musconetcong River valley is a critical treasure, because it is the only river that originates and ends in the New Jersey Highlands. This waterway could become a source of drinking water in the future, due to the increased demand and decreased supply of our vital natural resource called *water*. We must preserve and protect the river valley from overdevelopment and stream degradation due to pollution caused by storm-run water runoff, increased traffic, and sprawl.

Many opponents of this bill are basing their opposition on property values. This is not about property values. This is about something more important, and that is the sustainability of our water supply. What do you think your property will be worth without a consistent supply of potable water? During the last five years that I have resided in Bloomsbury, we have had two separate periods of water restrictions placed on our municipality by the local water company, caused by drought. If our local well, which supplies only 886 residents with water, is inefficient during drought periods, imagine the burden of supplying over 4 million residents with water during a drought.

With this said, I strongly support the Highlands Water Protection and Planning Act, which will preserve and protect 350,000 to 390,000 acres of critical watersheds from development that provides clean drinking water to over one-half of New Jersey residents, now and in the future. For the protection of these watersheds to be successful, we must establish a regional planning council with mandatory authority in the preservation area. This regional council will provide support and direction to local planning boards, especially small municipalities like Bloomsbury--

ASSEMBLYMAN McKEON: Ma'am, we're going to ask you to wrap up.

MS. GOSHEN: --okay -- that do not have the resources to prevent sprawl from occurring in critical areas of the Highlands.

I have to leave immediately following my statement, because I need to go to Bethlehem Township with a group of people that are planning on listening to what American Properties is proposing for Bethlehem and Bloomsbury. (applause)

ASSEMBLYMAN McKEON: Thank you. Thank you very much.

Mr. Gutjahr, welcome.

And on deck is Wilma Frey.

**T. GARY GUTJAHR:** Thank you.

I came with some written testimony that I was going to read. And with the time restrictions and things the way they're being said, I want to actually just make a couple of points to the board.

ASSEMBLYMAN McKEON: Please.

And submit your written testimony. We'll make it a part of the record and read it.

MR. GUTJAHR: Okay. I'll do that.

It seems to me that this whole bill is based on studies that were created by Rutgers University, among others. And I believe that the whole premise is actually flawed. There's not one person that I've spoken to, on either side of this bill, that doesn't care about the future of New Jersey. And I think that's what you're all here for, is to protect our future drinking water. We're here to protect our future and make sure we not only have enough quantity, but we have the correct quality of water in the future.

On that premise, there's a study, that I'll give in my written testimony, that shows the average rainfall on 350,000 acres of land in this preservation area, the core area, actually provides enough drinking water for the entire state times four. Thirty-six million people can actually live on 100 gallons a day, which is what the average person, supposedly, uses. So the testimony that we need water or we're running out is actually false. And that's actually based on -- it has evaporation in there as well.

That's not including the current reservoirs, which is the next point, the reservoirs themselves. I don't know if there's been any thought. I haven't heard any testimony or anything in the bill regarding doubling the size of the reservoirs, which would mean buying the critical lands immediately around the reservoirs and doubling the capacity. That would, I think, serve the same purposes as what you're trying to accomplish with this entire sweeping bill, which effects more people than any bill that ever passed in the United States of America.

There have never been more people affected by one piece of legislation. Obviously, this is the most densely populated state in the union. It is also one of the most affluent areas in the union. And this bill, in effect, is going to transfer the wealth from that area to the cities. I could understand if I lived in Newark and I rented a house and I worked in Trenton and I used this as my playground, I would want it to be Yellowstone Park, too. Because you're afforded all of the fun and activities that this area -- and the beauty and the scenery that we're going to see later in these pictures. We all like that. That's why we chose to live there. That's why we live there.

I've lived my whole life in the Highlands. I've worked in the Highlands. And I don't want to have to be forced to leave. But unfortunately, you cannot be involved in the real estate business, however you're involved, in all the different forms. We're not going to get into the economics of it this evening. But it's going to force a lot of people to have to leave their home. And I don't think that's the intent of this bill. I think it's -- the true intent is to make sure we have enough water. And there needs to be, if nothing else-- If the momentum has been gathered by the party that they have to pass this bill now, they feel that momentum has built for 25 years and they can't wait, and they need to crush the people who own the land without time to plan for their future-

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If you own property and you've been planning to do development for the last five years or three years, and you're within six months of getting to that point, the rug is actually pulled out from under you before you have a chance to obtain your permits. And I don't think that's what this intent was.

ASSEMBLYMAN McKEON: Fifteen seconds.

MR. GUTJAHR: Fifteen second, absolutely. I'll abide by that.

But my point is, the least you could do, I believe, is to say there's a phase-in period. This bill, if adopted, in April or May, whenever your date is, rather than have people racing to save their livelihood and their lives that are at stake, give them the chance to have an 18-month window to decide: Do I want to build here? Do I want to stay here? Can I do it? But you have a chance to obtain your permits, and it's not at a race that you're going to miss the boat. That's what I'd appreciate. (applause)

SENATOR SMITH: Thank you for your comments.

Wilma Frey. We have Wilma Frey from the New Jersey Conservation Foundation.

And on deck, we'd like to have Henry Riewerts, R-I-E-W-E-R-T-S, representing farming interests.

Ms. Frey.

**WILMA FREY:** Yes, Frey. Thank you very much.

I've worked for New Jersey Conservation Foundation, and I have staffed the Highlands Coalition since 1990. For 14 years, I have been working on behalf of the local citizens who do not want the developments that are being thrust upon their communities. Some of these folks are here tonight, some have had to leave -- the Bethlehem Township folks because they are very concerned about this huge development that is threatening their town. The citizens and the places they are fighting to preserve extend from Oakland and Mahwah in the east, through Ringwood and West Milford; through Morris County towns; Vernon and Sparta; to Somerset County; to Hunterdon County, Tewksbury, Lebanon Township; and into Warren County -- many, many developments all

over the place. And over the years, we have had some successes. We have preserved some places, but many more have been lost.

We are winning the skirmishes, a few skirmishes, and we are losing the war. And this war is for the water supply, it's for the forests, it's for the wildlife. For example, we preserved the top of Sparta Mountain. The State purchased it for Sparta Mountain Wildlife Management Area. But now you go there, and the roads are lined with McMansions. We preserved an area in the Farney Highlands. The State has purchased land for the Wildcat Ridge Wildlife Management Area, and yet, McMansions are being built right on the shores of Split Rock Reservoir overlooking the water.

Right down the road, Spruce Run Reservoir has a huge development right on its shores, overlooking the shores. And yet another one, a Toll Brothers development, threatens the southern shoreline. The New Jersey Water Supply Authority property is sandwiched between this huge development and properties that are all advertised by signs as for sale.

This land in the Highlands is fragile. It's steep, it's forested, and the underlying geology is extremely vulnerable to water pollution. The water is important not only to the over three million people who live outside the Highlands, but the three-quarters of a million who live on wells who are in the region. And the responsibility for preserving this water supply and these resources should not fall solely on the backs of private citizens and local government officials. It is a responsibility of the State.

ASSEMBLYMAN McKEON: Fifteen seconds.

Thank you.

MS. FREY: So I am asking you, therefore, to act positively on this Highlands bill to enable the State to take on the responsibility that is its rightful responsibility.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you for your testimony.

Mr. Riewerts.

The next speaker after Mr. Riewerts will be Albert Rapp.

**HENRY RIEWERTS:** Good evening.

My name is Henry Riewerts. I live in Franklin Township, Warren County.

ASSEMBLYMAN McKEON: Oh, sorry.

MR. RIEWERTS: Excuse me?

ASSEMBLYMAN McKEON: I'm sorry about the pronunciation.

MR. RIEWERTS: No, you did well. That's fine.

We're here tonight to discuss very briefly the proposed legislation and the Highlands initiative. We also have a very common interest in being here, that being our like of the Highlands, it's openness, it's scenery, and the low levels of congestion. What we need to do and what is perhaps the most challenging for all of us, especially you folks up front, is to see that this initiative is done in a fair and equitable manner so that one party does not serve as a source of resources for another. The Highlands preservation must not result in groups of winners or losers. Likewise, punitive regulation must not be a substitute for market initiatives so that benefits are obtained for one group versus another.

Some examples of what I mean include the following: The reasons stated for the preserving of the Highlands region is to protect the drinking water sources of as many as 4.5 million residents of the state. At the same time, I hear that funds available for the purchasing of the development rights at fair market values are as insufficient to protect the drinking water sources. Wouldn't it be fair and equitable to place a surcharge on the water sourced in the Highlands and used elsewhere in the state, rather than causing economic hardship or devastation to citizens in the Highlands? Wouldn't it be fair and equitable to raise additional funds by placing a surcharge on the realty transfer tax when real estate is transferred in areas of the state using water sourced in the Highlands? These funds could be, if legislated, could be securitized. And just as they were done when the electric utility industry was restructured -- could raise billions of dollars in funds to make available for the preservation efforts here. Anything short of \$2 or \$3 billion, I think, we're going to end up with winners and losers in this region. I don't think any of us wants that.

The changes in the electric industry, which took place about five or six years ago, could serve as a good example of what I'm trying to relate to you. There were areas pointed out where certain interests would be losers, and the surcharges were raised and they are now equal. No one was hurt in that process. Another area where the principal of fairness and equity must apply is within the Highlands region itself. It is neither fair nor equitable for one neighbor to suffer economic hardship, or perhaps ruin, because a region is considered no growth. At the same time, a nearby neighbor could realize a very vast economic windfall due to his neighbor's problems.

As one area's value is diminished in value, due to being classified as no growth or through punitive regulatory actions, another area's value will increase immensely. Limiting or restricting growth in certain areas will result in economic devastation and must be avoided at all costs.

ASSEMBLYMAN McKEON: Mr. Riewerts, 15 seconds, please.

MR. RIEWERTS: Okay. In closing, we must step back for a moment and consider what has been causing the growth, not only in the Highlands but throughout the state. It is not greedy landowners or aggressive developers; it is the peoples' pursuit of the American dream. We should not stand in the way of that.

Thank you. (applause)

SENATOR SMITH: Our next speaker will be Albert Rapp.

And in the on-deck circle, Ed Israelow.

**ALBERT J. RAPP:** My name is Albert Rapp. I live in Parsippany, New Jersey. I probably have the fewest credentials of any speaker you've seen so far this evening. For eight years I was a member of the Parsippany Zoning Board of Adjustment. I'm an active member of the Sierra Club, the New Jersey Trail Conference, the New Jersey Audubon Society, and the New Jersey Mycological Association.

I have hiked, fished, hunted, counted hawks, and gathered fungus in the Highlands for some 20 years. I've lived in New Jersey since 1960. I've been to five of these meetings. This is the first time I've been allowed to speak, and I don't have an awful lot to say that hasn't already been said. I think the Mayor of Lebanon did the job that I would have loved to be able to do. She spelled it all out.

There is one overriding consideration that keeps coming up all the time, and I'm going to say it now. The water supply for half the people in the State of New Jersey is the one thing that we have to take care of, and we have not been paying attention to it because we've allowed some 5,000 acres of checkerboard development each year to occur in the Highlands, and it cannot continue. It's not sustainable. Therefore, I urge you to pass S-1 and A-2635. I urge you to do it as promptly as possible. Because I believe, as many speakers that I have heard in the five meetings that I have attended, that time is of the essence.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Mr. Israelow of Pulte Homes, and then the Mayor of Tewksbury, Robert Heffernan, will be the next speaker -- the mayor.

**ED ISRAELOW:** Thank you, Mr. Chairman.

My name is Ed Israelow, and I come here with two hats this evening. I work for Pulte Homes, which is a national homebuilder with a presence here in New Jersey. I'm also the current president of the Somerset County Coalition on Affordable Housing, which is a nonprofit organization whose mission is to increase the availability and accessibility of affordable housing in Somerset County. Thank you for giving us the opportunity to be here this evening.

First, I wanted to bring to your attention -- I hope many of you saw this recent article on the front page of the Jersey Section of the *New York Times*, about three weeks ago, focusing on the skyrocketing housing costs, with a focus on Somerset County. The conclusion is that there is a significant supply and

demand in balance with too little affordable housing being built. The only possible effect of this legislation, as currently proposed, will be to worsen an already untenable situation. It will choke off the supply of housing and make it less available to working families. And if that is not bad enough, Section 24 of the proposed legislation will enable towns to go back to the Council on Affordable Housing to reduce their affordable housing obligations. This is a huge step backwards in the context of affordable housing and Mt. Laurel that has been with us for these many years. It sends a terrible message to low- and moderate-income families. Frankly, the proposal will enable towns to engage in the types of exclusionary zoning that the courts have consistently found to be unconstitutional.

Let's look at the economic impact. Sections 8 and 9 of the act talk about the adoption of a regional master plan in 18 months. And it's that master plan which will be required to contain the financial component detailing the cost of implementation of the program. On the cost side, it will need to look at not only the cost to acquire lands, but also to reimburse municipalities for lost tax rateables. I would submit that this detailed analysis must be done now, today, and in any case, well in advance of the adoption of this potential legislation.

How can you go ahead in good faith and adopt a piece of legislation without fully analyzing and understanding what the implementation costs will be and where the money will come from? A few points on the specifics of the legislation. Section 31, on an immediately effective basis, requires developments in the preservation area to obtain what will be, in reality, an unattainable approval, irregardless of the status of the approvals. It will require 300-foot buffers from water features and a maximum 3 percent

impervious coverage with many other onerous requirements. There does not seem to be any scientific basis on, what I would call, these arbitrary requirements.

Second, there needs to be significant grandfathering -- and this issue has already been discussed by several people -- to protect the legitimate investment expectations of affected landowners. You must also delete Section 40, which basically prohibits the extension of any public water supply system, except in the case of a need to protect public health and safety. What this means is, you can't build. Because without water, you cannot build. I think you also must delete Section 41, which revokes designated sewer service areas and previously granted treatment works approvals. It's an outrage--

ASSEMBLYMAN McKEON: Mr. Israelow, 15 seconds, if you could.

MR. ISRAELOW: I'm being interrupted.

Thank you.

I don't appreciate the interruptions, right here.

ASSEMBLYMAN McKEON: And anybody who is going to interrupt the speaker, we're going to ask that they be escorted-- That's not going to be tolerated here. Give everybody the same courtesy that you would expect. You can have an extra 15 seconds. You have 30 seconds.

MR. ISRAELOW: Thank you.

There needs to be a mechanism in place to challenge the designation in a preservation area. Section 7 talks about easily identifiable reference points, such as roads, survey lines, and municipal boundaries. This is far too simplistic

an approach with so much at stake. You need a legitimate process to look at the properties that are affected by this legislation.

In closing, the bill appears to be fatally flawed. To try to push a bill out of committee on Earth Day without considering economic, social, and long-term impacts on the future of our state would be totally irresponsible. Let's not put ourselves in a situation where our major employers -- with their workers unable to access affordable and decent housing, and unable to expand their own facilities -- are forced to move, to say, to North Carolina. That is what I believe will be the ultimate impact if this legislation is passed as proposed.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Mayor Heffernan.

**MAYOR ROBERT F. HEFFERNAN:** Yes. Thank you very much.

I won't take very much time. I think a lot has been said, and I don't want to repeat. I wholeheartedly support the intent of the Highlands legislation. I hope that wiser individuals than I, however, will determine the appropriate language that needs to be placed into this bill.

Municipalities in the Highlands region have long been asked to assume the protection of their own limited water resources. While I support the intent of this bill, I believe that the funding, in part, for this bill must be derived by end-user fees and/or fines on water wasters. Where this bill allows for veto power by the Governor, I believe that we should also endorse the ability of a supermajority of either the Highlands council or a Highlands mayor's group to override the veto. If a flourishing Green Acres program and a flourishing

Farmland Preservation Program can operate successfully in this state, I have no doubt that an equitable acquisition program can be developed in the Highlands region. A workable program for the transfer of development rights can and must be developed so that this does not become a no-growth bill.

However, the municipalities that continue to face the heavy development pressures need assistance. I believe this legislation will help. Municipalities are spending millions of dollars of their taxpayers money, year after year, to protect these water supplies, and it's time to share that expense.

Thank you. (applause)

SENATOR SMITH: Thank you, Mayor.

Our next witness is Peter Melick, from the New Jersey State Board of Agriculture.

And in the on-deck circle, Mary Paulini.

**PETER L. MELICK:** Thank you. I'll try to be brief here.

First of all, let me say, my name is Peter Melick. I'm a farmer in Tewksbury Township, in Lebanon Township, Hunterdon County. I'm also a member of the State Board of Agriculture. I'm a tenth generation farmer and would like nothing more than to continue to farm in this state.

We in agriculture would like nothing more than to support a bill that is beneficial to everyone in this state. However, the way this bill is written now, in its present state, we in agriculture cannot support this. All these initiatives must be done in a fair and equitable manner with willing buyers and willing sellers. The way this is written now it doesn't appear to be the case.

We understand there was a meeting today with government staff and members of the Ag community, and it sounded like we are moving in the

right direction. However, we feel it's a little premature to be moving this so fast, especially since the map of the core area has not even been made public yet. I think we need to slow down and take time and do this right, so that everybody can come out of this a winner. So let's all, I think, just slow down, do this right, so we can all move forward together.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you very much, sir.

Ms. Paulini. (no response) Perhaps she stepped out. I apologize for that.

Mark Canright. Is that Mr. Canright coming? Terrific.

And on deck, while we're waiting for Mr. Canright, is Bill Randolph.

**MARK CANRIGHT:** My name is Mark Canright. I'm a full-time farmer, and I strongly support the Highlands Water Protection and Planning Act. I urge the Legislature to protect the maximum acreage possible and to manage it as outlined in the bill. My family's seven-acre vegetable farm is located in the sprawling, urban/suburban region of central Somerset County. During the 50 years that my family has owned this farm, we have seen explosive suburban growth. Unplanned and unmanaged growth is one of the most destructive forces to agriculture. Commonly, these sights, sounds, and aromas of agriculture do not agree with new suburban neighbors. The occasional necessity of driving a farm tractor on a public road becomes a life-threatening experience due to the heavy traffic speeding on former country roads. The simple ability to talk to a fellow farmer disappears as the farms are paved over under sprawl.

For some of these very reasons, I am in the process of moving my farming operation out of Somerset County. My new farm of 38 acres is located in the Highlands region. I am putting my new farm into farmland preservation. It is surrounded by already preserved farmland. This is the kind of situation in which farming can thrive.

I've seen firsthand what unmanaged growth can do to farming. I urge the Legislature to take the strongest action possible to protect the Highlands and create an environment in which farming can survive. I'd like to add that retaining the ability to produce some food within the State of New Jersey could have significant implications. These are uncertain times of global weather extremes. Potential petroleum shortages and other uncertainties could easily disrupt our food supply system. Retaining the ability to produce some food within the State of New Jersey could have serious benefits.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you.

SENATOR SMITH: Bill Randolph, from the Somerset County Board of Agriculture.

And in the on-deck circle, Alison Mitchell, from the Hunterdon Land Trust.

**WILLIAM RANDOLPH:** Thank you, Mr. Chairman.

My name is Bill Randolph. I'm the President of the Somerset County Board of Agriculture. I'm here to speak tonight in support of my fellow farmers in the Highlands region. Farmers today in New Jersey are an endangered species. They are a minority. They have continued farming in the face of overwhelming odds, not because they're getting rich, because they have huge

bank accounts; they're doing it because they love what they do. It is a true labor of love.

The vast majority of farmers in New Jersey have to support their family income through off-farm jobs. Many farmers continue farming in the face of all the adversity and the challenges they face, because they know in the back of their mind that they do have the equity in their land. Then, if someday they have to retire or they're forced in a position where they can't continue, they can cash out with their equity.

The regulation that we see today has resulted in a massive down zoning. This down zoning took place the day that this commission -- the Highlands Commission -- their formation was announced. That's already happened. It's been a tremendous blow to the farm community.

My second point is that farmers are the best stewards of the land. We have our own guidelines that are based on science. They're supported through the NRCS, the SADC. It's in our own best interest to take care of our land and to be the best stewards possible. We raised the bar, and in many cases we're leading the fight in obtaining high water quality. The quality of life that we all love in the Highlands, to a large degree, is a result of the agriculture. The farmers who have continued to farm are being penalized.

I do not support this Highlands legislation. However, if it were absolutely necessary that it go forward, I would support a blanket exemption for all production agriculture from the regulations outlined in this legislation. Second of all, I would demand that the equity protection clauses, as outlined by our second speaker tonight, be included in this legislation.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

We call on Alison Mitchell.

And on deck is Scott Ashley.

**A L I S O N M I T C H E L L:** My name is Alison Mitchell, and I am a life-long resident of Hunterdon County and a founding board member and past-president of the Hunterdon Land Trust Alliance. I am here to voice strong support for the legislation and to applaud the sponsors, the Governor, and the Task Force. It is clear that protection of the Highlands is an issue of great importance and urgency. Thank you for having the courage and foresight to put the basic needs of the public in front of the desires of a few to profit from unreasonable exploitation of our natural resources. And that is what this debate, ultimately, is about. Once you strip away the misunderstandings or tweak the bill to ensure it meets its true intent and address hardships -- which I am absolutely in favor of doing -- ultimately, this bill is about putting the basic needs of the public in front of the desire of a few to profit from unreasonable exploitation of our natural resources. That is the decision that ultimately lies before the Legislature.

I'm troubled by the level of information that I'm hearing as I talk with people about this bill, and I want to address a couple of myths that I'm hearing. But first, I want to point out that I understand that change can be frightening, but I really feel that we need to change the way that we are dealing with land use in New Jersey. It's important to note, for example, that many landowners initially expressed strong opposition to the State Farmland Preservation Program when it was first proposed. That program is now popular among landowners to the point of being oversubscribed.

One of the myths that I'm hearing is that the act threatens property values. The fact is, the act contains the strongest landowners' equity protections of any land preservation initiative to date in the State of New Jersey. Special appraisals are going to be done, as mentioned by the mayor earlier. There will be special rounds to expedite land preservation in the region, for people who are interested in preserving their properties. Property values actually decrease if properties are surrounded by sprawl and saddled with a tax burden that stems from uncontrolled development.

The second myth is the one that says that building a deck or paving a driveway, plowing a field, or cutting a few trees for firewood is going to require a DEP approval. No existing property uses will be affected by the act. The regulations only apply to major developments which, by definition, require disturbance of more than an acre of land or an increase of more than a quarter of acre of impervious cover. Plowing and planting of crops are not affected. The addition of a deck or patio, cutting a few trees for firewood, they're not affected. Even construction of a single-family house by the person who owned the land at the time the bill is enacted would not require an additional DEP approval if it's below the threshold of a major development.

