

**MINUTES**

**NEW JERSEY HIGHLANDS COUNCIL  
MEETING OF JANUARY 19, 2006**

**PRESENT:**

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

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road, Chester, New Jersey on January 19, 2006 at 10:00 a.m.

**CALL TO ORDER:**

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

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

**PLEDGE OF ALLEGIANCE** was then recited.

**OPEN PUBLIC MEETINGS ACT:**

Chairman Weingart announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and that the Highlands Council had sent written notice of the time, date and location of this meeting to pertinent newspapers of circulation throughout the State.

**APPROVAL OF MINUTES (January 5, 2005):**

Mr. Jack Schrier made a motion to approve, Ms. Eileen Swan seconded, Ms. Elizabeth Calabrese abstained, all others were in favor, APPROVED.

## **CHAIRMAN'S REPORT:**

Chairman Weingart welcomed the arrival of the Highlands Council's fifteenth member, Ms. Elizabeth Calabrese Freeholder from Bergen County. He noted that Governor Corzine has reappointed Charles Kuperus as Secretary of Agriculture, Susan Bass-Levin as Commissioner for Department of Community Affairs, and Jack Lettiere will remain Commissioner of Department of Transportation. Mr. Weingart further advised that the Commissioner of the Department of Environmental Protection will be Lisa Jackson, who has been an Assistant Commissioner at DEP for the last couple years.

Mr. Weingart stated that a letter addressing property value concerns which have been raised by land owners at many previous meetings was in the members' meeting packets. He noted that the Council staff will work with the DEP and the Department of Agriculture to focus on the Green Acres and SADC programs to determine what the Council can do to resolve issues. Also, Mr. Weingart noted that the letter suggests co-hosting two landowner outreach events with the two agencies through the Land Conservation Committee to give opportunity for gaining useful information to address the specific concerns. Mr. Weingart asked Mr. Dante Di Pirro to speak briefly about what the staff has accomplished in this regard.

Mr. Di Pirro noted that the members and staff have been concerned about land owner equity from the very beginning. He noted that many of the tools that can be used to address these concerns are not available until after adoption of the plan. Mr. Di Pirro advised that the staff would like to examine more closely what can be accomplished before plan adoption. He stated that the constituent services program headed by Mr. Ross MacDonald will take the lead on this effort. The program has already handled inquiries and given guidance to over 600 constituents to date, providing follow up when appropriate, and when necessary, Mr. MacDonald contacts appropriate agencies and offices which are able to address more specific issues raised by landowners. He then asked Mr. MacDonald to give an overview of what the program has planned for the near future.

Mr. MacDonald noted that there have been over 75 meetings attended and also 32 constituent meetings have been conducted in order to interact and engage with property owners to find out the specifics related to each individual property. He noted that some common questions raised by single family property owners seeking guidance relate to making changes on their properties, such as whether they can build a deck, put in a driveway, etc.

Mr. MacDonald said a letter will be sent out by the DEP in the next week or two that will go to all municipalities. This letter will have a great deal of information that answers the most commonly asked questions. He stated that development activity on commercial property has been put on hold for the most part. Once the Regional Master Plan is adopted, depending upon what the plan directs, and the appropriate assessments have been conducted, many common questions will be answered. Mr. MacDonald noted that the staff is tracking land transactions and receives property information through its receipt of SR1A files transmitted by the State Division of Taxation, which contain the details regarding property values. The staff can then compare what previous values were with current appraisals.

Mr. Di Pirro noted that this process is progressing, and that the Council's fiscal analysis will provide more answers as to land values. After the constituent services program records the specifics, the data will be provided to the Land Preservation program headed by Ms. Laura Szwak. He introduced Ms. Szwak to give an overview of the program and its findings to date.

Ms. Szwak advised that the majority of landowners, roughly two-thirds, contact the program because they are ready to sell their properties. She then attempts to match them up with the best program. Ms. Szwak noted that the other one-third of property owners who contact the program are not interested in selling, but generally want to know what their options are for the future. She noted that one member of the public who attended a prior

meeting with questions about the Green Acres process was able to get assistance in dealing with that agency by using the Highlands staff as intermediary.

Mr. Weingart said the Land Conservation Committee should take the lead on getting information on how best to expedite the process for land owners that are attempting to make changes to their properties whether they wish to sell, develop, or preserve their land. It was noted that the current processes for addressing these issues are time consuming.