This legislation offers a remarkable opportunity to protect over half of the state's drinking water supplies and a region of critical environmental, recreational, and historical resources. There have been many studies, task forces, and endless discussions over the course of years. It is time to act now and act before it is too late.

Thank you for the opportunity to testify on this critically important legislation. (applause)

SENATOR SMITH: The next person, I believe, is Scott Ashley.

ASSEMBLYMAN McKEON: I'm sorry, sir. Scott Ashley isn't here, you said.

UNIDENTIFIED SPEAKER FROM AUDIENCE: He's not going to speak. Can I take his place?

ASSEMBLYMAN McKEON: We'll call someone else. We have a set up--

SENATOR SMITH: Fred Beddall.

And in the on-deck circle--

ASSEMBLYMAN McKEON: --Todd Murphy.

**FRED BEDDALL:** Good evening.

My name is Fred Beddall, and I am a farmer. And my business partner, who has already spoken, we're starting our new farm operation in Hunterdon County. Between us, we have 27 years of active farming experience in three states. I support this bill, and I don't believe that it will constrain our farming operations.

We are, however, concerned about our drinking water and our farm water, because our farm has a hand-dug well that's 200 years old, that's 31 feet deep. It's very shallow. We're concerned about groundwater contamination. And that's the kind of issue that this bill, we hope, will address.

When I think of why farming is dying out in New Jersey and why there aren't young farmers showing up to fill the ranks of the older folks, of course, partly the reason is because when older farmers sell out their land at these New Jersey prices, no young farmer can possibly afford to buy it. So how

did we get so lucky, my partner and I? I would like to thank the people of this State, because your farm preservation programs -- we are hoping, and it looks like -- are going to provide us with a significant amount of money that's going to really make the difference for us to get going. So I'd like to thank the people of New Jersey.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you.

Todd Murphy.

And on deck is Mike Brennan.

Mr. Murphy.

**T O D D M U R P H Y:** Thank you very much.

I had my opportunity on Monday night, but I'd like to ask just one question. Senator Smith, you promised us the map today. We haven't seen it, but we understand some have. Could you explain, please?

SENATOR SMITH: Yes.

The boundary lines will be available at noon tomorrow. They'll be available by calling -- if you want them e-mailed, they can e-mail it to you -- if you'll call 609-292-7676, they'll get it to you. And I apologize for the delay. The reason--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Say that again, slow.

SENATOR SMITH: 609-292-7676, that's the Office of Legislative Services. They can e-mail the boundary lines to you, after 12:00, after 12:00 noon. They'll be available by e-mail to everyone. There is a -- and I'd hoped to be able to pass them out tonight. The DEP asked for an additional 24 hours

to make sure that they had not made any mistakes. We don't want to-- They wanted to do one last review. We all want to do this right. So tomorrow, hopefully, you'll have a chance to take a look at the boundaries for yourself.

Also, too, you'll remember that the issues concerning the boundaries are going to be an open matter for at least 30 days beyond the date of the release of the bill. So, if there is anyone with concerns that the boundaries have been mistakenly applied, that there's a Metes and Bounds error, that there's a physical boundary error, you will be given an opportunity to contact the appropriate party. We'll consider anything that anybody sends in to make sure, again, that it's done right.

MR. MURPHY: Thank you.

UNIDENTIFIED SPEAKER FROM AUDIENCE: What's the e-mail address?

ASSEMBLYMAN McKEON: Someone asked about the e-mail address. I'm not sure that we-- If you call and you give us your e-mail address, we will e-mail it to you.

**MICHAEL D. BRENNAN:** Hi. I'm Mike Brennan. I'm here on behalf of Morris Land Conservancy and--

ASSEMBLYMAN McKEON: Mr. Brennan, just hold off for one second.

Just to know, on deck is Ron Kennedy.

Thank you.

MR. BRENNAN: I'm here on behalf of the Morris Land Conservancy and Morris County Green Party.

Traditionally, the idea of a community is referred to a neighborhood or a town. But when we consider New Jersey's population and where the majority of its residents get its water, the definition of a community changes. A community, then, becomes larger and encompasses many more people. So when we act to protect the resources of a community -- in this case, water -- we have to consider the welfare of a larger community. So I support this Highlands legislation, and its intention to ensure the welfare and the future of the millions of people in our larger community.

Thank you. (applause)

SENATOR SMITH: Thank you very much.

Mr. Ron Kennedy, from Gladstone Design.

And in the on-deck circle, George Cassa, from the Great Swamp Watershed Association.

ASSEMBLYMAN McKEON: While we're waiting for Mr. Kennedy, what we're going to do for those of you who know that they want the map, which I know is most of you, we're going to have a pad out in the back, and we'll save you the call. We'll take down your e-mail address, and tomorrow, give or take at 12:00 noon, we'll e-mail them to you. So we'll have staff bring that out there, okay.

SENATOR SMITH: Mr. Kennedy, are you here? (no response)

David Gallic, from the Warren Township Planning Board.

And after that, George Cassa, Great Swamp Watershed Association.

Is Mr. Gallic present? (no response)

All right, then, Mr. Hank Klumpp, K-L-U-M-P-P -- identified as a farmer from Lebanon. Is Mr. Klumpp here?

ASSEMBLYMAN McKEON: Just, kind of, wave at us if you're coming up.

Thank you, Mr. Klumpp.

SENATOR SMITH: Okay. And then Mr. Cassa from the Great Swamp Watershed Association.

**HANK KLUMPP:** I'd like to thank this Committee for being here tonight. This is the first time I spoke in front of you people. I wrote these things down, but I need a couple more minutes than three minutes to put this through, so a fellow farmer of mine, which has an application in there to speak, said that he'd give his time--

ASSEMBLYMAN McKEON: Just go as quick as you can.

MR. KLUMPP: Okay. You got it. Thank you very much. I appreciate that.

I've been a farmer in Tewksbury since 1952. Unfortunately, Hunterdon is giving me -- a family -- little incentive to continue. The idea of establishing a State-appointed commission under the authority of the Governor in the Department of Environmental Protection, and making land decisions for me and my family operation, seems like a dictatorship. It's unconstitutional for me to have my land values and my equity taken away from me, making me lose borrowing, which will threaten to put me and other farmers out of business.

I want a clean environment and an effective land use. But there has to be a limit, a line drawn, on what can be taken from people in the effort and the benefit of others. I feel a State commission, overseen by the Governor, is threatening to my Democratic way of life. What is America all about?

After much investigation, I have found the lack-of-water issue to be inflated and undocumented. Hunterdon is being called the water farm. Well, let me mention a few places the water farm, from what will be my devalued property, will be supplying. The Tewksbury Highlands region supplies water to the Raritan River and Spruce Run and Round Valley Reservoir. The New Jersey Water Supply Authority, Raritan Basin System, has projected the following for the year 2005: Trenton Country Club, 500,000 gallons of water per day; Hunterdon Golf Course, 250,000 gallons a day, and other golf courses, another one, 500,000. And it goes on and on, and no interruptions, with no restrictions, on water use.

The Elizabethtown Water Company uses more than 24 million gallons of water a day. How much water does Hunterdon water farm produce that is wasted? The Elizabethtown Water Company, which buys 96 percent of the maximum yield of the Raritan River water system, only pays \$205 per million gallons of water. What do you think it sells for? Someone is making a hell of a profit. The Elizabethtown Water Company was sold, in 2000, to an English company and then a German company, that also bought American Water Company, the largest water company in the United States and owner of many of our state water supply systems.

I find it disturbing and questionable when I'm told that people in high places, involved in very influential and high-level organizations, are involved with what seems to be becoming a new \$100-billion-a-year business venture -- water is the new oil of the world. Saving water for millions of people sounds great to sell a plan. But I suspect this whole water issue is taking place to make huge sums of money for multinational corporations. I'm waiting for

someone to explain this to me. Someone owes me an explanation considering the Governor's plan will have harsh consequences for me -- soon to be the extinct farmer.

I face a devastating decrease in my land value. I have increased environmental regulations that will make it impossible to conduct normal farming practices or woodland management. A powerful regional planning commission will discard my property rights. Business friends that I have, that are caught up in the Pinelands regional plan, have told me of many hardships they have had in the name of preserving the environment. They had suffered losses of land value and restriction of land use, and have been told what they can grow. They were led to believe, like me, that the plan would protect water sources and protect agriculture and endangered species. However, once the plan was passed, nothing came of it but an antisprawl plan. A repeat performance is surely in the making. Hasn't New Jersey learned its lesson? Haven't we learned from our mistakes?

I was told by a member of Tewksbury Township Committee that only the northwest corner of Tewksbury would be in the core of the Highlands due to the way the land slopes. Then I spoke to the Mayor, Bob Heffernan, and asked him the same question, just to be sure. The Mayor told me he had just met with a senator and a person from the Governor's Office and now -- surprise, surprise -- it is official that all of Tewksbury is included in the Highlands core. What happened? This massive plan has so many questions not answered and is so unclear to the people that it will affect, so devastating that if a better, fairer approach is not taken, it would appear that I am being railroaded with a hasty passage.

ASSEMBLYMAN McKEON: Mr. Klumpp, it's been six minutes now, so--

MR. KLUMPP: Just half a second, please.

ASSEMBLYMAN McKEON: All right. Half of second we'll give you.

MR. KLUMPP: Okay.

What is the rush? I'm entitled to some answers. This plan can cripple my farming future if it is passed. Officials are letting me speak, but is anyone listening?

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Mr. Cassa is next.

Just relative to -- on a going-forward basis. Mr. Klumpp was a pleasure, certainly, to listen to, but he surprised us saying he got somebody else's time. So the rule is, from this point forward, it will be the three minutes as we stated.

**G E O R G E C A S S A:** Thank you, Mr. Chairman, and members of the Committee. I find myself following Mr. Klumpp on several occasions. Recently, on related issues, I told him last week, as I would say again, I am on the opposite side of the issue for the most part, but I think he has raised some very important points to consider.

My name is George Cassa. I live in Tewksbury Township. I'm here tonight, primarily, because I received an e-mail, circulated by Pulte Homes and the New Jersey Builders Association, urging me to attend. I don't know how I got on their mailing list, but they're talking to the wrong man. I'm a trustee of

the Great Swamp Watershed Association, and I strongly support the proposed Highlands legislation.

My problems are not with farmers, but with developers, and they go back about 30 years, when my father, who lived in Morris County, retired from his job. The day after his retirement notice appeared in the local paper, a developer knocked at the door and said, in so many words, “You’re old now. It’s time to get yourself some green pants, a Buick, and take your golf clubs to Florida. We want to buy your land from you.” My father said, “No, thanks. I’m not interested in moving. And anyway, you could never build much on this land. A lot of it is pretty wet.” The developer said, “No problem. Check down in town hall. The subdivision has already been approved.” We checked, and the developer was right. The town had already approved the paper roads and cul-de-sacs. My father was hounded by developers for another 20 years, but he didn’t want to move, he didn’t give in, and he didn’t play that much golf either.

Then about 10 years ago, I learned that the New Jersey Builders Association had gone into the business of drafting land-use legislation. The New Jersey Builders Association is the foremost voice of the industry in legislative affairs, according to their Web site. A notable example of their efforts in this area resulted in the Residential Site Improvement Standards. This legislation became the law of the land that we are now living under. This landmark legislation was crafted for the explicit purpose, by a shadow government, for streamlining the development process in New Jersey. It was signed into law by sitting elected officials like yourselves.

The Highlands Water Protection and Planning Act affords you the opportunity to put representative government back in your own hands where it belongs. I urge you to pass this legislation and reassume the power to control the future of New Jersey's water, which has for far too long been under the control of the builders' lobby.

Thank you. (applause)

SENATOR SMITH: Scott Clocas, C-L-O-C-A-S, from Clocas Farms, LLC.

And Michael Allen, identified as a farmer, in the on-deck circle.

So, Mr. Clocas first, and then Mr. Allen. Mr. Clocas, are you present? Please raise your hand if you are? (no response)

Kevin Hennessey, unidentified. Mr. Hennessey, are you here?

Oh, I'm sorry. Is that Mr. Clocas?

Mr. Allen, we have you in the on-deck circle. We're trying to do them in order -- in favor, opposed, in favor, opposed.

So the next opposed would be Mr. Hennessey. Mr. Hennessey, you're unidentified. If you would identify--

**K E V I N H E N N E S S E Y:** My name is Kevin Hennessey. I'm a long-time resident of the Highlands. My wife, who wasn't able to be here this evening, was born and grown up in the Highlands over the passed 50 years -- raised my two children in the Highlands, live up in Sparta, New Jersey.

One of the things I've heard here -- first, there's been a little bit of unanimity among all the speakers. Nobody is in favor of not having clean water. I tend to enjoy clean water myself. My kids like it. Everybody likes it. The question is, how do you get there? The piece of legislation that you're

proposing right now is very complex, and it sounds like there's some real concerns that may have some flaws. I urge you to take the time to correct the flaws in the legislation and put out a good piece of legislation. It's going to be very important, far-ranging legislation. I have doubts, given the complexity of the issues, they can be addressed in the next month or two. It's going to take a while to fix it and make it right. This is going to be very far ranging -- very, very important.

One other concern I've seen is, they're not really addressing increasing our water supply. If you stopped all growth in the Highlands and you stopped the population up there, you still are going to have growth in the population in New Jersey, maybe in other areas. If you're providing the water, I see no provisions to expand the water supply. As I've been driving around the Highlands, there's a reservoir I go by every day on my way to work in Jefferson. It's full -- it was full in the middle of March. Now they drained -- God knows how much water. I'm not an expert on that. The level is about 10 or 15 feet lower. I think it's in anticipation of rain to come. Why are we throwing that water away? It's probably down in the Atlantic Ocean right now. Can we connect the reservoirs? Should we build new reservoirs to give ourselves more capacity?

As pointed out by the other gentleman -- who I don't remember his name, but he's brilliant -- we're wasting a lot on golf courses. Let's save water for people. Let's make better use of the resource and not waste it. Just stopping development is not the answer to making use of our resource. Let's be smart in our growth and smart in our usage of resources.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Mr. Allen.

And on deck is Harvey Orr.

**M I C H A E L A L L E N:** Hi. My name is Mike Allen. I grew up on a family farm in Hunterdon County. I, also, don't have many credentials, or anything, but I think that regional planning is a good thing and better than haphazard development. And also, I think the deal works out pretty good for the farmers, because they get money from preservation.

So I support this legislation, and thank you. (applause)

SENATOR SMITH: Thank you.

Mr. Orr, Harvey Orr Jr. Is Mr. Orr present? (no response)

Next is Henry Gore, G-O-R-E, a Holland Township citizen.

To be followed by Susan -- is it Cume, C-U-M-E or C-U-M-I?

Mr. Gore.

**H E N R Y P. G O R E:** Thank you very much for inviting us to participate in this meeting. I'm a citizen of Holland Township. What got me interested in preservation is I heard from township officials that some of the people interested in Highlands preservation were mentally insane. Okay. I've also heard from people who are on your council here, on your group, that people are Nazis and Communists for being interested in preservation of the Highlands.

Now, there are a lot of people that really are hurt and, in fact, are trying to understand where this comes from. And I won't go through all of the discussions that I've had, but I think it really boils down to -- that really our township committees need oversight. And the Highlands council as an oversight

is absolutely necessary. We've got too much fragmentation in the 90 municipalities. I think that problem will be handled.

I'd like to talk a little bit about sprawl. Sprawl really is the major issue. Sprawl really, by definition, is high external cost. This means that the developer are not picking up these costs. They're buying the land, they're building the house, and they're getting a profit. But the external costs are really the costs which are born by the community. Now these will include infrastructure and other costs. In fact, putting a lock on my house could be considered a higher cost. These are external costs of sprawl. And we can think of sprawl as pollution. Pollution and sprawl are similar. They both have external costs. Somebody has to pick them up. And that's me, when I pay higher taxes for schools and anything else, any infrastructure, or widening of Route 78, I'm going to have to pay for them. And I'm going to have to move, not to North Carolina or Florida, but to the desert of Nevada, because I live on a fixed income. Okay. I am picking up your costs for your building your house in sprawl, passing your costs on to me. Okay. And that's what we're talking about. We're not talking about--

ASSEMBLYMAN McKEON: Sir, 15 seconds.

MR. GORE: Okay, right. Okay.

And I'd like to also really urge you to consider the non-core areas as well, because they're extremely important. I do have a printed -- and I pass it on to you. (applause)

ASSEMBLYMAN McKEON: Please submit that to us, and we'll review it.

We've called Susan Currie -- but just to get back in our order of, hopefully, bringing some balance, is David Orr. That name was mentioned before. Mr. Orr, and Susan -- I think it's Currie, again, is on deck. Is Ms. Currie still here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I think she is outside still waiting or has left.

ASSEMBLYMAN McKEON: Okay. Well, then we'll hold her and call someone else on deck.

Just give us one second, Mr. Orr.

Dr. Susan Lederman. Okay, you're next.

Mr. Orr.

**DAVID ORR:** Thank you, and thank you for the time to speak.

I'd like to take a little bit of a different tack, since we the people have helped to put you, this Committee, in the seats in front of us to help make sure that the passage of this bill is done properly. With all the comments that have been made tonight, I could go on, probably, for hours depicting the different parts of it that are flawed, or whatever we want to call it. But what I would ask of you folks that are sitting in front of us, and your groups that you're going to speak with that are either for or against this is, that when we go to sleep at night we are making the right decision for everybody. There's a lot to be decided upon. There's a lot of information that has not been reviewed appropriately.

There are a lot of people that have been talking about great subjects, relative to different ideas that could facilitate the different people and the different ideas that could help to take care of, I think, everybody's concerns

in this particular issue. And I would ask, as an American citizen, as we stare at each other this evening, and the evenings that we have in front of us coming forward, that you think very hard not just about who's asking to have this done for whatever reason, but that you are actually speaking for us, which we've not seen for a lot of years.

I appreciate your time. (applause)

SENATOR SMITH: Thank you.

Dr. Lederman, Dr. Susan Lederman, Regional Plan Association.

And in the on-deck circle, William Ryman, R-Y-M-A-N (*sic*).

**S U S A N S. L E D E R M A N, Ph.D.:** Thank you very much. I'm Susan Lederman. I'm a resident of New Providence, New Jersey, and I'm speaking on behalf of the Board of Directors of the Regional Plan Association. And thank you very much for bringing this opportunity to all of us.

RPA strongly believes that drinking water and other natural resources of the New Jersey Highlands must be permanently protected, and we believe that the region needs comprehensive planning to ensure that future generations have sustainable places to live, to work, and to raise a family. The Highlands Water Protection and Planning Act, by its very title, confirms your commitment to protect the water and to promote planning in the Highlands region. RPA's third regional plan calls this a *greensward* that shapes the future of New Jersey.

The most important goal of this legislation is to protect as much of the remaining undeveloped land as possible, with a preservation area of at least 350,000 acres that includes the critical watershed lands and contiguous forests.

And obviously, we're very strongly supportive of this legislation and its emphasis, and we commend you for dedication of this goal.

The bill goes a long way to addressing the challenges that we face to protect water quality. However, the bill as currently drafted does not sufficiently address growth issues consistent with either the Highlands Task Force report or the RPA New Jersey Committee resolution. And Tom Dallessio is here. We're going to have a fuller statement, in just a moment, for your record. While RPA understands the concerns about mandating growth in the planning area, we do believe that growth issues must be addressed, as land uses will continue to change in the Highlands. Development and redevelopment offer an opportunity to reinforce existing centers in accordance with the State Plan principles, and to be required as an element of the transfer of development rights system envisioned for the preservation area. Specifically, S-1 and A-2635 do not adequately address some of the most significant recommendations of the Highlands Task Force report regarding growth.

The Regional Plan Association recommends that the following provisions be added to S-1 and A-2635 to strengthen the bill: Recognition that some growth is anticipated for the region, both within and outside the Highlands, and that a certain amount of growth can be accommodated in the planning area while meeting the preservation goals of the act. Ways to identify and address the growth: Cooperation between the council and towns to come to agreement on a common set of projections for population, employment, housing units, non-residential development, and such; and cooperation between the council and towns to identify areas appropriate for accommodating growth consistent with the Highlands Act. Planning cooperation between the council

and municipalities in the planning area; and prioritized incentives to give towns in the planning area more incentives than those in the preservation area, to mitigate the negative growth.

ASSEMBLYMAN McKEON: Ma'am, thank you. Fifteen seconds, if you could wrap up.

DR. LEDERMAN: Thank you.

By providing significant incentives to grow responsibly, as well as a regional plan and technical assistance to make it happen, the council can ensure that the Highlands remains a place where people can live, work, and raise a family.

Thank you for your time. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

I believe -- Mr. Rymon.

And on deck is Jennifer Vickers. Ms. Vickers, are you here? Okay, great.

**WILLIAM RYMON:** Hello. My name is Bill Rymon. I'm a small businessman in Warren County, Washington Township. Fourth generation. We've farmed and had a farm equipment business, and it's turning into more of a lawn and garden business, because the farm is dwindling so.

I'd just like to say that I would not like to see this bill passed as it is. I think it's very unfair to the property owners and the people that live in the Highlands, and that a six-month study that's going to affect my entire life, my children's life, I don't think is really enough time. There must be many other ways they can go about this. I'd like to see it pursued a little more and would appreciate it if you did not pass this at this moment. And that's all I had to say.

Thank you. (applause)

SENATOR SMITH: Jennifer Vickers, New Jersey Environmental Federation.

After that, Patricia A. Williamson, resident of New Jersey.

**JENNIFER VICKERS:** My name is Jennifer Vickers. I'm here on behalf of the New Jersey Environmental Federation. I'm here in support of the bill, and I want to thank you.

I just want to make two points. Everyone said pretty much a lot tonight. But I want to point out that I heard a lot of fictional statements. I heard that people say that the process is moving too fast. I don't agree with that. This is just an excuse to prevent the bill from moving forward. Over the past 15 years, the Highlands have been studied by the U.S. Forest Service twice, the State Planning Commission, the Skylands Task Force, Highlands Working Group, and private entities. Three Governors -- Kean, Florio, McGreevey -- appointed panels on the issue. Governor McGreevey's Highlands Task Force deliberated for six months, held three public hearings, heard from hundreds of New Jersey citizens, local officials, and experts. The bill has bipartisan, legislative, county, and municipal support. The Senate and Assembly Environment Committees are currently in the midst of six public hearings on the bill, as just the first of six hurdles the act must clear before reaching the Governor's desk.

The Highlands lost 25,000 acres to development between 1995 and 2000, and continues to lose 5,000 acres each year. If anything, New Jersey has not moved fast enough.

One other thing I heard was that the act will undermine the ability to borrow money for farming. Under existing law, the U.S.D.A. and the State of New Jersey can only loan money to farmers based on the agricultural value of their land and crops, not the speculative value.

So I urge you to pass this bill. The voters are behind you. They do support you.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Patricia Williamson. Ms. Williamson? Sorry, Ms. Williamson left.

Tari -- I'm sorry -- Vuocolo. Tari Vuocolo. Just wave at us, if we see you. Okay.

And on deck is Ron Bond. While we're waiting for Ms. Vuocolo, is Mr. Bond here? Okay, you're next, sir.

**T A R I V U O C O L O:** Hello. My name is Tari Vuocolo, and my family owns and operates a 176-acre tree farm here in Lebanon Township. And we've worked hard to keep our farm healthy and thriving for over 25 years, through the skillful direction of a forester and a State-certified management plan, which are required. I am against most -- just a minute. I've got a cold. I am against more stringent regulation for landowners who currently farm the area labeled the Highlands. More specifically, I disagree with the part of the bill which states "any property disturbance will require DEP approval" -- and in terms of the activities that that might restrict on a tree farm, such as building an access road to get to timber removal. Also about taking out stumps and rocks, and harvesting trees or clearing harmful underbrush, such as multiflora -- all of these

activities provide for the efficiency and productivity of managing a woodland property.

It is naïvé to think that, under this proposed legislation, relatively small woodland properties could produce the income the State requires for farmland assessment, with the farmers and landowners pressured by so many different obstacles and time constraints. There are already sound forestry practices outlined in our management plans that protect the biodiversity of our environment, prevent the damage of waterways and their sources, and do so with a highly experienced group of scientifically trained and educated professionals -- our foresters.

I sense that this piece of legislation is being rushed to the floor of the Senate too quickly. And what are the lessons that we could learn from the Pinelands Commission? Why is there now such a large pine beetle infestation there? Was it wise to think of fire prevention and forest management as an afterthought? Have the problems in the Pinelands been a result of bogged down and clouded bureaucratic thinking? One of the major threats would be exposing our homes to fires, if you were to under-manage the woodlands that surround our homes. In New Jersey, we are surrounded by woodlands. And we are much more densely populated, for instance, than out West.

If the landowners are expected to do the groundwork for this water supply, give us the room and the nod to continue our good work. In order to achieve a truly successful Highlands Commission, the knowledge and input of trained foresters is vital. In the words of Doug Tavella -- our forester of 18 years -- "A Highlands Commission without trained foresters is equivalent to a highway commission without trained engineers."

Thank you. (applause)

SENATOR SMITH: Ron Bond, to be followed by Becky Shwarrootz.

**R O N B O N D:** Good evening. I'm Ron Bond. I'm a life-long resident of New Jersey and the Highlands. I grew up in Sussex County, then moved to Hunterdon. I support this bill. There's been some issues raised tonight that are very fixable and can be had fixed in a very short time. We need to move forward on the passage of this bill so that we can protect our wetlands, our water resources, and our Highlands in our environments.

This is a bill that has been in the making for 15 years. It goes back to 1980, or late '80s it was talked about, and then the '90s, and we are here now. It's time to move on. Instead of studying it to hell, let's move it forward. And please move forward on this.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Becky Shwarrootz.

And on deck is Mr. John McKernon. Is Mr. McKernon here?  
Okay, sir, you're on deck.

I'm sorry, is Ms. Shwarrootz here? Is she not here? (no response)  
Yes, thank you.

Bill Marmo, M-A-R-M-O, Marmo, of Washington. Mr. Marmo?  
(no response) He's left.

Jennifer Weber. Ms. Weber. Okay, great. Thank you.

Mike Downing. You're on double deck, Mr. Downing.

**JENNIFER L. WEBER:** Hi. As you just said, my name is Jennifer Weber. I was born and raised in Hunterdon County. And actually, Senator Smith, when I was Juliet, I died right where you are sitting. (laughter)

I'd like to say I'm very opposed to this bill. I studied a lot of international diplomacy, foreign relations, and U.S. government, and it has all the earmarks of Marxism, Communism, and it's very scary to me. I really find it terrifying. I won't go into all the details, but people who own their land should be able to do what they want with it. If you don't want them to do it, you need to compensate them fairly for it. You can't just give them 80 percent of what they deserve. It needs to be more than 100 percent.

Thank you. (applause)

**SENATOR SMITH:** John McKernon.

And after that, Mike Downing.

**JOHN MCKERNON:** Hi. My name is John McKernon. I grew up in Fairfax County, Virginia, where in the space of 10 years, while I was going to school as a child, I saw our local gas station and feed store replaced by two of the largest shopping malls in the United States. High rise apartments replaced the streams and fields where I used to play in as a child.

Today I live in Harmony Township, where we're faced, fighting today, an ill-conceived development in the middle of an area active with sink holes and which will require, actually, importing water to serve the development. Developers say they must build in order to have enough moderate- and low-income housing to meet our obligations to the less fortunate among us. But the low-income houses they are building actually cost as much as, or more than,

many of the houses we already have today in Harmony Township. This completely reverts the intent of COAH, and is baffling to me.

Developers have told us to our faces in land-use board hearings that they do not care what impact their developments have on our local community. They do not care what their rows of ticky tacky houses will do to our environment, our schools, or our way of life. Those of us who live in Harmony Township care about much more than raping the land of its monetary value, and we need all the help we can get.

Developers, such as Centex, have millions of dollars at their disposal, which give them essentially unlimited resources to override our plans for Harmony's future. Our township, with only 2,700 residents, will never have the financial resources by itself to resist legal challenges to our ordinances. Our only hope is for us to band together, community to community, person to person, to take collective control of the planning and development process. This bill helps provide that support. We need help, and we need it now.

Thank you. (applause)

SENATOR SMITH: Mike Downing. (no response)

And in the on-deck circle, Nancy Coleman.

ASSEMBLYMAN McKEON: Mr. Downing, are you here? (no response)

SENATOR SMITH: Mr. Tom Wescoe, W-E-S-C-O-E. (no response)

David Simmons. (no response)

Ron Hankins. (no response)

Chris Hankins. (no response)

Richard Cotton. Is Mr. Cotton here? (no response)

Steve Sky. Is Mr. Sky here? Are you Mr. Sky?

**RICHARD COTTON:** No, I'm Mr. Cotton.

SENATOR SMITH: Okay, great.

And after Mr. Cotton, Nancy Coleman is in the on-deck circle.

MR. COTTON: Thank you, Mr. Chairman, and I'd like to thank everybody for coming as well.

Sometimes crisis builds consensus, and I thank you for doing that. One of the things that I want to point out -- and I guess my background in this issue also -- I'm a fourth generation from a little village called Asbury, in the Highlands. I was appointed on the first Highlands Commission by Governor Florio. I've been the founder of the Musconetcong Watershed Association and involved with the preservation of over 4,000 acres of land in Morris, Warren, and Hunterdon County.

The thing that disturbs me the most is, like many people who spoke tonight, is that this bill fractures our communities. It doesn't bring them together. And in a time where we need togetherness in a community about an issue, legislation that separates us by either political views or scare tactics is really unacceptable. One of the resources that you've overlooked are the incredible intellectual pull of people, farmers, preservationists that live in our area. And we live here and work here because we care about it.

TDR legislation and some of the compensation issues have been around for a long time. And after such a concern about some of the compensation, it seems that that should be a focus. There are hundreds of people outside, again, tonight that want to have a voice in this issue. This issue

has been around for a long time. I urge and beg you to not cut off this discussion, which is so important for generations to come. And I want to thank those people who have worked tirelessly in farmland preservation, in the Ag, in the conservation community, and to create a panel which doesn't achieve regional planning. But regional dictatorship is wrong.

In addition, what I would like to urge you to do is hold more series of hearings and get the science. It's what we all want. We worked on watershed planning. We worked on out-of-basin transfers. We worked on carrying capacity for our watersheds out here. Where has all that information gone? It was the basis for the first studies. It's the basis for the preservation. And I haven't seen any of the science. I haven't seen the map. I'm 100 percent for preservation. There are great components that are in that bill. There are great people that are in this audience and in the Highlands that are willing to work hand-in-hand to make those goals happen. But unless it's environmentally, economically, and socially sustainable, it will never stay in place. Whatever rules that you pass under the current legislation, because you have the political will, I guarantee will be undone by the next.

To truly achieve that sustainable balance, again I urge you to look at those three elements -- the economics, the environment, and the social -- and I, as well as many other people, would certainly be willing to help give some of that data and information -- be willing to put together another forum. So I urge you at this point not to pass the legislation, but continue this discussion to make it better and more sustainable.

Thank you. (applause)

ASSEMBLYMAN McKEON: Nancy Coleman.

Ms. Coleman, as you approach, Donna Sky? Is Donna here? (no response)

Kathleen Healey. Excellent. You're on deck then, Ms. Healey.

And Ms. Coleman, thank you.

**NANCY BROWNE COLEMAN:** My name is Nancy Coleman, and I'm from Parsippany-Troy Hills in Morris County.

*Fortune* magazine has been quoted as saying that "clean water is one of the world's great business opportunities. It promises to be to the 21st century what oil was to the 20th." The magazine sees the writing on the wall. Articles have been written about multinational conglomerates who have fly-ins to Washington, D.C. to lobby federal legislators. These foreign-based companies push for bills that would force municipalities to consider privatizing water systems before tapping federal funds for upgrading or expanding public systems. They also want bills to protect private companies from lawsuits over contaminated water and block municipalities from taking back troubled, privatized systems.

There are areas in this country and all over the world where people are experiencing water crises. I have read that in Bolivia's third largest city, people are paying 20 percent of their income for water; and that in Manilla, water is only reliably available for about two hours a day. Interesting to note that Manilla's water system is controlled by Suez Company, who owns United Water -- the private company that provides Jersey City's water and others in New Jersey. In Ghana, where average incomes are \$400, privatized water supplies cost citizens up to over \$100.

We should all see the writing on the wall. We are stewards of our water supplies. People 50 years in the future will look back at what we're doing now and ask why we didn't do anything to assure enough water for future generations.

Although not speaking for the committee, I'm an appointed member of Parsippany-Troy Hills Environmental Committee. Two years ago, when I was first appointed, a study of the flooding of the Troy Brook Watershed showed that the land was in 300 feet of the brook, was 71 percent developed, with 41 percent impermeable surface. Since that time, more development, including a 280-car Park-n-Ride lot, has occurred. In order to prevent sprawl in areas such as the Highlands, it seems our area is on the receiving end of a lot of residential and commercial development.

Recently, another study, a \$230,000 grant by Rutgers Cooperative Extension, was begun and will be studying water quality, recharge and stormwater management. This study will not be completed for two years or more. And it's recommendations will probably not be implemented for some time after that. Meanwhile, Parsippany is pursuing a contract with Jersey City to purchase water from their Parsippany/Boonton-based reservoir to accommodate existing and planned development. This reservoir's watershed depends upon the Highlands for recharge.

Where would we be if shortsightedness allows the continued development in the Highlands at the rate the area has been experiencing? There must be an immediate organized effort, such as this bill, to plan for where we will all get our water for this generation, for generations to come. If it were not for claiming land by eminent domain, we would not have reservoirs now.

Interesting to note that I've been told that there are no areas left that New Jersey can look to for building new reservoirs.

ASSEMBLYMAN McKEON: Ma'am, I'm going to ask you to wrap up. Fifteen seconds, thank you.

MS. COLEMAN: Okay. I wholeheartedly support the Highlands Water Protection and Planning Act and believe it should be fast-tracked before more damage is done. I believe that if more time should be taken for this bill, then a temporary building moratorium should be put in place until this bill is passed.

I sincerely wish to thank Senators Robert Martin and Bob Smith for their efforts to protect our water supply. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

Ms. Healey.

And on deck, Dave Pringle.

(PA system is disrupted)

ASSEMBLYMAN McKEON: You know what? We probably just kicked it. Thank you for telling us. We apologize. We'll see if we can get that straight.

Ms. Healey, just hang in for a second, so we can hear you.

It's not our system. So we're not quite sure. We're going to find a custodian. I'm sorry for the delay, but we want everybody to hear.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We can hear her. We can't hear you.

ASSEMBLYMAN McKEON: Oh. Well, okay. You know what, the speakers are much more important than we are. Okay.

If you can hear the speakers, than please, go ahead.

**KATHLEEN HEALEY:** Hello.

ASSEMBLYMAN McKEON: Yes. Great.

MS. HEALEY: All right. Well, first I want to start out with, I've noticed that this issue has become an environmentalists versus builders. I'm not a builder. I'm a resident. So I wish this topic would just stop with this fight between builders and environmentalists. Cut it out.

Anyway, to respond to a prior speaker, she claims that hundreds of people responded regarding this bill. And she's right. That is specifically the point. There are hundreds of thousands of people affected by this legislation, and you've heard from hundreds? Which brings me to my first point which is about proper notification. Most township zoning ordinances in the Highlands began in the 1960s, and that meant that most landowners who wanted to develop their property that didn't meet zoning needed a variance, and was required to contact every neighbor within a 200-foot radius by certified mail, because their neighbor may be affected. This bill affects all the residents of the Highlands, and the government did not inform these residents sufficiently.

The fact that every resident I speak to has not heard of the Highlands Act surprises me. I have spoken to many people about this bill, none of whom even heard of it and have said there's no way they would support this bill at this time. I would like to remind you of the Fifth Amendment of the Constitution. It states, "Nor shall private property be taken for public use without just compensation." Our property is priceless to us, and it is impossible for the public interest, or fair value of any property to be determined by any judge, jury, independent appraiser, or voter.

I feel this bill is presented as a friendly partnership plan for the necessary preservation of clean drinking water. The Highlands Conservation Act is actually a carefully crafted, multilayered, insidious hoax that spits on the Constitution and in the faces of freedom-seeking Americans. This bill is one of the single, greatest attacks ever made on private property ownership and major legislation action significantly affecting the quality of the human environment. (applause)

SENATOR SMITH: David Pringle, to be followed by Eric Keller.

**DAVID PRINGLE:** Thank you, Mr. Chairman.

I'm the Campaign Director for the New Jersey Environmental Federation. We represent 70,000 individual members and 100 member groups throughout the state. All of our members benefit from the economic opportunities that clean, adequate Highlands water provide. Most of our members also drink Highlands water, and most of them also recreate in one of the few remaining wild places between Washington, D.C., and Boston, and only 30 miles from New York City. This is an historic moment, if you can talk about the years and months that have led up to this process as a moment in time.

I'd like to address several of the points that I've been hearing tonight. Affordable housing -- having Pulte Builders talk about affordable housing is a joke. We have built, in the last 10 years, 600,000 housing units in this state. Less than 30,000 have been affordable. The problem with affordable housing isn't environmental regulation; it's irresponsible builders, like Pulte and Hovnanian, that refuse to build affordable housing, because they're more concerned with profiting over with McMansions.

The clapping doesn't count towards my three minutes, I hope.

I'd also like to talk about balance and property rights. Yes, we have property rights in this country, but there are also downstream rights. Unfortunately, farmers in Hunterdon County do not have a unfettered right to pollute my drinking water in Union County. And I like it-- I should not have to pay so that you can increase the chances of my child getting cancer from the pollution that comes with development.

ASSEMBLYMAN McKEON: Please, everybody-- We'll respect each other the best we can.

MR. PRINGLE: Decisions made in Hunterdon County impact flooding downstream, in fact, contaminating drinking water supply. So, yes, we have property rights, but they must be balanced with downstream rights. This bill provides a very fair balance of this.

There are folks that say the preservation area isn't big enough. There are folks that say the preservation area, the planning area, are too big. Again, it's a matter of balance that you have to realize. In terms of growth, this preservation area is talking about 130,000 acres that will be protected that, otherwise, wouldn't be protected. In balance, there are 1.8 million acres that are unprotected, undeveloped in this state. One hundred-thirty thousand acres out of 1.8 million is a small price to put off-line.

We've heard a lot of red herrings about pools and decks and lumber and bathrooms and driveways and plowing of fields. None of that will apply in this bill. This bill clearly states that we're talking about major, new development. To a degree, that isn't explicit, and it needs to be made clear. I don't think anybody in their right mind wouldn't support an amendment to make that clear. I would just like to conclude that this is a step in the legislative

process. It is just a step. It is actually the first real step of seven steps that need to happen for this bill to become a law. And even then, DEP has to promulgate rules, a regional planning council has to do a public process for a hearing. So this is really in its infancy.

It is critical, though, the amendments for Earth Day -- you folks need to move it on Earth Day. The money process can be worked out through the Budget Committee. This bill provides balance. It's a historic moment; we can't afford to waste it. You have before you the opportunity to achieve the greatest environmental accomplishment in the State's history. It's within our reach, and we are relying on you, the Environmental Committees, to grab it. If you don't act this spring, it will be too late. (applause)

SENATOR SMITH: Thank you.

Jamie Morgan. Jamie Morgan, are you here? Jamie Morgan. Is Jamie-- You're next.

And after that is-- I'm sorry. Eric Keller is next, from Omland Engineering.

And Jamie Morgan is after that, in the on-deck circle. Jamie, you should start to come forward.

**ERIC KELLER:** Thank you.

As you said, I'm a licensed professional engineer in the State of New Jersey. I've been in practice for 25 years. We represent both developers and municipalities. There is a process that we all follow in development process, whether we're on the builder's side or on the township side. There's a municipal land-use law that's been in effect since the mid-1970s. There's regulations at the local, county, and State level. There's been a lot of talk about

rampant development, things that occur with no forethought. Every town has a master plan. A master plan is a public enterprise. Everybody gets a chance to speak on it. There's a process that is followed with a master plan that establishes the zoning ordinances that govern development. It's a public input. There are State regulations that the DEP, that the DOT put forth that we have to follow.

In recent years, New Jersey has been on the forefront with wetlands regulations. They've been in effect -- that we've had to deal with for 16 years, that govern development in and near wetlands that control discharges into those wetlands. We're now dealing with new stormwater regulations that require recharge and infiltration of stormwater runoff back into the ground. These are things that the State is already doing. Things that are in this plan which is being duplicated by regulations that already exist.

A municipality that tried to adopt a zoning ordinance without a master plan in place has no basis. You're trying to adopt, in effect, zoning ordinances, regulations that control development in the Highlands region, with no master plan. People have talked about all the studies that have been done for 15 or 20 years. You'd think in those 15 or 20 years you could of come up with a master plan by now. We've been working on the State Plan, cross acceptance with the counties, with municipalities, for years. Where is the regional plan for the Highlands? You've been studying this forever. You'd think by now somebody would have been able to put together a plan that we could have a rational basis to discuss development on.

Development does not occur in this state with no respect to the environment. There's a lot of environmental regulations that we must follow,

that the DEP strictly enforces -- and sometimes beyond what is written in the regulations. There's your policies and procedures that they follow that they feel are appropriate. There are interpretations of the regulations that are written by the legislators and by OLS that are all put together. And there's interpretations that they turn in their favor.

So, in closing, I'm a little tired of hearing that development just happens with no input. You go to a public hearing -- I've been at public hearings where we've had as many people as we have here. So I just want to say that the public has the ability to comment on development. And this bill in its present form has no basis, because you don't have a master plan to follow. And to implement something without a master plan is flawed.

Thank you. (applause)

ASSEMBLYMAN McKEON: On deck is Thomas Iadevaia. Mr. Iadevaia, are you here? He's gone. I'm sorry.

Barry Welch. Mr. Welch? He left.

We're down to 98. Tim Mendias. Mendias. M-E-N-D-I-A-S. (no response)

Richard French. (no response)

Charles Oberman. All right, Mr. Oberman. You'll be next.

Ms. Morgan.

**JAMIE MORGAN:** I'm probably speaking on more of an emotional basis tonight, rather than political or financial or scientific. But I just want to say that I do support this legislature. And I've been a resident of Sussex County all my life. And traveling the country, which I've done, I've found a lot of people insult me for being from New Jersey. And this, which I did not

understand, because in the area where I grew up, I considered one of the most beautiful, rural landscapes I've ever seen. I was just thinking that, obviously not where I've grown up, that people think New Jersey is a bad place to be from. It's not the woodlands or the wild places that put New Jersey in a bad light. And I just want to say that I don't want to see Sussex County or the Highlands become those places that people can put New Jersey down for. And I would like my children and grandchildren, like my family has for hundreds of years, to be able to live in New Jersey and also refer to it as a beautiful, rural landscape.

Thank you. (applause)

ASSEMBLYMAN McKEON: Bob Flowers, to be followed by Charles-- I'm sorry, Charles Oberman, followed by Bob Flowers.

Mr. Oberman.

**CHARLES OBERMAN:** Hi. How are you?

SENATOR SMITH: Good.

MR. OBERMAN: I'm a long-time resident of Jefferson Township in the Lake Hopatcong area. And I have to say that I'm very, very disturbed with a lot of these points in this legislation. Number one is, I can't believe that this bill is going to affect 90 municipalities and take the jobs and the livelihood of so many people that are going to be put out of work, including myself. Realtors, bankers, mortgage brokers, the baker who the contractors stop at in the morning, the gas station, the guy who sells the trucks to these people, the stores -- shall I go on? I don't think so. The other thing is, where is this map? I know you talked about it before, but I've heard that three times already. I've heard it for a long time, and I don't believe it's coming tomorrow. Okay.

I've had the ability to see this map a couple of days ago. Has anybody else? Well, that's because it's been hidden, because it hasn't been done being changed. I can't believe 90 municipalities. How many people is that? Does anybody have a count? How many?

UNIDENTIFIED SPEAKER FROM AUDIENCE: One-and-a-half million.

MR. OBERMAN: One-and-a-half million people this is going to affect, and nobody has seen a map. How does this happen? Twenty-two days, Earth Day, Earth Day? Does it have to be Earth Day? How about next Earth Day? No, you're laughing at me up there. I see you. Isn't that funny? And I don't think you're going to go home tonight and listen to my recording, are you? No, you're not. You're not going to take this out. I'm pissing in the wind here. But I'll tell you what? This is ridiculous. Absolutely ridiculous that you can jam this up the backsides of New Jersey residents in 22 days.

I just took a mortgage on my house to buy property that is approved to be developed. And because I don't have a septic system and a building permit on this property, which will probably take me the next four months, I lose. What do I do with my house?

Somebody cut me off. No?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No.

MR. OBERMAN: Somebody-- What am I going to do? I'm going to go bankrupt. My business employs -- I don't know how many people -- but I build houses. And I am all about great drinking water. I thrive on it. Everybody should have it. But there needs to be a balance here.

SENATOR SMITH: Mr. Oberman, 15 seconds.

MR. OBERMAN: Well, thank you.

I'm glad that I had the courtesy of 15 seconds for what four million or two million or one million -- I don't know. All these people-- I had the knowledge of three meetings -- two hours, four hours of meetings -- for 90 municipalities for people to speak at. It's ridiculous. How about the loopholes in this contract or this legislation? It's nothing but a loophole. The whole thing is a loophole. How do you expect somebody to favor this without being a politician that's getting either an arena built in their city or their picture on the front page of the *Star-Ledger* on Earth Day? I beg this legislation to give this the proper amount of time for all of the people that are going to be affected. And by the way, Jefferson Township is completely in the core area. That means, from what I read, there will never be one building permit for a new home in a town that has only 32 -- am I right? Let me think about this -- No? -- 32 percent developed. Sixty-eight percent of this town is undeveloped. How does this happen?

SENATOR SMITH: Would you give someone else a chance to speak, please?

MR. OBERMAN: Excuse me?

SENATOR SMITH: Would you give someone else their turn?

MR. OBERMAN: I'm on a roll. I'm not standing down. I've got to say my piece. I've been waiting for three meetings to talk, and guess what? You're not going to let me talk. And I understand. Well, you know what? Everybody can wait an extra 10 minutes. How's that? Is that worth it? Can we wait 10 minutes?

SENATOR SMITH: Mr. Oberman?

MR. OBERMAN: Do I have everybody's approval for 10 minutes?

SENATOR SMITH: Let me ask the officers of the State Police, that if this gentleman continues beyond 10 more seconds, to escort him out of the auditorium, because he's not allowing other people to speak.

MR. OBERMAN: When I am going bankrupt, I'm going to come live in your house.

Thank you. (applause)

SENATOR SMITH: I believe it's Bob Flowers that's next.

And then Sebastian Monte is in the on-deck circle.

**ROBERT FLOWERS:** Mr. Chairman, ladies and gentlemen, thank you for the opportunity to speak today. Bob Flowers from Tewksbury, New Jersey.

The Highlands are being developed faster than most any other area in the state. I remember when Basking Ridge was farmland with open spaces. Developments sold homes with advertisements as, "Buy in fox hunt country in a beautiful farm community with open spaces everywhere." Guess what? There are no more lovely farms in Basking Ridge. There are no more foxes in the country. There's very little open spaces. So developers destroyed exactly what they were selling. Development has already taken lovely farms and forest areas in the Highlands and returned them into townhouses, strip malls, and highways. We should ask the question, how much of our open spaces do we want to destroy?

If it were up to the developers, the Great Swamp would have become Newark Airport. The Pine Barrens would become condos, and Island Beach State Park a strip mall full of hotels and motels. It's time to think about

New Jersey as a natural resource to preserve and protect. And our government officials must step up to the plate and protect the open spaces left in New Jersey. What we do today will have an effect on future generations. The Highlands must be preserved and not developed.

Thank you. (applause)

ASSEMBLYMAN McKEON: Mr. Monte.

And is Richard Benning here? Mr. Benning, you're next.

**SEBASTIAN MONTE:** Yes. My name is Sebastian Monte. I've lived in Sussex County for 24 years. I just found out about this about a week ago. I'd like to know how something could be passed so quick without anybody knowing about it, just certain people? I don't understand why we have to rush this through so fast that it makes no sense to me at all, at all. I have a little girl. I'd like to stay in this state. But if things go the way they look like they're going to go, I'm not going to have a job. And what's going to happen to me and my family? Do I matter? Or is it all about dead presidents? You know, these things right here -- because that's what I think it's all about. Greed. Money. That's what it's about.

Who controls the water? Not the gas, the water now? I think it's appalling. I really and truly do. I think it's really, really sickening and appalling how you go to work every day and you work hard, and you've got to worry about something like this. And nobody tells you anything about it. Let's just sneak this right on through. I'm all for clean water. I'm all for clean air. I'm all for all of that. I have to live here too. And I think it's only right that this bill, or whatever you want to call this thing, be put off and let people get a fair share and a look at this thing.

We're all coming up here and making statements -- nobody knows anything. Maps? Loopholes? The farmers are protected? They're not protected? Nobody knows anything. You guys are all leaders. Who wrote this thing? Who wrote this thing? I mean, what was it -- written in two days? Is that what it was written in -- two days? Stevie Wonder, maybe, wrote it? Who? A blind guy? Tell me? Because it's ridiculous. It really and truly is. And I hope you guys give it a lot of thought, because it's going to effect a lot of people, a lot of people. (applause)

**RICHARD BENNING, ESQ.:** My name is Mr. Richard Benning. I'm a resident of Mahwah, New Jersey.

ASSEMBLYMAN McKEON: Mr. Benning, just before you go, so we can keep it going -- is Alan Lowcher. (no response) No.

Alan Typinski. (no response)

You know, I apologize. Is David Donaldson-- Mr. Donaldson here?

SENATOR SMITH: Is that Mr. Donaldson moving?

ASSEMBLYMAN McKEON: Mr. Donaldson is here. You're next, sir. I apologize.

MR. BENNING: My name is Richard Benning. I'm a resident of Mahwah, New Jersey, and I've lived there my whole life, and hopefully, I'll live my entire life in New Jersey.

I'm really sick and tired of hearing people say that this is new, it's been snuck up on, and this bill has been passed, sort of, under everybody's noses, and nobody is paying attention. There were numerous public hearings about it. We've having one right now, and everybody is speaking their mind.

It was published in the newspapers. It's online. It's in a number of other places. Plus, it's been going on for 15 years. I mean, how much more notice do you need?

It doesn't really matter if you have houses if you don't--

SENATOR SMITH: You know, you're being disturbed. If you need extra time, you can have it. Just as we did with the other person who was disturbed.

MR. BENNING: Thank you.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Where do you live?

MR. BENNING: I live in Mahwah.

All these signs you're seeing on peoples' shirts -- slow and balanced -- it is slow and balanced. We've been doing it for 15 years. It's been through three governors' reigns, or whatever you call them. It's time to allow us to have some clean water. We're running out. I live in Mahwah. We have our own artesian wells in Mahwah. We have the Ramapo River running through it. However, every year we have water droughts. We have water restrictions. We're right in the middle of the watershed. We're surrounded by water. If we can't get water, who in this town is going to have water? Who in this room is going to have water? Whose kids are going to have water? It's not going to help if you're living in a house if you don't have water in the house.

On another note, a few months ago in, I believe it was the *Record*, the *Bergen Record*, said New Jersey is number one in something. We're number one in cancer rates. And I think we have to do something about it, because it's not going to get better from here. Personally, I had cancer when I was six years

old, and I almost died. And it's not easy for me to get up here and say it. You don't know what causes it, but I think we're entitled to drink free water.

I would like to thank the environmental community and everybody here for respecting everybody's rights on the builders' side and allowing them to speak, because they haven't been courteous in the same manner to us.

Thank you very much for your time. (applause)

**DAVID DONALDSON:** I want to thank you for letting me speak here tonight. I'm not going to take too much time. I just have a few comments to say.

One thing I want to clarify up -- the gentleman who was sitting here in the front talked about farmers polluting wells. I'm going to have to say that farmers are probably the most environmentalist people in the Highlands area. If you take and add up all the chemicals and fertilizers we put on our ground, it's a lot less than the average homeowner puts on, because they don't take any type of soil test or soil records of their property. We go by the strict rules and regulations that's imposed on us right now. So I just want to clarify that up, that we are environmentalists as being farmers.

If this bill, legislation, is such a great thing for everybody in New Jersey, why isn't it passed through all the counties in New Jersey, not just a few? Why don't you try putting it down through Atlantic County, Ocean County -- where there is a lot of money down there? It would get knocked down right away.

That's all I have to say. But I want to thank you again for letting me speak. (applause)

SENATOR SMITH: All right. Mr. Tim Morris. Tim Morris, are you here?

And after Mr. Tim Morris, we have Phil Zuccarello. Mr. Zuccarello, are you here? Mr. Zuccarello, would you raise your hand if you're here? (no response)

All right. How about Rod Spangle -- are you here -- Bloomsbury? (no response)

Peter -- I thought we had Peter Gellic up before. Is Mr. Gellic here? (no response)

Frank Slingland. (no response)

Kevin Ebersole. (no response)

Anthony Maglio. Are you here, Mr. Maglio? (no response)

Laura Oppen, O-P-P-E-N. Laura, if you'd get in the on-deck circle please.

And Mr. Morris, if you would start.

**T I M M O R R I S:** Thank you for the opportunity to speak tonight. My name is Tim Morris. My home is Long Valley, in Morris County. I grew up there. I currently serve on the Board of Trustees of the Washington Township Land Trust.

As I said, I grew up in Long Valley in Morris County in the Highlands. I remember what our area was like 10 years ago, 15 years ago. And it's funny hearing Wilma Frey, from the Highlands Coalition, talk about how she started working on this 15 years ago, 14 years ago, and that all of these studies have been done since then. The studies about the Forest Service by three different governors' offices -- all coming to the same conclusion, how valuable

the Highlands are for the natural resources, for the water, and that it absolutely requires protection.

One of the reasons that I think that's funny is, that at that time I was probably looking forward to entering high school, and the time has passed since then for me -- seems like quite a long time, quite a lengthy amount of time to study these issues and try to come up with a conclusion. In that 15 years, the changes that we've seen to our environment include large-scale developments, residential developments, inappropriate areas, large box-door-type commercial developments, more and bigger roads. And these so-called improvements -- which I'm not against all development. Don't get me wrong. I mean, development has its place. But oftentimes, these developments are taking place on our critical lands. They're affecting our critical waters, our drinking water.

We already heard tonight that half of the state gets their drinking water from the Highlands. We have these precious water bodies, our streams and our reservoirs, that we need to be unpolluted in order for us to enjoy their recreational value. We have some of the best trout fishing streams in the state. In my own town, in Washington Township, the South Branch of the watershed is an amazing trout fishery.

And again, too often development has been done in the inappropriate places. But the good news is that there's still a lot left -- there is still in my area -- there's still a lot left. There's wonderful things, even more farther north in the Highlands where it's much more wild still. And the time is now to protect these resources. We've been talking about it for quite a long time, the studies have been done, and we need to finally do something.

We have some great local officials, both at the county level and the municipal level. They're really doing what they can, I think. Most of them are very well-intentioned and work very hard. But they need help. They need help from a regional planning commission that can take a look at the whole region and protect the resources in a way that makes sense. And we need help from the DEP. The DEP has to have more regulatory authority to control that particular development that threatens our water sources and our critical natural resources. Our local officials need the help to protect these resources.

The time is now to protect the Highlands, and I ask that you please act on this legislation as swiftly as possible.

SENATOR SMITH: If you'd sum up, please. Fifteen seconds.

MR. MORRIS: Fifteen seconds, sure.

I guess I'd like to close by pointing out that one of the most important parts of this legislation is the protection of the 350 to 400,000 acres of land in the preservation area. This is a wild part of our state, and we have the opportunity to keep it as a wonderful natural resource and as a source for our clean drinking water. The protections are outlined in the plan acquisition -- TDR, increased regulations by the DEP -- and these are the things that we need to do in order to protect our resources and the legacy that is this natural wonder that is the Highlands.

That's all I'd like to say. Thank you very much. (applause)

ASSEMBLYMAN McKEON: Ms. Oppen.

Is Chris Allyn here? Chris, you're next.

**L A U R A O P P E N:** Hello. My name is Laura Oppen. I'm a 34-year resident of Warren County, White Township specifically. Number one, yes, this

plan has been around for 15 years. Fifteen years ago -- I recall it very well -- we did cross acceptance. At that point, it became very clear that there was going to be a very huge impact on our area, and it was shelved. We thought it was dead. But here it is resurrected.

Now I have to ask how a 15-member board with one person overriding it can decide for 90 municipalities what their life will be? How can 15 people tell us how to run our municipality? I can tell you this: Everyone is concerned with conservation. We're concerned too. I have noticed it, as the years have gone by, that our townships have gotten very responsive and very responsible.

We've heard tonight from many farmers. How can they be farmers if we're being very irresponsible? We've heard from forestries (*sic*). How could there be forestries if we weren't taking care of the job? I happen to know that we have a land preservation in place in White Township. I know that many municipalities do. They have farm preservation. And we've done this all without the State moving in and telling us how to do it. Why do you think, now, 15 people can tell us how to run our own municipality?

Now, where is the study on the impact of the economy of my area? I want to know how Warren County has been studied to know when you restrict it, because most of White Township and Warren County is in this core area. There will be no development, and people will lose their jobs. That's been said before. I would like to know if this is truly about water preservation?

If everyone can remember a little town called Pahaquarry. That was supposed to be water preservation too. There was a thing called Tocks Island Dam. Now, Pahaquarry Township no longer exists. At one point, at one

time, it was a very historical, beautiful town. And I want you to know that our government decided that we were going to have a dam there. And now we don't have a dam and we don't have a town.

Now, tell me what is different about your studies and how well you're pushing this bill through so fast. All my rights are gone. I have no rights whatsoever. The one right of America is to own property. Yes, it needs overseeing, and we do have overseeing. Each municipality has a board set up. Okay.

Well, I want you to take a look at the Pine Barrens also. People lost a great deal of their savings, their life was very much interrupted. I don't feel that this is a responsible bill in any shape, form, or manner. I would like to know, also, how come there's been so little publicity about it. I know you're saying there's been meetings, but there hasn't really been the publicity that this is going to change or effect or impact 90 municipalities. It's being held up as something like a conservation bill, which no one really understands that you're coming into their municipality and taking the control away from them. That is our right as an American.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, Ma'am. Thank you very much.

SENATOR SMITH: Next is Chris Allyn. Chris Allyn from Harding Township.

And Jim Stubeck. Jim, are you here? (no response) Jim Stubeck.

Dov Scott Simons. (no response)

Barry Solondz, S-O-L-O-N-D-Z. (no response)

Geraldine Palmiotto. (no response)

John C. Smith. (no response)

Richard Sasso. Mr. Sasso, are you here? (no response)

ASSEMBLYMAN McKEON: Is that Mr. Smith who is coming down? Okay. You're on deck.

SENATOR SMITH: Mr. Smith, you're next.

And this is Mr. Allyn?

**CHRIS ALLYN:** Yes it is.

SENATOR SMITH: Mr. Allen.

MR. ALLEN: Thank you.

I'm Chris Allen, and I chair the Environmental Commission of Harding Township. I'm speaking tonight on behalf of the Mayor of Harding Township, John Murray. Harding Township is a Highlands community. Harding applauds the efforts of New Jersey's political leadership to move expeditiously to preserve arguably the most significant unprotected environmental and recreational resources remaining in the state. The Highlands in Harding provide a significant portion of the water resources that make up and define the Great Swamp National Wildlife Refuge.

As stewards of these resources, we know firsthand the value of affirmative, goal-directed action that's carefully planned, adequately funded, and clearly and publicly articulated. We've also learned from experience that, without coordination with other municipal and governmental entities, success is substantially delayed at best, and usually illusive. While I share the concern expressed by many, that there are likely to be New Jersey devils in the details of this legislation, I believe that a thorough and inclusive legislative process, as

represented by this meeting, and clear, bipartisan input and oversight, we can trust you to move ahead carefully and respectfully to develop and pass this legislation.

For all of us who are stakeholders in the legislation, however, it's incumbent upon us to validate that trust with verification -- to paraphrase President Reagan. I particularly support the proposed cross acceptance of local with regional master planning, funding relief for significant instances of actual property tax loss to environmental protection, and the carrot-and-stick approach to resource protection outside of the core preservation area.

I do not support the bill's exclusive appointment authority to the Highlands council for the governor. Successful preservation on the scale of the Highlands requires a representative government's process that the people can have confidence in. As in the Pinelands, at a minimum, each Highlands county should have the right and responsibility to appoint its own representation, subject to the advice and consent of the Senate.

It's my opinion that this legislation is timely and right-minded in protecting individual rights, while keeping an eye on the environmental health and welfare of a significant portion of the natural resources and population of the State of New Jersey. This legislation will enable serious and meaningful efforts to support the development of reasonable housing and infrastructure to meet requirements for the future, while at the same time ensuring that the future includes protected water and natural resources and, ultimately, the quality of life for our citizens. While more detail and resulting input is required before enactment of this legislation -- for example, funding sources and maps of the core preservation area -- I believe that all perspectives on this issue involved are

organized enough and smart enough to allow it to move forward on a deliberate and expeditious basis.

Thanks for your stewardship and foresight, and I personally look forward to working with the council

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Is it Mr. Sasso or Mr. Smith? I'm sorry. Which one, sir?

**JOHN C. SMITH:** It is John Smith, yes.

ASSEMBLYMAN McKEON: Okay. Thank you, Mr. Smith.

MR. SMITH: Believe it or not -- no laughing please.

ASSEMBLYMAN McKEON: And now, Mr. Sasso was called. Is he not here? (no response) All right, correct.

Mr. Smith.

MR. SMITH: We're all set?

ASSEMBLYMAN McKEON: Yes.

MR. SMITH: Okay. Thank you very much.

I appreciate the opportunity. I do not have a prepared text, unfortunately, and I'm one of those late arrivals who has really only heard about this bill for about a week and a half. And I emphasize what people have said about just--

SENATOR SMITH: You might want to speak into the microphone a little bit.

MR. SMITH. Thank you.

I emphasize the need for more people to know more about the bill and intricacies of the bill. There are a few points that I'd just like to run down

that I've heard tonight and just, sort of, thinking about. I read half of the bill this morning, and that's about as far as I've gone. But I've talked to a lot of planners and engineers. I'm a landscape architect and a farmer at the same time. I don't rely on farming for my livelihood, but I do farm and enjoy it.

I'd like to talk a little bit about zoning. One of the things that I have a problem with is the 3 percent coverage rule. I've never been an advocate of large-scale zoning, meaning large-lot zoning, all my life. I used to serve on their planning board of Peapack-Gladstone, where I live and have lived all my life. And I'm afraid that the studies I've seen, for instance in Connecticut, that demonstrate that the larger the lot, the faster the land will be utilized. The way to save land, in my opinion, in New Jersey is to have smaller lots, and I don't really mind cluster zoning. I do respect people that would like a large piece of land once in a while, and I live on a small piece myself, adjacent to a large piece I also own. So I can represent both sides.

Now, it's simple math that if people want to build a larger house than, let's say, the average, they're going to have to buy much, much more land to accommodate the 3 percent rule. I work on large homes all the time, and I think that's one of the things Ron Kennedy would have said if he were here -- that it just forces people to use more land. And I'm just really a little concerned about that.

Changing subjects, I would like to see that our rivers and our watersheds that we have now is more protected, and I mean statewide. I live on the Raritan River, which has turned from a pleasant river when I was a child to just a roaring ditch of water with very, very high and low tides. I don't blame it on the Highlands. I blame it on just development all over. But I wish

somebody could actually do something about the river. We all talk about water and saving water, but I like to get in the river and apply the right technical aids to make the river be more healthy, to support vegetation along the borders, and to support fish, and things like that.

Changing again, another problem that I have. I remember last year the governor had a tremendous battle with trying to find out where we were going to get enough money to balance the budget. And we nearly lost the New Jersey Council on the Arts. And I'm wondering where is all the money coming, for to support this bill, if we're really having a budgetary crisis?

Do I have 15 more minutes? (laughter) Okay.

ASSEMBLYMAN McKEON: If you could just wrap it up for us, sir. Thank you so much.

MR. SMITH: My last question is a technical one. Will the local municipalities have to change their boundaries to accommodate whether you're in or out of the planning areas, and how can their zoning ordinances apply to both sides? That's going to get a little tricky when -- you're either in, you're out. You're going to have to have a double ordinance, I guess. So I mention, all the towns are going to have to adjust their master plans. That would be a lot of work and, maybe, a hardship for the towns.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Ms. Filler.

Sir, did we call your name before and you just heard now?  
(affirmative response) Okay, you're next.

**GERALDINE PALMIOTTO:** Sasso or Geraldine? I'm Geraldine Palmiotto.

ASSEMBLYMAN McKEON: Yes.

MS. PALMIOTTO: Okay, I didn't want to go out of turn.

I'm just your average citizen, and I only heard about this a week ago. Somebody asked me, "Do you want to go to the meeting?" I said, "What meeting?" And they told me this preservation meeting. "Okay."

What does preservation mean here? What are we preserving? I don't think there's a shortage of water. We seem to have plenty of water for the state. And I don't think anyone here proved that there was a shortage of water, or clean water.

Right on my-- I happen to come from Hudson County, which is a city. That's where I was born and raised, and then by choice -- as I last remembered, in the United States of America, we still have choices -- but you're going to remove all of them from me. It was my choice to move out to the country in Warren County, because I also loved its beauty, and I love driving around there yet -- spring, summer, fall, whichever. There's always a different natural beauty, because it's natural.

But what you people are asking to do is to restrict all our rights from us: the right to build, the right for my children to have affordable housing in my -- to live near me. My grandchildren will never be able to afford a house in Warren County to live near me. You're removing that.

Everyone seems to be concerned here about the builders, the builders. Without the builders, where are your children going to live? Where

will they go? Are you chasing them out to Pennsylvania? Are you chasing them down south to Carolina?

Your taxes are atrocious in this county, in all of the counties, as far as I'm concerned. I pay \$9,700 on a one-family house in Warren County. If you decide to buy out the farmers' land at 80 percent for the State, I'll be paying my share of that 80 percent. And then I will be paying the other 20 percent from my community. So why should I have to buy a farm to produce water, when there is water? I don't know where your math is.

You are talking about 15 years of studies. I haven't seen any answers to the questions that numerous people have brought up here -- well-educated people -- the forestry. I mean, he told you, you are doing it wrong. Nobody seems to believe him. He's a professional. Take his advice. What do you do for a living?

If this goes through, remember, you are all elected. You are elected officials. We can put you in those seats, and we can take you right out of there. And my intention is to vote out anybody that's in my district, or anybody's district that I can contact-- They will be voted out when I get finished explaining this bill, because I'm only half finished, as most of these people here, because we just pulled a copy off the Internet. No one told us. And if I have -- if my town -- or if the builder has to do an environmental impact study just to do a small development, why isn't the State giving me an environmental impact study before they push this down my throat?

And I stand here before you, my representatives, so to speak-- These are the people you are representing. Open your ears, forget about the big

bucks that have been promised to you, and listen to your constituents, because that's who's going to put you back in that seat.

That's all I've got to say. (applause)

SENATOR SMITH: The next gentleman--

Sir, what was your name? Are you Mr. Sasso?

**RICHARD SASSO:** Yes.

John Paschal is going to speak on my behalf tonight. We put this speech together, but he is going to speak for me. I have a horse throat. Actually, I didn't sign up, he did. But I think it was just a mistake tonight.

SENATOR SMITH: What is the gentleman's name?

MR. SASSO: John Paschal.

SENATOR SMITH: I'm sorry, I can't hear you.

**JOHN PASCHAL:** John Paschal.

SENATOR SMITH: Who do you represent, sir?

MR. PASCHAL: Ourselves.

SENATOR SMITH: You didn't fill out a slip, so would you spell your name, and what town are you from?

MR. PASCHAL: Paschal, and Morris County.

SENATOR SMITH: What town is that?

MR. PASCHAL: Mine Hill.

SENATOR SMITH: Thank you.

MR. PASCHAL: The Highlands legislation is not necessary. Three years ago, the DEP and the New Jersey Water Supply Authority funded \$2 million to create the Raritan Basin Watershed Management Project. The purpose of the plan was to address the need for open space preservation, as well

as appropriate management of all lands in order to improve and protect the water resources of the north and south branch of the (indiscernible) River.

The plan was to focus on criteria and guidance that could be used in making land acquisition, land use, and land maintenance decisions. Also, recommend ways to channel development in the right places so that the development would have the least amount of negative impact on water resources. Presently, the DEP is gathering input from concerned stakeholders in the region. So why the need for more legislative regulation in the Highlands? It would appear that the legislative branch does not know what the DEP is doing.

Among some of the major threats to our drinking water are excessive runoff from nutrient buildup on lawns, golf courses, corporate lawns, and parks, industrial and commercial pollution. Faulty septic systems, both public and private, need to be addressed. Fecal contamination from geese is a significant polluter. We also must never forget the overusage of salt on our roadways. Unless we change our ways, our safe drinking water will be history.

We must first clean up the mess we have already created for ourselves. If all those self-anointed protectors of the environment want to contribute something useful for the environment, they should form groups in their respective towns and communities and walk a stream or river, doing a visual assessment of it; look for outflow pipes or any other visible signs of pollution; take water samples from various suspected hot spots; inspect business operations that may be polluting; educate people to realize that what they do may affect people downstream, as well as those upstream from you may affect your water.

To conclude, three years ago, the Clean Water Act enacted farming management measures to control pollution from animal waste, pesticides, fertilizers, and many other best management practices to achieve improved water quality. Those best scientific management measures developed to date are being implemented country-wide, including New Jersey, where the farming community has conscientiously worked to comply.

So I ask, why in the world is Highlands' legislation necessary? What is the real agenda? Federal and State laws are already in place protecting our water supply. The proverbial wild animal has been shot dead. The Highlands proposal is now running over the dead animal with a bulldozer just to make sure he is dead.

Now, what I have here is 300 pages of a national management--

SENATOR SMITH: Ms. Cheryl Filler is next, to be followed by Frank--

Cheryl, are you here?

MR. PASCHAL: My three minutes are not up.

SENATOR SMITH: Yes it is.

MR. PASCHAL: What?

SENATOR SMITH: It is. Your time is up, sir.

ASSEMBLYMAN McKEON: Wrap it up right now, sir, please.

MR. PASCHAL: We have 300 pages of Federal law that we have to comply with, and there's all kinds of regulations. And now, on top of that-- And this was in the year 2000. On top of that, we have this. (indicating) I think that's enough. We farmers are going to be gone. And when we're gone,

then all you environmentalists -- whoever you are, who are for this -- will be eating fish out of the brooks and killing wild animals for food.

ASSEMBLYMAN McKEON: Sir, we can't--

SENATOR SMITH: We can't pick up what you're saying.

ASSEMBLYMAN McKEON: Thank you very much, sir.

Cheryl Filler, and is-- I'm sorry, I'm going to mispronounce this name again. I'll try to spell it, Frank C-A-R-R-A-J-E-O-R of Mendham? (no response)

Okay, if he's not here, John Graefe? (no response)

I'm sorry, Cheryl Filler isn't here either.

Anne Kruger. Ms. Kruger, please come up.

And I'd like to call the next person on deck while you're making your way here.

Pete Brennan.

UNIDENTIFIED SPEAKER FROM AUDIENCE: He's left.

ASSEMBLYMAN McKEON: Pete's gone.

Bruce Callen, Annandale. (no response)

UNIDENTIFIED SPEAKER FROM AUDIENCE: He left.

ASSEMBLYMAN McKEON: Paul, I think it's Karka, K-A-R -- or N -- Kanka, of Gladstone. (no response)

Bob Graf, of Clinton. Bob, you're here. You're next.

Thank you.

**A N N E L. K R U G E R:** Anne Kruger, I'm a resident of Asbury, in Warren County. I've been an environmental scientist working in water resources in this state for close to a half-century.

The report of the Task Force has a quote dated 1907, which says that they recognize that this point -- that the Highlands' watershed should be preserved, for upon them the most populous portions of the state must depend for water supplies -- even more true today. We've done a lot for the environment over the years: the Clean Water Act, the Safe Drinking Water Act, etc. But this legislation is needed.

Some of the people have expressed concern for where would their children live, but would they want them to live without water? And what about the water for all the children that live in Newark, Jersey City, Paterson, New Brunswick, and Trenton? Much of their supplies are coming out of the Highlands. We need this legislation.

And I thank you for introducing it. (applause)

SENATOR SMITH: Mr. Graf, if you would come forward.

And is Michael Keady here? Mr. Keady, are you here? (no response)

How about Peter Gonzales? Mr. Gonzales, are you here? (affirmative response) Mr. Gonzales, you're next.

Mr. Graf.

**ROBERT K. GRAF:** Happy April 15.

Before I start, I'd like to ask a question. Given how quick the government is moving, will you have the map on the Internet tomorrow so that people can download it themselves? And will you have--

SENATOR SMITH: You won't have it on the Internet. It can be e-mailed to you.

MR. GRAF: If it can be e-mailed, it can be placed on the Internet so people can download it.

In addition to that--

SENATOR SMITH: What will be available tomorrow are boundaries, Metes and Bounds, and physical descriptions.

MR. GRAF: Whatever's available should be available for download, and there should-- You promised a map. Whatever's available should be available tomorrow with a hyperlink on the main page of the government site of New Jersey. It's an important issue. People should be able to get to it quickly and easily.

Now, I did say happy April 15. I just finished my taxes, as a lot of other people here did. I went through a couple hundred pages.

I can wait until you're finished, sir.

I went through a couple hundred pages of IRS regulations to figure out what to do, and you can imagine my dismay when I started reading this. (indicating) The government has an obligation to write its laws in clear language that the ordinary person can understand and interpret. This is not such a law. Provisions in this should be written in such a way that those among us who put an uncritical faith in government can understand it, as well.

I've heard this called veto, that the legislation will create veto power of some municipalities. People, read the first 30 pages. In the planning area, the municipality shall proceed in revising its master plan -- and I'm excerpting here -- development regulations in accordance with the framework adopted by the council pursuant to subsection A...

The council-- This is for the planning area: It states that the behavior of the townships must be controlled by the framework that's adopted in a different section. That section is for the preservation area. It says each municipality located wholly or partially in the preservation area shall submit to the council such revisions of the municipal master plan, as applicable, to the development and use of land. After receiving and reviewing the revisions, the council shall approve, reject, or approve with conditions the revised plan and development regulations as it deems appropriate.

SENATOR SMITH: Mr. Graf, would you summarize? You have another 15 seconds.

MR. GRAF: Yes, I will.

The relevant municipality shall adopt and enforce the plan regulations so approved.

This is not veto power, and the language here is very unclear. If the council resolutions are not binding on some communities, state it clearly so people understand.

In summary, although the objectives of this are good, there is nothing to justify the concentration of political power that this will create with very little accountability. (applause)

ASSEMBLYMAN McKEON: Mr. Gonzales, before you speak-- Is Michael Ruthpletz--

Mr. Ruthpletz, you'll be next.

Please go ahead, sir.

**PETER GONZALES:** Peter Gonzales, in Bloomingtondale.

Much of what I wanted to say tonight has already been said, so I won't bother repeating it.

I come here tonight as the owner of over 40 acres in an area that I believe is in the core. I'm in favor of this legislation. I think it should be enacted. I do feel that the time has come to regionalize this. A local municipality is no longer able to properly manage its borders in respect to the neighboring town and/or on a State level.

I also came here hoping to see a map. I'm sort of disappointed in that. I've made every one of these meetings thus far, and I just wish we could have gotten the map tonight.

But outside of that, I hope that this is enacted. I think it would be the right thing for New Jersey.

And thank you. (applause)

SENATOR SMITH: Mr. Ruthpletz, will you come forward?

Is Jennifer Mattice in the audience?

**SENATOR ROBERT J. MARTIN:** Mr. Chairman, can I just make a note that since the gentleman was from Bloomingdale, which is in my legislative district, I will tell him -- and we're sitting here taking notes -- that we will provide the map as soon as we can get it in our legislative district. And we'll make it available--

SENATOR SMITH: Your microphone might be off, Senator. (referring to PA microphone)

This is Senator Bob Martin. We didn't get a chance to introduce him a little earlier.

SENATOR MARTIN: But he's entitled to the map, as--

SENATOR SMITH: You need a better mike.

SENATOR MARTIN: All I'm saying is that the gentleman asked for a map, and he has property in the area. The fact that he's also in my legislative district, Bloomingdale, I will make sure that as soon as we get that map -- we have his name. We'll take notice of where he lives, and he will get the map as soon as it's available, as well as anybody else who requests it.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Is everyone else going to get the same thing from their local branch, or is that one special guy?

SENATOR SMITH: Bob, would they be able to get that off of your Web site? Do you have a Web site for your office?

SENATOR MARTIN: Will it be given to us in a form that's--

SENATOR SMITH: It will be available on an e-mail -- the narrative boundary lines. So we'll have that narrative for you.

SENATOR MARTIN: Tomorrow at noon time?

SENATOR SMITH: We can e-mail it to you by noon.

ASSEMBLYMAN McKEON: Just going to--

Excuse me, Senator.

I'm going to remind everybody again, leave us with their e-mail address, and we will have it by about 12 noon tomorrow, e-mailed to you. We have the pad in the back. Leave us your e-mail address for everybody, and we'll e-mail it to you tomorrow by about 12:00.

SENATOR SMITH: Is Jennifer Mattice here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: She left.

SENATOR SMITH: Patricia Esch. Is Patricia here? (no response)

Mark Esch. (no response)

Bella Keady, K-E-A-D-Y. (no response)

Michael Keady. (no response)

Malcolm A. F. Leslie, are you here? (affirmative response) Mr. Leslie, you're next after Mr. Ruthpletz.

**MICHAEL RUTHPLETZ, ESQ.:** Thank you.

My name is Michael Ruthpletz, Tewksbury Township.

I'm a third-generation owner and operator of a large farm in Tewksbury, a family farm. I'm also an attorney.

I preface my comments by saying I'm generally not opposed to conservation/preservation efforts, but I am opposed to this draft legislation. Haven't had the opportunity to study it, hasn't been available very long, but I have developed a general sense that it overlooks three very important and fundamental things: one, the economic engine of New Jersey; two, property owner rights and interests; and three, poor people.

The legislation, as I read it, will stamp out any kind of growth in the Highlands -- stop it or severely restrict it in most areas. Where are people going to live? Are my kids going to be able to build a house on our farm and have the privilege of living there as we have? My parents are thinking of downsizing, moving out of their larger house on the farm and building a smaller house on the property. Are they going to be able to do that? Maybe not. We're probably going to be in the core area. Where are farm employees going to live? Where are my law firm employees going to live? I have a law practice in Morris County. My partners and I employ a number of lawyers and staff. A lot of them already drive from the Poconos, and Allentown, and Bethlehem, because

they can't afford to live in this area. Where are they going to live now? Not in Tewksbury, and not in most of the Highlands region.

This plan, while it stamps out growth, has no plan for growth somewhere -- nowhere in the Highlands, and nowhere else in New Jersey. Where are the million people that are projected to come into this state in the next 15 years going to live?

Without a plan for growth, the TDR plan -- which is touted as going to compensate the farmers and landowners for the value of their property -- is worthless. There's no market for development right -- transfer of development right credits if there aren't growth areas.

Parts of the draft legislation are unconstitutional. The proposed right of first refusal is absolutely outrageous and unconstitutional. Government can regulate property without paying for it. It can zone and say, "You can't build an office building on your property. You can't build in a setback." But it can't take your rights without paying for it. It can't take an easement interest, it can't take the fee. And what this legislation will do -- does is takes a purchase right from the owners. And I will be one of the first people to file suit against the government to claim my compensation for that.

There are other aspects of the bill that are unconstitutional, as well. Again, I haven't had the chance to study it, but the 3 percent impervious coverage limit is absurd. The water restrictions are absurd. The failure to exempt farmers is absurd, and overlooking the poor of New Jersey is unconscionable.

Thank you.

ASSEMBLYMAN McKEON: Mr. Leslie is next.

Is Ed Gagne, G-A-G-N-E-- (affirmative response) Ed, you're next.

Thank you.

**MALCOLM A. F. LESLIE:** Good evening, ladies and gentlemen. Thank you for hosting this, this evening.

Number one, I'm Malcolm Leslie from Warren County. I support the legislation's intent. I do hope that you will work out some of the details as time goes on. I'd like to point out my opinion that water quality and availability is the most important issue facing New Jersey at this time. Nothing is more important.

Anne Kruger noted very well that the Highlands were recognized in 1907 as an important water resource, and that is coincidental -- which I'm sure most of you know -- with the purchase of the Newark watershed area by the city of Newark. So, yes, the turn of the century -- it's been recognized. That's 100 years that it's been recognized.

I don't think this is an issue that just came up a week ago. I think it's been very long-term. I commend the Legislature for their forward look and courageous look. It is not an easy issue to address.

Senators, keep at it.

Thank you. (applause)

SENATOR SMITH: Mr. Ed Gagne. Mr. Gagne, are you here?  
(affirmative response)

And while Mr. Gagne is coming down, Cathy Suttle, S-U-T-T-L-E. Cathy, are you here? (no response)

Hold on please.

Is Bob Johnson here? (affirmative response) Mr. Johnson, if you'd get in the on-deck circle.

Mr. Gagne.

**ED GAGNE:** My name is Ed Gagne. I'm a resident of Lebanon Township, this township.

I wish to say that I am, and have been, an environmentalist. I was elected to the first environmental commission this township had. I resigned that commission in mid-sentence at the beginning of this year.

On average, 46 inches of rain falls on New Jersey each year. That rain falls on all of New Jersey, not just the Highlands region. So why the rush to force only the Highlands region to conserve its water? Why the curtailment of all development up here? Why not down there? Why prevent the Highlands from exercising normal pursuits that most of our state's residents take for granted, like selling land, like building a house?

We are being told that it is because of water. Whose water? The State's water. But whose land is being affected, whose equity, whose future, whose plans and dreams? Only ours, the Highlands residents.

Look at the facts of water usage in this state. Highlands residents consume only 20 percent of the water we withdraw from the ground. Eighty percent of what we withdraw goes back into the ground as septic water. The rest of the water falling on the Highlands goes into streams or aquifers and eventually ends up in reservoirs. The reservoirs hold the water until released by the New Jersey Water Supply Authority.

The New Jersey Water Supply Authority's stated mission is, "To assure the reliable and efficient delivery of water to our customers." It's on

every piece of paper that they put out. And who are those customers? Those customers are not people like you or me. Those customers are independent water suppliers like Elizabethtown Water Company.

Elizabethtown Water Company buys, under 10 or 20 year contracts, almost 95 percent of the maximum yield of the Raritan River water system, where all of the water from the Highlands ends up.

Whose hand is in the air, and for what reason?

ASSEMBLYMAN McKEON: That's the three-minute time. They tell us. So if you could wrap it up, that would be great.

MR. GAGNE: Excuse me. It's disturbing.

All the Highlands water ends up in the Raritan River water system. Elizabethtown Water buys -- and by the way, there was a question from something earlier. It's constitutionally been buying about 124 million gallons per day. It has recently upped that by 20 million gallons, by contract. And it has also 20 million more gallons coming, not by contract, but somehow it was promised for the next 20 years. They now use about 164 million gallons per day of the reservoir water. Raritan's safe yield is about 225 million gallons per day.

They buy the water at a price of about \$205 per million gallons of water. That water is artificially kept low by the New Jersey Water Supply association. In fact, in 1994, it was not \$205, it was \$228 per million gallons.

SENATOR SMITH: Sir, could we ask you to sum up? There are other people who would like to speak, as well.

MR. GAGNE: Elizabethtown buys that water, sells it to people who live below the Highlands. They buy it for \$9 million, and they sell it for \$136 million. They're also part of Thames Water Company. Thames Water

Company was bought by a German conglomerate bigger than Enron. This conglomerate has also bought up American Water Company, the largest water company in the United States.

The New Jersey Water Supply Authority's Executive Director used to run Elizabethtown Water. His boss now runs American Water Company, and he is also on New Jersey Future, which is a very big and important organization in this state.

This might not suggest much to many people. But I am opposed to foreign countries owning things like blood supply and water systems. I think-

ASSEMBLYMAN McKEON: Sir, thank you so much, but we really have other people waiting. It's already late.

MR. GAGNE: Am I over?

SENATOR SMITH: Yes, way over.

MR. GAGNE: I'm against this bill. (applause)

SENATOR SMITH: All right, Mr. Johnson's coming to the microphone.

Is Freeholder Rick Gardner present? (no response)

Is Richard Gaynor present? (no response)

Is Joel Schnetzer present? (affirmative response) All right, Mr. Schnetzer, would you get in the on-deck circle?

And Mr. Johnson, it's your microphone.

**BOB JOHNSON:** Thank you for the opportunity to speak.

I would like to express my support for the Highlands bill. The Highlands is a special place of New Jersey. It provides water for the people and

habitat for the animals. I would like to encourage you to act soon before the Highlands are gone forever.

Thank you for your attention. (applause)

SENATOR SMITH: Thank you.

**JOEL SCHNETZER:** I would like to thank -- to be recognized tonight.

I'll be brief and to the point. Being a dairy farmer, I think I can really feel the irritation by legislation on something so important that we don't have a map yet. I'm not going to beat the map thing into the ground, but to bring the dairy farmer part into it-- We're one of the few businesses in this country that produces a product and has to wait six weeks to find out what it's worth. And that can be very irritating.

And I've been accused of having a very simple mind, and it just boggles my mind to sit here and listen to the comments. How often do we buy something without asking what it's going to cost first? And what we're doing here, by being so serious on legislation without a map-- I would think it would just behoove every person on your panel to say, "April 22 is too soon. We've got to wait." Just the rapport of different views tonight, even if we didn't have the issue of not having a map, would be enough, I would think, for you to say these hearings need to continue.

Now, to bring a couple points out-- I've heard farmland preservation mentioned tonight a few times. Proudly being Chairman of the County Ag Development Board in Warren County, we have preserved over 10,000 acres in Warren County. I think the preservation program in our state is being effective towards water quality.

Also, along with the preservation program that's already in our state, we also have cost-share factors that are available to farmers. Personally, I have spent, in the year of 2002, \$50,000 of my own money, not grant money, of my own money for water quality.

And I think some of these things start to get overlooked -- that we have persons out in the public that have laid out their own money for water quality. I keep hearing about what the bureaucracy is going to do for us, but we have people that already are out on a limb to do this.

Another point that is comical to me is, I think somewhere along the line we should have invited maybe five or six farmers from the Pinelands to address this, to let us know what they're going through. And I bring that up because I've heard many comments that -- "Well, you know, we've got a draft here, and the rules are going to be okay." Any of us that have anything to do with State, Federal bureaucracy always have the fear -- and many times it comes true -- that the rule today will not be the rule tomorrow. And again, for that alone, is reason enough to slow this down.

ASSEMBLYMAN McKEON: Sir, if you could do your best to wrap it up. Thank you.

MR. SCHNETZER: Well, I will sir, but I-- You know, I've been listening to you do that, but I really don't think the last guys are getting as much time as the first guys.

ASSEMBLYMAN McKEON: I'm not keeping time, the folks down there are.

MR. SCHNETZER: Well, I am. And I also heard-- There was a comment by Senator Smith that if you're irritated, you get a little more time. Well, I'm not irritated, but I want to get my full three minutes.

SENATOR SMITH: It wasn't if you were irritated -- interrupted by people.

MR. SCHNETZER: Oh, okay. Well, if somebody interrupts, I'd--

ASSEMBLYMAN McKEON: If it were irritated, we'd have hours from everybody, we're sure. (laughter)

SENATOR SMITH: That's right.

MR. SCHNETZER: Oh, all right.

One thing that would be helpful, also, is, should this become law, I feel that on the 15-member panel that is going to oversee this massive, 800,000 acres, at least half of those members should be landowners within the Highlands.

Another interesting idea that is not mine, but was brought to me by a county official-- If we're so worried about the water quality, and if you would believe me that the farmers are taking care of it -- now we look to the woodland. Why not a woodland preservation program that mirrors the farmland preservation program?

One last comment, and then I'll leave. It seems very disturbing to me that I have heard the fact that we have not been informed the way we think we should be. It's funny that any time an open space bill comes before Warren County, or other counties, or townships in our state, the residents always, overwhelmingly, support that. We do not have the overwhelming support of legislation that could possibly restrict us forever.

Thank you. (applause)

SENATOR SMITH: Robin O'Hearn, are you here? (affirmative response)

And is Mitchell Jones here? (affirmative response) Mr. Jones, if you'd get into the on-deck circle.

**ROBIN O'HEARN:** Good evening, Chairmen Smith and McKeon, and Committee members.

Thank you for the opportunity to speak this evening.

My name is Robin O'Hearn, and I'm the Director of Skylands CLEAN, a grassroots, environmental advocacy group headquartered in Ringwood, New Jersey.

I'm speaking tonight on behalf of nearly 1,000 members and supporters from several Highlands towns, including West Milford, Bloomingdale, Ringwood, Wanaque, Mahwah, and Oakland.

I've attended all the hearings and have heard the vigorous and sometimes incorrect statements of those opposed to this bill. I've heard statements ranging from: this bill will completely stop all building in the Highlands; to, no affordable housing will ever get built; to, our land values will be destroyed; to, this is just a land grab; to, my taxes will go sky high. I disagree with all these points, and I urge you to pass this important legislation.

After hearing these comments, I decided to look at the Pinelands Commission's economic development monitoring report for 2003 to get a comparison. And what I found was that towns that were in the preservation area of the Highlands enjoyed lower taxes, higher property evaluations, lower unemployment, higher number of average building permits than the area

surrounding that area. So I think a lot of the information that is being spread about this doomsday scenario, that this bill is going to provide, is somewhat unfounded.

I have also heard many of the builders complain that there will be no affordable housing built should this bill pass. But I can also attest to the fact that very little gets built under the current scenario.

CLEAN has opposed several large developments where COAH has been used as a club to force in development, yet yielded few if any affordable homes. An example of this is Bald Eagle Commons, in West Milford, where 1,200 units built yielded 14 affordable homes. There's also Green Park Villages, a proposed Pulte project of 755 units of senior housing in Wanaque, which will produce 10 units if it's built; and a development of 400 active-adult condos planned for Bloomingdale, where all 70 units will be sent out of the borough if approved. The problem is not that developers can't build this housing, it's that they won't, their statements on affordable housing aside.

I've read the legislation, and this bill directs the Highlands council to make provisions for acquisition of property within the preservation core at fair market value, even offering several appraisal methods to landowners. There are no takings, as many have claimed.

I do agree that the bill needs to have a stable source of funding for both acquisition and compensation to watershed towns that need it. But the bottom line here is water. If there is not a clean, plentiful supply of water, there will be no ability to build and support more homes, open new businesses, or maintain our quality of life.

Recent events in several towns point to the scarcity of this precious commodity. Ramsey has been trying to drill wells in Mahwah for an additional water supply, which Mahwah rejected due to their own concerns about shortages for their own residents. In West Milford, over a hundred residents showed up recently at a water allocation hearing for a 280-home development that would require millions of gallons of additional water to be diverted, water that they knew to be coming out of their groundwater supply, which was already insufficient for their needs. In Roxbury, the township created a water budget knowing that--

SENATOR SMITH: Ma'am, can we ask you to sum up?

MS. O'HEARN: I'm almost done, thanks.

--unchecked development would deplete their supply. And in Parsippany, there are new concerns about whether they can obtain the needed water from the reservoir they host, due to the needs of other towns the utility serves.

We need to put the brakes on this now. I for one am willing to preserve 6 percent of the land in New Jersey to make sure that 50 percent of the residents can continue to rely on a clean and plentiful supply of water.

I strongly urge you to pass this legislation and ensure our water supply for future generations of New Jersey residents.

Thank you again for your efforts to save the Highlands. (applause)

ASSEMBLYMAN McKEON: Mr. Jones.

And is Cathy McCartney here? (affirmative response) Cathy, you're next.

Mr. Jones, sir.

**MITCHELL JONES:** Okay, thank you. I'd just like to thank you for this opportunity to address you.

I'm a young farmer in the Highlands, specifically Warren County, Harmony Township. And I think we have to support the intent of clean water. That can't be argued. You all have bottles of water sitting up there and everything else.

But the way this legislation is written, it's flawed. It won't work, that I see. As a young farmer, I just can't support it. Farmers have kept open space all their life. And now with regulation -- restriction that this will produce on their backs, is just-- It scares me, that I don't even know if I want to farm in this state. It scares me that much. I don't know that I would want to stay in the state and farm, and I love farming. You can't farm and not love the occupation. It just doesn't work.

There's existing regulations in effect to provide for the protection of clean water. I feel that this bill just expands bureaucracy. And who's looking for these political appointments? It's going to be a massive-- I mean, we're not just talking about 15 members on this committee: support staff, secretaries, regulation, doubling the size of DEP. Where is all this money-- I mean, we're talking about a lot of funds. Higher taxes? I don't think McGreevey wants to say that he's grand on higher taxes right away.

You start reading the bill. The 3 percent impervious coverage rule promotes sprawl. Three percent cover? It breaks down to be 1,200 square feet per acre. How many houses and driveways are less than 1,200 square feet? Maybe they want an outdoor shed. Large lots? Large lot promotes sprawl. I feel that that shows sprawl-- The large lots consume large acreage. So now

you're talking five-acre lots so that they can have your 3 percent coverage. That's area that can't be farmed. It's taken out of the farmable acreage.

Farmers can comply with best management practices -- nutrient management, spraying, all that-- Homeowners don't necessarily have to comply with management practices for putting fertilizer down. They can spend however much they want on their two-acre lawn. A farmer can't spend as much as he wants on 400 acres. That's just not an option. The numbers aren't there. It doesn't work.

I also want to point to the fact that maybe this is some exclusionary zoning. I'm a young fellow. Maybe I won't even be able to afford a house, let alone my children. And I, like I said, love this area. I love Warren County where I live. But does that mean if this passed I can't stay there -- I won't be able to stay there? Will the average people in this audience -- will their children be able to stay in the Highlands area and live there?

SENATOR SMITH: Sir, would you sum up?

MR. JONES: In summation, maybe this is to save the Highlands, but we better tell the rest of the state that we're going to pave them over.

Thank you. (applause)

SENATOR SMITH: Cathy McCartney, are you here? (affirmative response)

And is Fernando Novio here? (no response)

**C A T H Y M c C A R T N E Y:** Hi, I'm Cathy McCartney.

SENATOR SMITH: Hold on one second, Cathy.

David Shope, S-H-O-P-E? (affirmative response)

Mr. Shope, if you would get in the on-deck circle.

All right, Cathy.

MS. McCARTNEY: I'm from Vernon, and I'm here to ask you to please support the Highlands Water Protection bill.

I moved to the Highlands not too long ago. It's absolutely beautiful. After spending most of my life in Bergen County, I can tell you that there was a time when I had no idea that part of New Jersey still looked like this. The forests and the farmlands -- it's absolutely breathtaking.

Unfortunately, as you know, the entire region is being -- most of the region is being lost to developers at a rate of 5,000 acres each year. This is one reason why we need this bill passed. We need the core area preserved immediately.

And we also need a regional planning body. Not all towns have decision makers who understand how and why the Highlands need to be protected. In Vernon, if you wanted to save the Highlands, the people on the town council call you an obstructionist or a troublemaker. They actually have told this to the newspapers. So basically, some towns really do need a planning body.

I'm also very concerned about water quality. Someone raised the issue that New Jersey is becoming known as the cancer state. I know that this is something that people don't like to think about. I myself had cancer a few years ago. I'm fine now. But whenever I hear that someone's planning to build in the Highlands, especially things like golf courses, it makes me wonder: What are people thinking? The pesticides that are used-- Common sense tells us that this could get into the groundwater. But also studies have been done in New York that showed that pesticides do get into the water supply. And many

pesticides are known carcinogens. They get into the environment, they act as hormones, even the so-called *safe ones* can interact with other chemicals in the environment to become even more dangerous.

Half of the people in this state get their water from the New Jersey Highlands. Please take us into consideration.

I read that at the last hearing the builders had signs that said, "Where will we live?" But it's not about where will we live, it's how will we live. How will we live without clean water? I don't know. We need this bill passed before it's too late.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Mr. Shope, just before you start--  
Is Bob Szuszkowski-- (affirmative response) Mr. Szuszkowski, you're next.

Sir.

**DAVID SHOPE:** My name is David Shope, and I live in Long Valley.

I read both the Task Force report and the proposed legislation. The Task Force report actually wasn't too bad a document. And I consider the proposed legislation -- supposedly stemmed from this -- is a total perversion of the Task Force's report.

I'm absolutely against it. It's filled with cute little phrases like *base flow*. And the devil is truly in the details. When the meaning of this becomes known, you'll find out what an odious bill this is.

So I'm going to say a couple things about the Task Force report, because it was really quite informative, much more so than the proposed legislation.

The Task Force says that growth in the Highlands area is going to be between 26 and 48 percent at maximum build out. It didn't say when this was going to be, but that's it. In the meantime, permit number 5033, issued by the New Jersey DEP, says that there will be a 30 percent growth in 10 years in the area that is served by Elizabethtown Water. That's already a highly built-up area. I don't know where they're going to stuff 30 percent more people. So it seems to me the Highlands are right in line with proposed growth for the lowlands.

And also in the Task Force -- the water use from the Highlands area has gone down from 1990 to 1999. That's found on Page 24. Water quality -- it's much better in the rest of the state. As a matter of fact, to quote from it, it is 67 percent not impaired, 33 percent somewhat impaired, and only 1 percent severe. In the rest of the state, 67 percent is impaired.

One of the uses for the pristine waters that flow from the Highlands is to dilute the polluted waters in the lowlands. This is stated in the report on Page 27. What a wonderful use for pristine waters, to dilute polluted waters.

Also in the Task Force -- it predicts a \$5 billion cost savings to ratepayers -- to the ratepayers, mind you -- in not requiring additional water treatment cost that-- How about a part of this \$5 billion for land acquisition of this precious land to preserve this precious resource -- I see nowhere in the proposed legislation. How about a piece of that?

Agriculture, Page 35-- It says, 222,000 acres yields 120 million to the local economy. It didn't say if it was gross or net. I suspect it's gross. That is to say, it probably cost more than 120 million to generate 120 million. That's

a pretty typical farming operation here. That means, when you do the division -- simple -- you get \$54 per acre earned.

Now, let me make you a supposition here. Suppose--

ASSEMBLYMAN McKEON: You're more than a minute beyond. We'd like you to try to wrap it up the best you can.

MR. SHOPE: Okay.

Suppose a farmer has a five-acre field that was also a building lot. He would earn \$270 if he farmed it. If he sold it for \$200,000, and invested the money at 5 percent, he would earn \$10,000 a year. So I have to ask, where's the vibrant farming economy that's talked about here? If that's vibrant, I'll sell, thank you.

But, of course, it is really the intent of this legislation to remove the selling-the-building option. You're going to strip the property rights. The ultimate value of land is not its agricultural productivity. The ultimate value of land is highest and best use. In other words, build. Remember that when you come up with your formulas for compensation.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Bob.

And while Bob is coming up, Steven Haydu, H-A-Y-D-U.

Steven, you're next.

**B O B S Z U S Z K O W S K I:** Good evening, Committee members.

My name is Bob Szuszkowski. I reside in West Milford, and I'm a former West Milford councilman. Let me commend the Committee, bipartisan Committee for putting up with everything you've put up with through

all of these legislative hearings. Having been a councilman myself, I know it's not easy making a decision when the time comes. But I do trust that you'll all make the correct decision.

On the signs at all the entrances to West Milford, it reads: Heart of the Highlands. "Welcome to West Milford, Heart of the Highlands." I'm here this evening to urge you to pass the Highlands Water Protection and Planning Act to help protect the undeveloped land in the Highlands, and the drinking supply for half of the state's residents, from the further effects of degradation, sprawl, and destruction.

I'm actually trying to sum this up. I have a number of pages. I'll give you my full testimony to put into the record later on.

I've lived in the same neighborhood for 26 years in the Newfoundland section of West Milford. In that time, I've seen nearby ridge tops cleared for development. There was a guy here banging the pulpit before from Jefferson saying that we needed to develop. Jefferson has cleared all the ridge tops. All the mountain tops, all the steep slopes are gone, and there are massive McMansions sitting at the top of all the ridge tops. I'm not sure that's what I want in my town. That's not what should be in any other town.

That set aside, in my 26 years in West Milford, I've seen nearby ridge tops cleared for development; swamps, wetlands, and lakes turned into roads, roof tops, and driveways. I can also remember fishing spots where I fished as a teenage that, unfortunately, I will never be able to take my own son to, because they've been either paved over or are so weed and algae infested that nothing will survive in them anymore.

Local politicians and planning officials in the Route 23 corridor, that winds through this core preservation area that this legislation will protect, have called what I've described *progress*. In chasing the silver bullet for rising property taxes, their progress has included fragmenting ecologically sensitive forests, backfilling wetlands, and destroying wild animal habitat.

Nine years ago, my well went dry. After drilling down over 400 feet, the well driller handed me a bill for \$10,000 and apologized for only finding three to four gallons a minute. In the last nine years, other residents in the area have also gone dry.

As these wells were drying up, in 1999, a developer planned to build a 2,100-unit senior development on a 110-acre tract surrounded by Newark watershed on three sides -- surrounded by not only Newark watershed, but easement-deeded Newark watershed -- already preserved on three sides. He wanted to build this in an area where there was no water. And to add insult to injury, he planned to pump the treated wastewater from this plant facility into the ground, approximately 80 feet uphill from what is now a DEP classified Category I waterway known as the Kanouse Brook, which feeds the Charlottesville Reservoir approximately a mile away.

Local officials at the time loved the plan, because it was a senior development and wouldn't bring additional children into the school system. Eventually, that town council was defeated, and the incoming council rezoned the property in response to a study it had commissioned that found that the tract was, in fact, too ecologically sensitive, being in a Planning Area 5.

ASSEMBLYMAN McKEON: Councilman, if you could wrap it up.

MR. SZUSZKOWSKI: Okay.

As a councilman, I received the unanimous support of my colleagues to have a water study commissioned to assess groundwater availability in West Milford. This study can be found -- I have a copy of this study here, but it is my original -- it could be found at [www.westmilford.org](http://www.westmilford.org). What you need to do though is, on the home page, click on forms and documents, and there you will find Evaluation of Groundwater Resources for West Milford Township. This water study was done for a number of reasons, because the primary source of drinking water for township residents is groundwater, whether it comes from individual or municipal wells. Also, four reservoirs in two watersheds are located within the township, and the water levels in the reservoirs are maintained with surfacewater and groundwater flowing from the township.

Now, West Milford was also 100 percent within a sole-source aquifer, as designated by the U.S. EPA, as well as the DEP, and our 80-square mile municipality is one of the fastest-growing portions of New Jersey, with the population increasing nearly 12 percent from 1980 to 1990, and an additional 4 percent from 1990 to 2000.

The water study had--

ASSEMBLYMAN McKEON: Sir, please, five seconds.

MR. SZUSZKOWSKI: Okay.

What I want to say-- You can look it up yourself -- the water study yourself. It's pretty self-explanatory. I want to say that this Committee is doing the right thing. The legislation is long overdue, and you also need to assure there's enough water for future generations. This will be your legacy. People

won't remember you because you were Republican or Democrat, they'll remember you because you took a stand, a controversial stand.

ASSEMBLYMAN McKEON: Thank you very much.

MR. SZUSZKOWSKI: Thank you. (applause)

ASSEMBLYMAN McKEON: Okay, it is now very close to 11:00. We'd just like to know who's still here, remaining, regarding testifying. So let me just go through the names, at least as to--

Well, you know what, that's not a bad way to do it. If you sign--

Well, we need to call anyway, so is Ted Harwight--

Ted, please don't come up. I'm just going over who's here.

Robert Finke; Tom Van Vogt; Bob Bartnett, B-A-R-T-N-E-T-T; John Melick, M-E-L-I-C-K; Ben Duensing; Gail Glashoff; George Brazer; Dr. Gerald Vernotica; Nancy Chambellan; Frank Golon; it looks like Edward C-O-C-I-O-O-I. That's it, as far as people opposed. There's about three times as many that is in this pile -- a lot more than that.

I'm going to consult, of course, with the Chair. A couple of things -- and we, the elected officials aside -- we'll stay as late as it takes. We do have a lot of empathy for many of the others here, who are hard-working people who were out until 3:00 in the morning just two nights ago and probably have an hour-and-a-half ride -- many of them -- to get home after we conclude tonight. So we're trying to be deferential to them to putting some reasonable time limit.

Senator, relative to those that oppose -- and I'm really -- even to make this suggestion -- I apologize to the many of you in favor that have remained here -- but there is approximately 10 remaining opposed. Can we try

to get through those? And if it's before 11:30, we'll call others that are here who are in favor.

UNIDENTIFIED SPEAKERS FROM AUDIENCE: No. I'm not sure that's fair.

ASSEMBLYMAN McKEON: It was just a suggestion. We can just keep calling them the way we are. But hopefully, at 11:30 -- has got to be a reasonable hour.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Why not have another hearing. You had 400 people outside at 7:00.

ASSEMBLYMAN McKEON: Thank you for the suggestion.

We're going to keep calling. Let's go. Who's up next?

Mr. Haydu, thank you.

**STEVEN HAYDU:** My name is Steve Haydu. I've lived in Warren County for more than 25 years. I love Warren County. I sit on our local environmental commission, even though I'm not here representing that. But I just want you to know where I'm coming from.

I consider myself an environmentalist, and yet-- I just heard about this bill on March -- it was just introduced March 30. I just heard about this bill about a week ago. And I found a lot-- I just started reading through some parts of it, and I found some parts where there was a lot of mistakes, inconsistencies in this bill. And I know at this late hour, nobody's really paying attention to any of the speakers at this point, but these inconsistencies have to be addressed, and they have to be looked at.

This bill, as some of the other speakers were saying, affects more than a million-and-a-half people, over 90 communities. And the very least you

should do is just get it right, get all your facts right and correct. And I can tell you that there are a lot of facts, lot of things that are not correct in this bill.

Like I said, I come from Allamuchy Township. And in Allamuchy Township, the townships -- there seems to be a lot of discussion about centralized government over home rule. And I can tell you that in Allamuchy Township, our home rule -- we have -- 50 percent of the land in Allamuchy Township is either in farmland preservation or open space.

I had bought a lot in Allamuchy Township. I live in a house, and I love the township so much, I bought a building lot. And now-- I bought this building lot a couple of years ago, when I had enough money to do it, and slowly but surely, I've developed architectural plans, which have cost a lot of money; I've developed engineering plans that cost even more money than the architectural plans; I've payed a lot of building permits; and now, if this goes through, I'm not going to be able to build this house. And it's the house-- I have a wife, I have a family, I have two children. And we're just not going to be able to build this house if this bill goes through.

Unfortunately, my wife was unable to come here tonight. She wanted to come, but she couldn't. Because everything is so rushed, because of the nature of this bill -- we're trying to push it through for Earth Day-- I just want to read her letter so that maybe somebody up there will listen.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Pay attention.

ASSEMBLYMAN McKEON: You know, that's about the tenth time you've had that outburst. We're paying very careful attention. We're talking substantively about some of the things being suggested to us. So I don't appreciate your outburst.

Thank you very much.

Sir, please continue.

MR. HAYDU: I hope everybody's paying attention, because this is affecting over 90 communities that have been very environmentally sensitive and have a lot of rules and regulations protecting our land in Allamuchy and all of Warren County.

ASSEMBLYMAN McKEON: We've heard many times about the 90 communities, and we appreciate that. And, sir, I don't mean to say it to you, but everybody else that's going to speak -- try to be mindful of the things we've already heard.

Thank you.

MR. HAYDU: Okay.

ASSEMBLYMAN McKEON: Sir, take as much time as you need.

MR. HAYDU: Like I said, I would like to be able to build a house on a piece of property that I have for my family and myself, and we can't build it because -- if this legislation goes through. And I think that is just outright wrong, and it's un-American. And anybody who's for this bill -- if they understand all the facts -- should understand that it is an un-American bill, and it's a bill that should be fought hard.

I'm just going to read a letter that my wife wrote, because she can't be here because she's home babysitting, and then I'll conclude to give somebody else the mike.

It's addressed to the Honorable Connie Myers and members of the New Jersey State Legislature. "I am deeply upset over what is happening in the State of New Jersey. Many years ago, my husband and I purchased property in

Allamuchy Township, Warren County because of our love of this area. We already own a home with our two young daughters and wanted to purchase property so that we could build our dream home.

“What I don’t understand is why Governor McGreevey is taking away so many of our dreams. I feel that if he lived in Warren County, and had neighbors who lived here, he would not be pushing through this legislation.

“In Allamuchy Township, we already have many lands in farmland preservation and the Allamuchy State Park. Other areas in Allamuchy have strict zoning regulations. Our lot is approximately four acres, and because we don’t have access to water and sewer, they want to take this away from us.

“Please don’t pass this legislation. Please think of me and my family with so many other landowners, including the farmers which would be negatively affected. I’m willing to discuss this with anyone. I think it is an extreme and drastic measure that this is not considered -- is not a considered point of view.

“I thought this was a free country. And I heard other countries taking possession of people’s lands. I never thought that it would happen in America. It makes me extremely disheartened that this is happening in my own backyard.”

Thank you. (applause)

ASSEMBLYMAN McKEON: David Budd? Is David Budd here?

(no response)

Joyce McLaughlin. (no response) Richard Stevens. (no response)

Lynn Lockard. (no response) Ken Carberry. (no response) Alexa P-A-R-L-I-Y-A-N. (no response) Mary Smock, S-M-O-C-K. (no response) Susan Donnell

Budd. (no response) Stephen Germany. (no response) Mike -- and I think it's from Phillipsburg Riverview Organization -- Mike King. (no response) Susan Fitzgerald. (no response) Robert Reid. (no response) Margaret McGarrity. (no response) Glen D-E-N-Y-S. (no response) Troy Ettel, E-T-T-E-L. (affirmative response)

And next, after Mr. Ettel, is Robert Finke. I think Robert said he was here before.

**T R O Y E T T E L:** I appreciate the opportunity to speak tonight after this long meeting, and I appreciate your patience in letting us all come up here.

I'm a resident of Hunterdon County. And after attending this meeting, and several of the other Highlands meetings, and similar meetings throughout the country, I must say I'm fairly astounded, always, at the success, or the seeming success, the development community has had in fracturing two groups, the farmers and the environmentalists, who seemingly should be each other's closest friends and allies.

I grew up in a farming community in the corn belt. You can probably tell from my accent I'm not from New Jersey. My family leased their land to elderly farmers, full-time farmers in our area. These elderly farmers nurtured me as a kid, allowed me to play baseball in the alfalfa fields, allowed me to fish in their ponds, gave many of my friends our first jobs during the summer, while we were out of school, bailing their hay.

One of the most heartbreaking things I've seen in my life is watching these elderly farmers decline as they got older, and recognizing the inevitability of what was going to happen to their farms, these farms that many of them had farmed for over 80 years. They knew that when they were gone,

those farms were going to be subdivided and developed. And they were right, because I outlived them in the area. And they were not cold in the grave before their farms were turned into subdivisions.

I'm an environmentalist. I wholeheartedly support this bill, and I think that we have more things to agree than we do to disagree on. The biggest threat to farmland in New Jersey is development. The biggest threat to water quality and quantity in New Jersey is development. The biggest threat to wildlife habitat in New Jersey is development. It's amazing that we can't agree to that one thing and then work from there.

In New Jersey, farmlands are still critically important to water quality and quantity, and they're still critically important to wildlife habitat. They're critically important to people's livelihoods. And we need this bill. We need a bill that will protect, like I said, farmland, wildlife habitat, water quality from development.

Another speaker mentioned earlier about being from New Jersey and how New Jersey is oftentimes perceived in other parts of the country. Well, I've lived all over the country, almost every region, and New Jersey's not thought of in a positive way anywhere. But after moving here, I'm pleasantly surprised to see those perceptions are totally false, thank God. But a lot of those perceptions are going to ring true if we don't do something to protect what few places, what few wild spaces New Jersey has left.

And so I urge you to seriously think about that and think about what this state might look like in 20 years: no good water, no open land, no farms left. And please support this bill.

Thank you. (applause)

SENATOR SMITH: Mr. Robert Finke. And after that, George Aronson.

George, are you here? (affirmative response) George, you'll be in the on-deck.

**ROBERT FINKE:** My name is Robert Finke. I'm with the Washington Township, in Warren County, Environmental Committee. I'm an environmentalist and an organic gardener, I love clean water, but I'm against this bill.

One issue I have is, why wasn't I consulted about this? Washington Township is in the heart of the Highlands region. I'm on the Environmental Committee, and I should have been consulted about this.

Really, that's all I want to say. I just think we need to spend more time. (applause)

SENATOR SMITH: Is Mr. Bartnett here? (affirmative response) Mr. Bartnett, you're in the on-deck circle.

Mr. Aronson.

**GEORGE ARONSON:** Thank you.

I'll be very brief.

My name is George Aronson. I'm a photographer. I live in Morristown. And for the past 14 years, my photographs have been used to support Highlands preservation in both New York and New Jersey. I brought a couple of photographs to remind us of what we're fighting about here, but I'm only going to show one, and I'm only going to make one point. It is very late, and we're all glazed over.

This is a shot of the Wanaque Reservoir, when it's completely filled, taken from Governor Mountain in Ringwood. And my point is this: About a mile up the road from this reservoir was -- and in a small way still is -- a major battleground during the 1990s to protect water supply in the New Jersey Highlands. And I'm talking about the Sterling Forest preservation fight, which I was involved in as well.

In the early '90s, the private owners of the property, the Sterling Forest Corporation, proposed massive development in Sterling Forest. And just picking out the core of their plan -- I remember it so vividly -- at full build out, their proposal talked about a urban center of maybe 35,000 people, and that was considered to be so shocking that it moved the New Jersey Legislature to vote millions of dollars to purchase land in New York state. Talk about historic. The specter of only -- I say only -- 35,000 people, at most, moving into Sterling Forest and causing degradation a mile away from -- a mile north of this reservoir -- caused this great outcry of support.

Now, it was a razor-thin majority. This whole thing was a cliff-hanger from start to finish. But in 1998, after New Jersey voted 5 million -- I think it was -- or 10 million-- New Jersey and New York both voted millions, the Federal government kicked in its share, and the initial core purchase was made. And I just want to remind you that population growth of considerably more than 35,000 is contemplated for these Highlands regions. Let's not forget the lesson of Sterling Forest, and let's support and vote for this legislation.

Thank you. (applause)

SENATOR SMITH: Mr. Barnett.

And then, is Dwight Hiscano-- If you'd come down in the on-deck circle, sir.

**BOB BARNETT:** I'm Bob Barnett, from Barnett Brothers Farm in Bethlehem Township. I've been a member of the Bethlehem Township Planning Board. I'm not as good a farmer as some of the farmers, I have to work off the farm. I work for a real estate developer. And I've been an active supporter of farmland preservation. I helped write a zoning law in Bethlehem Township that was designed so that farms which did not score well in the Farmland Preservation Program could cluster their houses in small sections and preserve the balance of the land, and the farmer would get to keep his land.

I think there are some flaws in this bill. I find them somewhat disturbing. I don't see anything that says that the Right to Farm Act governs over it. I would like to see that stated somewhere. I also noticed that in the right of first refusal, having dealt with a few right of first refusals in my real estate business -- or the company I work for's real estate business -- we never, never give a 30-day right of refusal after a contract is drawn. We negotiated a 180,000-square-foot lease with Merck Pharmaceutical, and they had five business days to respond to a bonafide offer. Now, if Merck Pharmaceutical, which is a very large group just like the State of New Jersey, can respond in five business days to a bonafide offer, the State of New Jersey does not need a fully negotiated contract, plus 30 days to decide whether or not they want to buy a piece of property.

As was said earlier, that effectively kills the market. And you guys are basically in the land buying business. And I want to thank you for that, because you drove up the value of my farm by being the largest buyer of

farmlands in New Jersey. And I thank you for that. But on the other hand, what you're doing now is, you're creating an artificial market where you're the only buyer. And that's not right.

I have a story which I think-- For some of the people who can't understand why farmers are upset about this, maybe this story will help explain it to you. We have a field on our farm. It's a 27-acre field. And one year we had planted alfalfa in it. We spent the fall working it up, smoothing out the field, picking rocks, planted alfalfa. You can't grow alfalfa where we live anymore, because there are too many deer. But that's besides the point. The field was perfect.

On Christmas day, I look out across my field from my house, and I see a car driving across the field chasing the deer. I hopped in my pick-up truck, started driving down the lane, and the person in their car decided they were going to try and avoid me. So I proceeded to the corner where they had no place left to go.

I walked up to the gentleman, and his kids, and his friend, and I said, "Do you mind telling what you're doing?" And he said, "Oh, I'm just looking at the deer." And I said, "Did you know this is my land?" He goes, "Yeah, I understand that." I said, "Well, I'll tell you what. I've got a tractor parked over here. I'm going to take it over to your property and drive it across the front of your lawn. Is that okay?"

The point is, it's mine, and you can't just take it, you can't just drive across it. We fight to keep our farms. We work very hard. Crazy nuts like me work other jobs just so we can support our farms. And I want you to keep that in mind. And if you're going to give us a right where we have to give

the State of New Jersey a 30-day right of first refusal after the signing of a contract which, as you know -- I'm sure there's a few lawyers up here -- costs quite a few dollars to negotiate the contract on the sale of a piece of a farm, why don't you give 30-day right of first refusals on all of the houses in all the rest of New Jersey so you can preserve -- so you can decide to tear down their houses and preserve them. I don't think you'd do that.

So I ask you to protect our rights, not give them away.

Thank you. (applause)

ASSEMBLYMAN McKEON: Mr. Melick, you'll be next, sir.

**D W I G H T H I S C A N O:** Dwight Hiscano.

I'll try to make this quick.

My family has owned and lived on a sizable tract of land in the Sussex County Highlands for over 100 years. I'm proud to say that I come from these hills, and because of these hills, I'm proud to call New Jersey my home.

As a member of a family of landowners, I share many of the same concerns as other landowners in the Highlands, some of which seem to be habitually overlooked by our politicians at both the State and local level. Among these concerns are the risks inherent in the irresponsible, abusive, haphazard development that has scarred New Jersey's Highlands in recent years, and the effect that abuse has had on the value of our land, a value that knows no monetary price and cannot be measured in simple economic terms.

When land is developed irresponsibly, as has occurred here, every landowner downstream, downwind, and within sight or earshot of that development is affected. It is those landowners whose rights are being violated. Even those living far beyond the borders of the Highlands region are affected by

inappropriate development. It is, therefore, necessary for any future development in the Highlands to be regulated by a regional authority.

I realize that these sentiments might run contrary to notions of home rule that some may hold, but so also does the rampant and devastating change that has occurred to this small piece of our American landscape at the hands of greedy, outside developers and uninformed planners, and the effect that change has had on those of us who are good stewards of the land.

Some who oppose preservation claim that this legislation is being rammed down their throats. I counter that it is the ugly, poorly planned, eyesore developments ravaging our countryside that is being rammed down our throats. Finally, somebody has the guts to do something about it.

I support the spirit of the bill, even if our land is in the preservation area, and even if it means losing my supposed right to abuse our land and negatively impact our neighbors.

This is not a political issue. This is not about Republicans and Democrats, Liberals or Conservatives. This is about our heritage, and it concerns all of us.

Like other great American landscapes, the Highlands are part of our culture, part of our American psyche. These landscapes created us both as New Jerseyans and as Americans. These hills, and woods, and lakes serve as a vital link to our past, to the lands that our ancestors, and even the founders of our country, knew. Preserving the Highlands would be as much an act of patriotism as anything else.

We have, right here in our own backyard, a landscape that could easily be mistaken for the Green Mountains of Vermont, the West Virginia hill

country, and I think George's photographs prove this. The landscape deserves to be protected. In addition to the water that they supply, the recreation opportunities they offer, their historical significance, and the habitat found here, the Highlands are, quite simply, spectacular.

Our generation appreciates and supports your efforts to preserve the Highlands. The generations that follow will thank you if you leave them a piece of New Jersey that they can be proud of. I'm fortunate to know, intimately, some of the same landscapes that my great-grandfather knew. I only hope that my great-grandchildren will know those same landscapes the way I do.

Thank you very much. (applause)

SENATOR SMITH: Thank you, sir.

Mr. Melick.

Is Doug Williams here? (no response)

Hold on, Mr. Melick.

How about Dennis Miranda? (affirmative response) You'll be on deck, Mr. Miranda.

Mr. Melick.

**JOHN MELICK:** Thank you.

My name is John Melick. I'm from Tewksbury Township. I'm a tenth-generation farmer. Yes, that's right, 10 generations. We farm in Lebanon Township, here, also in Tewksbury. I'm also the First Vice President of the Hunterdon County Board of Agriculture, so my remarks reflect their feelings, as well.

I would first like to take exception to a previous speaker who felt that Hunterdon's farmers have polluted our streams and water bodies. It is these clean water sources that are now being confiscated.

Ladies and gentlemen, we have a constitutional -- we can have a constitutional government and clean water. I just don't see it in this legislation.

I'm concerned that while there's language in this bill addressing equity protection, there is no referenced funding source. Without this identified funding source to protect our equity, the farmers will be bearing the burden of this legislation.

How about the unpreserved farms? I find it hard to believe that there's an adequate funding source out there to preserve every farm in the Highlands region.

I fear that the additional regulation that this proposed legislation will place upon the farmers' shoulders will cripple our ability to prosper into the future. New Jersey is already an over-regulated state, and the agricultural community has felt this burden more than anyone. I feel that the implementation of this proposed legislation will leave the ag industry to wither on the vine.

It is interesting to me that the users of this public water source that comes from the Highlands -- they want everybody else in the state to pay for the land preservation to protect their water source. How about a users' tax, where the actual users of this precious water are contributing to pay directly for the land preservations that you're proposing?

Finally, the cost of preserving our water supply and other vital resources should be shared by everyone who benefits, not placed solely upon those who wish to keep their land in agriculture or open space.

Thank you. (applause)

ASSEMBLYMAN McKEON: Before Mr. Miranda begins, is Ben Duensing available? (affirmative response) You'll be next, sir.

**DENNIS MIRANDA:** Good evening.

My name is Dennis Miranda, and I'm the Executive Director of the Rahway River Association. Before this, I was one of the co-founders of the Highlands Coalition in 1988, and I sat as vice chair for six years. For 20 years of my life, I have advocated and struggled for a preservation of a region which the U.S. Forest Service considers to be one of national significance.

When I think of the struggle that we have here in the twilight -- or our effort -- I recognize that we are not trying to preserve these Highlands that hang in the balance today, but we do it for future generations. I think of my daughter Ariana, who's able to see constellations in the night sky, an unpolluted night sky of Vernon Valley. I think of my son Pedro, who loves to feel the slithering salamander in his hand. It makes him giggle and laugh. And I think of my goddaughter Daniella who, today, was able to discover the unique fragrance of the coltsfoot, a springtime ephemeral.

These values have no dollar signs. These associations that teach our children to respect, have humility, and have affection for our land will last a lifetime. These experiences that we foster and share seem to be so alienated by those of us who view the landscape of the Highlands as one of blind greed,

one of extremism and ideology, one of profiteering in today's generation without regard to future generations to come.

It is the right of every New Jerseyan in this state to have clean water, to breath clean air, to enjoy our wild lands. If New York state can have a forever-wild amendment in their constitution, recognizing everyone's inalienable right to visit wild lands, why can't we have our experience here in the Highlands?

A hundred years from now, people will forget the shrill cries of desperation from those who would rather share gloom and doom, talk about the devastation to come. But it is the heroism and the acts that will come before you -- the very best legislation that you may pass now, or never again, that sits in the balance. This act of heroism and moral courage will stand alone, well beyond any other bill you will consider before or since. But a hundred years from now, we will have many residents of New Jersey that will thank you for the efforts you've made to not waiver because of some narrow-minded agenda of the present. It is the lasting effectiveness of what you will bestow to future generations, that will thank greatly. And I know, and I have confidence, that you will satisfy--

Thank you very much. (applause)

SENATOR SMITH: After Ben-- Is Sandy Batty here? (affirmative response) Sandy, you're in the on-deck circle.

**BEN DUENSING:** Yes, my name is Ben Duensing. I'm a long-time resident of Hunterdon County, as long-time as someone of my age can be.

But just speaking from somebody who's grown up in the Highlands streams my whole life -- my family always being naturalists -- we were raised in

these woods and these streams, and I can tell you somebody who's stealing those streams -- that a lot has changed over the past 20 years. Streams I used to catch crayfish in and trout in are no longer that way. There are streams that I used to play in as a child -- that I have searched and searched for something like a crayfish, which is pretty resilient towards pollution, and could not find one -- frogs, everything. The wildlife in this county, in the Highlands, here in Hunterdon is dying. If you look at our trees, anything, you can see it. It's clear as day. Anybody who has been here for a number of years can tell you that.

Also, the building -- it's gone beyond. I mean, we no longer-- I mean, I don't think you'd find anybody in this audience who's willing to kneel down next to a stream in New Jersey and drink out of it anymore. It just doesn't happen. People will laugh at you if you even mention it.

Everything I'm here for is to prevent what has happened. I think we need to go in a new direction. Our waterways need to be protected. Our land, which we all rely on -- which has nourished all of us, the farmers especially -- who have sat -- who have profited off this land, who've lived off this land, whose families have lived off this land -- need to start protecting this land. This land has not been protected thus far. The people who have been stewarding this land up until now have not been doing the job. I can tell you, if you look -- if you go to our streams, you'll see oil floating in our streams, you'll see that these things have not been taken care of. And if we can't do it at a local level, then I think someone does need to step up and do take care of it.

That's all I have to say.

Thank you. (applause)

SENATOR SMITH: Thank you.

Sandy Batty.

Is Ted Harwick here? (affirmative response) You're in the on-deck circle, Ted.

**SANDY BATTY:** Hello.

Thank you for staying this long.

My name is Sandy Batty. I'm the Executive Director of the Association of New Jersey Environmental Commissions, or otherwise known as ANJEC.

I will try and actually limit my testimony to just what is our perspective, which is helping and supporting the efforts of municipal environmental commissions, made up of volunteers who are serving their towns to protect the local environment. The environmental commissions are out there doing a lot of the water pollution education that was referred to before. They're also out there working to conserve water resources. The environmental commissions are in every county of the state. There's about 350 of them.

ANJEC supports the Highlands Water Protection and Planning Act. My message is simple: We need regional planning to protect water supplies for our children, our grandchildren, our great-grandchildren, and so on.

I'll give you three quick examples, based on our experience and our perspective of protecting the environment on the local level. First of all, for the last 24 years, I've served on my town's -- and it's a Highlands town, Mountain Lakes -- environmental commission, planning board, and town council. I'm currently on the planning board.

Our town relies on groundwater for its drinking water, so we've tried to protect our water supply. We passed a groundwater management ordinance.

We passed an aquifer recharge ordinance, one of the few in the state. But we can't control the impacts of our aquifer outside our town. Less than a half a mile from our well is the town boarder. And the major recharge for our aquifer is outside of our boarder. We need a regional plan.

A second example -- and it has been cited earlier -- Parsippany wants to exceed its water allocation limits. Of course, we've seen the development that's been rampant in Parsippany. And now they're eyeing, thirstily, at the Jersey City Reservoir. They in Montville want to take more water from the Jersey City Reservoir. Without a regional planning body, this will be just the first skirmish in the water wars. We need a regional body to protect this water supply, or else more and more Highlands towns will develop and exceed their allotted capacities and will eye water supplies that our major cities rely on right now. We need a regional plan.

A final example: At ANJEC, we hear regularly from municipal environmental commissions working to protect their water supplies. One Highlands town asked how they could protect their well that is in another town. It's zoned for commercial and industrial development. Certainly, they can't enact a well-protection ordinance for the other town.

ASSEMBLYMAN McKEON: Ma'am, I'm sorry to interrupt you, but do your best to wrap it up now, please.

MS. BATTY: They can't protect -- have a well-protection ordinance, and yet the other town is refusing to change their protection.

Just one last point, ANJEC sent out a model resolution to the Highlands towns to ask them to pass. And without any persuasion from

ANJEC, 16 towns have passed a resolution in support of Highlands legislation. I'll be forwarding the list of the towns that have to you.

Thank you. (applause)

ASSEMBLYMAN McKEON: Mr. Harwick.

And, excuse me, sir-- George Gross -- is George here? (no response)

Tina S-C-H-V-E-J-D-A, Schvejda. Tina, you're next.

Thank you, sir, for waiting.

**T E D H A R W I C K:** Good evening.

My name is Ted Harwick, and I'm from Holland Township. I live about two miles from Pennsylvania. If I lived much -- moved much further west, I'd be out of the state and out of New Jersey. And I'm hoping I'm doing the right thing by staying here, but this legislation concerns me.

I'm here tonight to advocate the rights of landowners. Someone, much smarter than me, a long time ago said, "Government that governs least governs best." Maybe if this bill was 10 pages instead of a hundred, some of the people that wrote it would donate some of their money to buy these rights that we're talking about here.

Nobody is against clean water. Everybody wants clean water. But it's been testified here tonight about the wastage, for example, that goes on at golf courses. We've heard testimony from somebody in Harmony that forgot to mention Merrill Creek Reservoir. I seriously doubt that the water situation is as serious as it's being made to sound here this evening. Our nation is based on a socioeconomic system known as capitalism.

Now, I have to borrow a line from Rush Limbaugh. "If a serious need develops, I'm sure private enterprise will flourish to meet that need, a

serious economic need.” We heard this evening from somebody in the area of Troy-Parsippany Hills and Union County. I’m offended that they think I should suffer out here for something that they need back there. If my land is so valuable for this water business, somebody needs to pay me for it and pay me handsomely. Let the marketplace determine the value of my assets without government interference. Don’t you trust the American way -- the people that wrote this bill? If we’re really short, something’s going to come up here. The possibility I made in my notes is, desalinization. New Jersey happens to be pretty lucky. It’s got a big, long beach down by the ocean. If anybody’s looking, there’s water in that ocean.

And lastly, I would like to say I have not heard one speaker come up here tonight in favor of this bill and open up their checkbook or their pocketbook and deposit money right there, to back up their talk to pay for whose rights you’re going to take away from -- somebody, with this legislation.

Thank you. (applause)

SENATOR SMITH: Tina’s ready to go.

And would Nancy Chambellan-- Are you here, Nancy? Nancy, are you here? (affirmative response) Okay, Nancy, you’re in the on-deck circle.

**TINA SCHVEJDA:** Good evening.

My name is Tina Schvejda. I’m the Executive Director for Meadowlands Conservation Trust.

I will be brief, and I know it’s late. I appreciate everyone staying as long as they have.

I have a photograph here that I took February 3, 2002 -- and how quickly we seem to forget what happened with the water. Two years ago, we

were in severe drought. So much so, that there were water restrictions, people were asked to go on every other day for water here in New Jersey. And we seem to have forgotten that. It's not that long ago that this happened with the restrictions and the rationing of water. And a large part of it is due to overdevelopment, and some of it has to do with the drought and global warming.

There are several facts that I wanted to bring up. There were several different thoughts. It's been gone over. It's getting very late. But in short, the fact is, if there is no water, there is no jobs, there's no housing, there's nothing. It's critical that we save the Highlands and preserve the land and this watershed.

Thank you. (applause)

SENATOR SMITH: Is Max DeVane here? (affirmative response)

Max, you're next.

**NANCY CHAMPELLAN:** I speak as a concerned resident of Hope Township and serve on the Warren County Environmental Commission.

Many people think their water comes from a faucet, but I know my water comes from groundwater in the aquifer in my 19th century house. The people of that time understood the natural principle of where and how to build responsibly.

Modern generations have lost this heritage of common sense. Our modern New Jersey tradition of machine politics taints even the most noble issue of protecting our state's water supply. Trenton has long lost the public trust, for wheeling and dealing favors to friends and contributors. I and others are wary that those in power are, once again, serving up a long tradition of political neglect to Trenton's bastard-child county of Warren.

As legislators in power, you have opportunity to take serious steps to regain public trust. You could eliminate dual office holdings and extend pay-to-play reform to all levels of government. You can pass the return -- the money amendments offered to you, a second time, for real property tax reform in the here and now. Legislators of all persuasions must turn their loyalties back to the people of the state so that we can trust you with our water and our land.

Warren County is entirely aquifer overlay, with critical watershed, and must not be developed like other areas because of this geology. Hold fast to the mandatory -- to no mandatory growth areas, and consider strategies to slow the growth rate to ensure sensible development and protect our small local builders. Generations of Warren County agri-businesses long have provided food for the tables of this nation. As we increase foreign dependence, importing produce from Chile and beef from Argentina, in tandem with destroying our farms at home, we destroy ourselves.

New Jersey farmers, who exchange their land for housing development, often do so because they have had few other options. They don't stop farming. They often move to another state and continue the farm life elsewhere, for farm culture is not just a job. Farmers are a functional cog in the quality of life for this entire state, and this legislation must not steal their land nor force them out of business. We all will pay a high price for their extinction.

I urge the panel to more clearly structure the composition of your proposed Highlands commission to be more reflective of us who live there; including a meaningful, bipartisan input from our locally elected officials. Rather than having this be your Highlands legislation, structure it to be our Highlands legislation. We must not violate natural laws governing water cycle,

aquifer recharge, or watershed function, for we certainly are not prepared to deal with the consequences nature would hand down to us in judgement. Legislators in Trenton have the first word with man-made laws to protect water supply. Be sure, natural law will have the last word.

I embrace the intent of this legislation but have great concerns for the power structure in the commission design. I would like to see some elements that would ensure against bipartisan/partisan politics. And I am particularly concerned about neglect of the Warren County farmer.

Thank you. (applause)

ASSEMBLYMAN McKEON: Max DeVane.

Frank Golon. (affirmative response) Frank, you're next.

**MAX DEVANE:** Good evening.

I'm testifying as a citizen of New Jersey. I am in strong support of the passage of the Highlands Water Protection and Planning Act.

Thank you, Assemblymen and women, and Highlands Task Force for your efforts.

I support this bill because New Jersey is a beautiful place with outstanding natural resources: clean drinking water, in particular, an extremely valuable commodity. I hope that New Jersey will stay beautiful. And the protection of those natural resources, to me, is the goal of this legislation.

I attend, and am actively involved in, planning board and township committee meetings in my township, Alexandria, a portion of which lies in the Highlands. And as a matter of fact, I missed a planning board meeting to be here tonight, in which 11 applications were coming before that planning board. Several of those developments being made application for are in the Highlands.

I'm sure that everyone who is here tonight, everyone that was here tonight, is well aware that all the municipalities in our region are under heavy attack by development. The sprawl that is happening in my township is really leading to a lot of traffic problems. The area that I live in-- I live on a small rural road in a historic village -- the traffic can no longer be supported by the size of the road. The road can't be expanded because of the proximity of the homes to the road. We need to have a bypass put in around our village, and we don't have the money to do it.

I generally support home rule and believe that local -- believe strongly in the local democratic process. However, there are places where -- that home rule is failing. Water doesn't recognize political boundaries, and these limitations to home rule are evident enough in a anecdote I'd like to tell you about.

I live on the boarder of Alexandria and Holland townships, at the base of the Highlands. And a trout production stream runs through my property. Not long after I bought my house, there was a great deal of flooding in our area. A new development had just gone in Holland Township. After one of these major rain events, I went out to that development to see these huge water detention basins and expected them to be filled with water. They're built to hold up to 10 feet of water. There were several inches of--

ASSEMBLYMAN McKEON: Sir, I'm so sorry. I feel so bad. You've been here so long, but you're about a minute beyond your time, if you could wrap it up.

MR. DeVANE: All right, I'll wrap it right up.

Those detention basins were holding a few inches of water. So they're failing. Home rule failed in Holland, and I, in Alexandria, am paying the price with flood waters. So I would just like to reiterate that home rule has its place. But I've seen home rule be used against our township in places where the developers come in and claim that the State has responsibility to enforce certain regulations.

And I would like this bill to be passed and to provide the townships with support to maintain -- not to stop all development, but to maintain developments that are small -- build small homes that people without a lot of resources can afford.

Thank you. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Mr. Golon is on his way.

And is Bill Honachefsky-- Bill, you're next.

Mr. Golon.

**FRANK GOLON:** Thank you.

You've done a very good job tonight, and I thank you for your time being here.

ASSEMBLYMAN McKEON: It's nice of you to say that.

MR. GOLON: I'm a resident of Clinton Township. My wife and I were born in New Jersey, and we've lived here for 48 years. I've been schooled in New Jersey, and I worked my whole life in New Jersey. My kids attend this school system. Many of the teachers live in Pennsylvania, because a lot of them can't afford to live in New Jersey.

I'm concerned that my children will not be able to afford to live in this state. I ask you to please pull back this bill and adjust the representation on the task force and the committee to include at least 50 percent of some of the farmers and the business people that we've heard here tonight -- this evening -- to put some balance back in this bill.

Thank you, again, for your time. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

SENATOR SMITH: Bill Honachefsky.

And is Edward--

ASSEMBLYMAN McKEON: Edward's right there.

SENATOR SMITH: You're next.

**WILLIAM HONACHEFSKY:** My name is Bill Honachefsky. I'm a resident of Clinton Township, and I've been so for 60 years. I grew up on a dairy farm in Hunterdon County and actually helped construct Spruce Run Reservoir and, sad to say, also Route 78.

I've been an environmental scientist and land planner in the State of New Jersey for 35 years. And in that time, I've investigated just about every environmental transgression that you can think of that humankind can impose against the environment.

And I've heard a lot of talk tonight about equity and cost of this. But I think people should be particularly angry when we look at what our predecessors left us. They left us a lot of pollution and degradation that we have had to spend hundreds of billions of dollars on that we could have used here to pay back the farmers when we went in and acquired the land.

So to be angry today-- We should also be angry. And the ironic part is that we now have to make decisions as to one in a hundred thousand, one in ten thousand, one in a million people that we're willing to sacrifice because of this pollution. And I'm telling you today that there are places in New Jersey that we will never clean up, never.

It's ironic that about 65 years ago, Governor Hoffman commissioned a task force, similar to this one that sits here, to talk about what to do with this vast wasteland in Hunterdon, and Warren, and Sussex counties. And it's ironic that we sit here today-- In those times, the population was around four million. Today it's double that. And that is the problem. The problem is carrying capacity. We're looking at another one million people in the next 20 years.

I suggest-- For brevity's sake tonight, I suggest that we make these two additions to either the bill or to the environmental master plan that comes out of this. Number one, we need to start talking about ecological or green infrastructure. We talk a lot about gray infrastructure: the roads, the bridges; and we spend zillions on engineering design to get these inverts of these pipes down to the hundredth, but yet the plumbing system that makes life livable on this planet, we never even talk about. It's never even considered in the gross domestic product, or a Standards and Poor's index. And that's been recognized by every economist that has ever written an article in the United States.

I also suggest that somewhere in the bill we incorporate exactly what the value of the services are that this ecological infrastructure provides that is so critical. There are a number of published papers out there. Most recently a number of them have come forward. And I suggest that we take that and put

that in the bill, so the people of the audience, the farmers, can understand how important that ecological infrastructure is.

Lastly, I would say that I would like to submit for the Committees' consideration an op-ed piece that I was requested to submit to about 50,000 planners in the United States. It talks about-- And the title is: "Landowner Equity and Protecting the Commons." And it deals with issues, and it deals with farmers, and developers. And it talks about fiscal equity, sweat equity, societal equity, and transgenerational equity. So I would like to submit that for your consideration in further consideration of the bill.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you, sir.

Amy Messeroll, you're next after Edward.

I'm sorry, your last name? If you could state your name for the record.

**EDWARD C. CROOT:** Croot.

ASSEMBLYMAN McKEON: Thank you.

MR. CROOT: My name is Edward C. Croot, and I'm the Owner/Broker of Croot Realtors. I have been specializing exclusively in the sale and leasing of industrial commercial properties in Northwest Jersey. I have brought more jobs and economic opportunities for blue-collared people into Warren County in the last 20 years than anyone else on the planet, except possibly Jay Meyers (phonetic spelling).

I bring jobs, and I put your neighbor to work. I have only sold about one house in the last 20 years, but I've consummated about 175 commercial sales leases. My most recent project is on Billbee (phonetic

spelling) Road in Hackettstown. I sold the land to Compac (phonetic spelling) company. They are preserving 100 jobs in New Jersey. They're building 180,000 square feet, and they're going to bring 50 more jobs to New Jersey. They're staying in the state.

Up in Sussex County, in Hardyston Township, I have two landowners who I represent. That's why I'm here. The one's name is Robert Hess (phonetic spelling), which is known as North Church Technical Center. When I took the listing, I had 14 lots to sell in a 20-lot subdivision. I have sold nine of these lots, and there are eight industrial buildings under contract. These are almost all local companies and local employees. They are bringing jobs and putting the citizens of Sussex County to work. I also represent Tony Pilts (phonetic spelling), who owns approximately 40 acres. And I have a buyer for the property who wants to build an over-200,000 square foot -- of industrial flex space. These two projects will result in 300 to 400 jobs for the citizens of Sussex County.

To me, when I read the papers, and I read that we have lost three million jobs in the last two years, or what have you, I feel the pain of every American who loses jobs, because I've been following the job loss in New Jersey for over 20 years, when they first put ECRA and PIRG through, and the other extremist environmental regulations. I know it affected the job production. We lost 300,000 jobs in the late '80s and early '90s.

Now, all I'm concerned about is one thing: I want to continue to bring jobs and put our neighbors to work in rural areas like Sussex and Warren counties. I see Mr. Smith is from Middlesex County, and his county is not affected. But my service areas are Sussex and Warren. I have brought many,

many jobs to these areas, especially from Hackettstown to Phillipsburg, Mount Olive, what have you. And I want to continue to do this.

Now, I want to know, on my property -- it's zoned industrial, but one is an improved industrial park. It has city water, sewer, and gas. How will this affect trying to bring jobs and economic opportunities for the citizens of Sussex County?

SENATOR SMITH: Sir, can I ask you to sum up?

MR. CROOT: What?

SENATOR SMITH: Could you sum up? Your time is up.

MR. CROOT: Okay.

I'm proud to bring jobs to the citizens of Sussex and Warren counties, and I want to continue to do this. I have been led to believe that this legislation will kill the availability of bringing jobs to land that is zoned industrial; has been zoned industrial; is approved subdivision; has city water, sewer, and gas. And you will not be able to use it, not be able to bring any more jobs to these properties and for the citizens of these two rural counties.

ASSEMBLYMAN McKEON: Thank you, sir.

Amy, before you begin -- Ms. Messeroll, before you begin your testimony, we have one last slip from someone that's marked it as opposed. That would be Andy Aasmaa. And as a matter of fact, my recollection is he had already testified at another hearing. But if that's not the case, you're welcome to speak. If you have a new issue, that's great. That's fine.

That will take us very, very close to 12 midnight. The only slips that are left to testify are those who -- and there's 24 of them -- are those -- just about everybody left in the room -- or perhaps some of them aren't here -- those

in favor. We're committed to stay here, but I would hope, you all being mindful of the time, that after these last two witnesses, that we might defer and beseech you -- nice way to put it -- to submit your supportive testimony in writing. You have my word that I will read it and consider it, as I'm certain you'll have the word of the rest of the Committee. So with that as, hopefully, the parameter, with these last two witnesses, if the rest of you in favor will give us that deference, we'll then call upon our legislative panel, should they determine to comment, and then be in a position to adjourn.

Ms. Messeroll.

**AMY MESSEROLL:** I just want to start off by thanking everyone for staying so late. I know it's taking a lot of dedication on all of our parts to do this.

My name is Amy Messeroll, and I am an environmental educator and also a student of natural resource management. I strongly support the passing of this act -- S-1, A-2635.

The time is now to protect the Highlands. Putting off this act will apt to pose a land grab by developers. Focus on this area should be planned Smart Growth and aimed at protecting the integrity of the Highlands region, including a farmer's way of life. Quality of human life, not quantity -- this is important.

More houses bring more draw on the water resources, more taxes to pay for local services such as police and roadways, overcrowding in schools, or less money being spent per child in schools, and also increased costs to clean water that is degraded by increases in pollution from both point and non-point sources.

Once the water is gone, it is gone, just like the developers who degraded it. The developers are not going to stay around to pay to bring water from outside areas for you to drink. For those of you who have wells, developers are not going to pay to hook your home up to city water when your well runs dry. When my family's well drastically dropped to two inches of water, the company that put in the housing development on a key area where water would infiltrate the ground to replenish our underwater aquifer -- they did absolutely nothing.

People don't believe that you can run out of water. Well, I'm here testifying that people can run out of water, it has happened to me, it has happened to other people that I'm aware of.

Once the water is gone, it is gone forever. There is an infinite amount of drinkable water on the planet, and once we use that, it's completely gone. We have to take care of what we have. We have a valuable resource right here in New Jersey. And to just do nothing about it is basically throwing it away.

Imagine not being able to take a shower in your own house, because it would have to be -- it would be so taxing on your precious water supply. Well, what will happen to families like mine who will not be able to afford putting in -- piping in water to their house? What about our rights?

Once the land is gone, and once the water is gone, there is no getting it back. No one's willing to pay to deconstruct development in order to reconstruct forests and farmlands. It would be impossible to restore the integrity of these natural resources once they have been developed. No amount of

remediation, no matter how extreme, will be able to bring the resources back to their original purity.

Please don't allow this to happen. Support this act to protect the Highlands.

Thank you very much. (applause)

ASSEMBLYMAN McKEON: Thank you very much.

And last but not least, Mr. Aasmaa.

**A N D Y A A S M A A:** Yes, my name is Andy Aasmaa. I'm a small builder in Morris County.

I applaud you for staying and listening. I want to relate to you, perhaps, an unintended consequence of the bill.

We have a small, nine-lot home development under construction in Mount Olive Township. This morning, I was shocked to learn from the Township this project is proposed to be in a preservation area. It is part of a large plotted, filed map that was filed about 75 years ago. All of this virtually completed neighborhood has small, quarter-acre lots and is zoned as such. To the east is the large Village Green Garden Apartment complex and shopping center. And just to the east of that, the international free trade zone and more regional shopping.

Our project is an in-fill development which I believe epitomizes Smart Growth. The infrastructure is there, shopping and employment opportunities are a stone's throw away.

After investing three years and 200,000 into the application, we received preliminary subdivision approval. The old map was realigned -- the old map road was realigned, and lots were reconfigured to suit the planning board.

A few months later, we had satisfied the township requirements and entered into a developers' agreement with the township. We had already, years earlier, been assessed 100,000 for the sewer connection fees, and have been paying thousands of dollars per year in sewer user fees even though the homes have not been built.

Preliminary approval is a building permit to install subdivision improvements. Small builders, typically, do not bond them, because that takes twice as much capital. And towns don't want to issue building permits until most of the improvements are complete. Last fall, we cleared the site, graded the road, installed utilities, installed the drainage which is all being infiltrated into the ground. Based on hydrologic studies, we will be improving existing groundwater levels. And this area is underlain by sandy soil.

We are one to two months away from completing the subdivision improvements. We have recently applied for final subdivision approvals so we could file our map in the county hall of records. We have timed our final approval to coincide with the completion of the subdivision improvements. Our bank has lent us \$1.35 million. The interest rate clock is ticking. We anticipate completion of the first home early next year.

If you do not protect our preliminary approval, we will be ruined.

Gentlemen, I would like to know, what are your plans for us? Is this now the property you want to preserve? We can't wait 18 months. Do you want to buy this property for more than 300,000 an acre and restore the property? Does it make sense to zone 350,000 acres with one broad brush, ignoring all existing land use and infrastructure?

We ask you to protect our preliminary approvals and give us 18 months to reorganize our lives. The number of new lots established in Morris

County in 2003 is down 42 percent from what it was in 2000. We have new stringent stormwater regulations to protect the stormwater. I believe not allowing for a transition period would be unjust.

ASSEMBLYMAN McKEON: Sir, thank you very much.

MR. AASMAA: Thank you.

ASSEMBLYMAN McKEON: That concludes our 83 witness. It's 84 if you count the two that Mr. Klumpp reserved on.

I am now, just very briefly, going to read the names of those who we're not calling, so their names and organizations can at least be entered into the record: Vivian Blair, of Holland Highlands; Steve Foshay, of the Sierra Club; Karen Bowker, of Flemington; Terry Polis, of the Friends of Little York; Margaret Haake, of Annandale; Timothy Barrow, of Buffalo Hollow Group; Victoria Reiners, of Port Murray; John Hoover, of Califon; Jean Alexander, of Holland; Suzanne Bishop, of Lebanon; Ruth Stiech, of Lebanon; James Nolan -- it just has William Street, with no town; Lisa Stevens, of Cedar Knolls; Jill Clougherty, of Gillette; Lynn Smith, of Belvidere; Edward Elick, of Glen Gardner; Tim Wright, of the Sierra Club; Kath Haake, of Dover; Margaret Najjar, of Rahway; Steven Balzano, of Lebanon; William Clutri-French of Califon; Margot -- I think that's Wilson -- of the Hunterdon Land Trust Alliance; Karen Buckley, of Preserve our Scott Mountain; and Miriam Murphy, of Tewksbury Township. Those are the individuals that were scheduled to testify in favor. If I missed somebody's name--

Sir, just shout it out and I'll put it into the record.

Thank you, Ms. Filippone and the Greenwood Lake Commission.

SENATOR SMITH: There's one other person.

ASSEMBLYMAN McKEON: One other person--

Ma'am.

And in favor, Kim Molakeiser (phonetic spelling), of Washington Township. Thank you.

And the Greenwood Lake Commission's testimony is being submitted to us, and we'll certainly consider it.

Ma'am, in the red--

UNIDENTIFIED SPEAKER FROM AUDIENCE: (witness chooses not to testify)

ASSEMBLYMAN McKEON: Thank you, ma'am, very, very much. Anybody else that would like their name recognized for the record?

UNIDENTIFIED SPEAKER FROM AUDIENCE: (witness chooses not to testify)

ASSEMBLYMAN McKEON: Agust, thank you. And you have all of our word we'll consider it.

Anyone else that would like their name entered for the record either for or against? (no response) Again, we'll welcome all of your written testimony. We once again remind you, if you haven't done so already, leave us your e-mail address, and we'll be pleased, after 12 noon, to send you the Metes and Bounds description of the property.

With that, Senator Smith, if I might, I'd like to turn to those of my colleagues that have remained here until midnight.

Assemblyman Gusciora.

ASSEMBLYMAN GUSCIORA: Thank you, Mr. Chair. I'll be real brief.

I wanted to -- although everybody left -- I want to thank everyone for coming out. And I do take my job seriously. And for those who are both opposed or in favor, I think we have a weighted decision on our hands. But we will take everyone's thoughts in consideration.

People who know me as chairman in the past life -- bent over backwards to take in all sides and try to incorporate compromises. And I think where there's changes that need to be made, I think we should do it.

I also agree with the gentleman, that statutes should be in plain language. And where we can, we must make it plain so that everyone feels part of this government. I do agree that the map should be accessible. It certainly should be on the State Web page so that there is no doubt about what is happening.

And as far as another comment about someone saying that we should go home and think about the long-term implications and think about what would be the best for the State of New Jersey -- that's probably an easy decision. The hard decision will be, what will be in this final -- this bill. And that we have to be very deliberative about.

So I do appreciate everyone's comments. We've been taking copious notes, and we'll incorporate a lot of the changes in the final outcome.

Thank you.

ASSEMBLYMAN McKEON: Thank you.

Vice-Chairman.

ASSEMBLYMAN PANTER: I'll be even briefer, perhaps, than Assemblyman Gusciora was, given the late hour.

Thank you very much for everyone who stuck around and offered testimony to us here tonight. I think that getting this input from, particularly, the communities that are most affected by this legislation -- those in the Highlands -- are really invaluable to me and to the other members of the Committee. And we do take this very seriously.

I think that although everybody seems to agree with the objectives of preserving these precious resources in the Highlands, we are very cognizant of the need to balance those with the rights of property owners to make sure that their businesses, their families, their farms are not unduly burdened by what we do in Trenton. And I take that very seriously.

I also think something that we have to take seriously -- and Assemblyman Gusciora touched on it -- is that we do need to make sure that there is as much clear information available to the public as we can. It is certainly our obligation as legislators to make sure that that dialogue is an easy one for everyone to understand. And I think that everyone who takes part in this debate has an equal responsibility to get themselves as educated as they can on such an important piece of legislation.

I heard several witnesses come up here tonight, and they prefaced their comments by saying they hadn't yet gotten a chance to read the bill, and they proceeded into a whole litany of very strong opinions they had already formed about it, which is a bit counterintuitive. But I know that it's very tough to get your hands around, and it takes all of us some time to do that.

Thank you very much for your patience. We look forward to the rest of the process.

ASSEMBLYMAN McKEON: Thank you very much.

My comments won't go too much to the substance at all, before I turn it over to Senator Smith and, potentially, to Senator Martin, and then to our adjournment.

The comments are really to say thank you. I referenced earlier -- being concerned about the late hour -- not about the legislators who do this out of passion and out of choice, but to the hardworking people that are part of the staffs, part of Legislative Services, and who have gone above and beyond in the hours that they've put in. Not just in these several hearings-- I referenced the other, two nights ago, where we were there until past midnight also -- but in the hours that will start at-- I think our first meeting is 8:00 tomorrow morning, as we decipher a lot of the testimony that we took today. And we'll very much take into account most of -- all of what all of you have said.

Please know that -- forgetting about the rhetoric we can get into about rushing and why so quick -- there have been, at this point, thousands of hours of evaluative process put in by professionals in all disciplines. And I don't refer to the Highlands Commission, but the time that this has started -- from the perspective of putting the legislation together -- were many days and many weeks before that, having a good inclination as to where the Commission was going. And that process continues, and will.

We'll continue to work extremely hard, up to the point that this gets to the legislators floor, and through our great democracy where the majority elected to make this decision -- with the best interest of all in mind -- will do their best for wisdom in this very, very important issue.

So, again, I thank you all for your patience. I actually pray for guidance for all of us. And we'll work real hard.

And with that, Senator Smith.

SENATOR SMITH: Thank you, Chairman McKeon.

We have with us Senator Bob Martin, who is co-prime sponsor of the bill.

Senator Martin, anything you'd like to say?

SENATOR MARTIN: Just briefly, there's a couple things I'd like to say. First of all, I think the performance of our Chairs, the Assembly Committee Chair and the Senate Committee Chair, are just extraordinary. I've watched them tonight, and I watched them on Monday, and before this. My admiration is extraordinary, because I wouldn't have the patience they have. And I think they've tried to listen to everybody's concern.

I've been given 57 pages of amendments to look at, and I will review those. We will try to digest those and additional comments that are made tonight, as well as previous nights.

From my own perspective, I am committed to seeing a Highlands preservation bill get in place, and I want to see the best bill. Some people don't want to see this passed, and are going to talk about the reasons why it can't get put into place or why we need more time. I think what we need to do is try and get the best bill in place. And to that extent, I am willing to listen to anybody. I am not willing to put too much stock in somebody who just wants to throw some -- a bunch of opposition up and not try to move this forward. So that's where I am at this stage. But I am-- Until this is eventually resolved, I will work and listen to anybody. And I have a great deal of faith in our Committee Chairs.

Thank you. (applause)

SENATOR SMITH: Thank you, Senator Martin.

It's late.

If anybody wants to know the reason why we do these things, I can only give you my personal answer, and that's for my granddaughter and my grandson.

See you next Thursday.

Good night, everybody. (applause)

**(MEETING CONCLUDED)**