Mr. Schrier stated that the Council wants to design an effective process for assisting landowners who have come to meetings and need more than just to make a three minute comment. The Council is interested in finding out where the Highlands Act does not adequately address property owners' situations in order to determine whether the legislation needs amendment and/or modification.

Mr. Zellner noted that there are many different programs that handle specific issues relating to properties. He stated that in New Jersey, we know how to develop land better than we know how to preserve it, and that many of the existing programs are in need of changes to adequately handle the increasing amounts of preservation being pursued in the Highlands Region.

Mr. Weingart noted that an item would be added to the agenda, an Executive Session which would take place at approximately 12:30 p.m.

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

Mr. Zellner welcomed the Council's fifteenth member, Ms. Calabrese, and also welcomed new staff member and planner, Ms. Megan Lang, formerly of the Office of Smart Growth. He reported that an updated staff contact list was in the members' packets.

Mr. Zellner advised that the Highlands Council has been working with the Department of Community Affairs Main Street New Jersey program, which is dedicated to helping downtowns with a wide range of services. As a co-sponsor of the Downtown Revitalization Institute (DRI), which is a series of seminars and work sessions aimed at assisting towns with their downtowns, Highlands towns will be offered a 1 year free attendance at any of the sessions. Staff will be putting together a list of upcoming DRI events and forwarding to all Partnership members, as well as a host of additional downtown organizations throughout the Highlands. Council Members are also invited to attend the sessions at no cost. Mr. Zellner noted that this is a great opportunity for many towns to receive professional guidance on matters from parking to streetscape to transit village development at no cost to them or their municipality.

Mr. Weingart then opened a public comment period.

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

Beth Styler Barry, Musconetcong Watershed Association. Ms. Styler Barry advised that she spoke before the Senate Subcommittee and brought copies of those comments for the Council. She read a portion aloud to the Council and stated that special protections should be granted to sensitive areas such as the Musconetcong watershed area. Ms. Styler Barry noted that she is impressed by the remarkable progress achieved by the Council over the last eight months, and hopes for more. The New Jersey Conservation Foundation has applied for farmland preservation in the Musconetcong Valley and notes that this area of sensitive resources should be preserved.

Howard Wolfe, Executive Director of Community Builders Association, which represents approximately 500 builders, and is also affiliated with the New Jersey Builders Association. Mr. Wolfe commended the Council

for spending time at the meeting speaking about land owner concerns over property value. He stated that the process outlined for the two-day charrette will prove difficult for his organization to attend because they cannot spend two entire days to attend it. He urged the Council to address the fact that reservoirs are not protected. He said that any one can enter onto lands around reservoirs and pollute them.

Diane Nelson, Upper Rockaway Water Association, resident of Boonton. Ms. Nelson said that the association was incorporated in 1978 and is concerned about Rockaway Township in the Preservation Area which overlies a sole source aquifer, and the Hibernia Brook and Beaver Brook. She advised that Hewlett Packard previously owned 20 acres of wetlands which it illegally filled without DEP approval. The Federal Fish and Wildlife Service documented the fill, and she provided the Council a document which showed a chronology of events since that illegal fill occurred. Ms. Nelson recommended that DEP deny a waiver request and that the area be subject to preservation.

Bob Best, Independence Township. Mr. Best advised that he attended a Council meeting one year ago, and came to update the Council. He stated that he owned two parcels, which contained a farm, his home and a store. He advised that he was offered one million dollars for the property one year ago based upon its characteristics. At that time he held a mortgage of just under one million dollars. The day after the Highlands Act was passed, the banker foreclosed, he lost the store, and had to refinance his mortgage. He noted that it was ideal commercial space since it was already fully functional and the infrastructure was already in place.

Pat Mattarazzo, Clean Water Council. He was here in November and spoke about the Wanaque TMDL pending at DEP. Mr. Mattarazzo said that the outcome was very good and noted that Council's involvement in that effort was effective. He stated that Morris County subsequently passed a resolution and DEP was ordered to release documents on January 10<sup>th</sup> and has re-opened a comment period regarding that TMDL.

Hank Klump, Tewksbury. Mr. Klump has 150 acres in the Preservation Area, and has asked for the fair market value of his property. He expressed that he is not satisfied with the devaluation of land equity. He said that the Legislature should have provided for adequate compensation to land owners when enacting the legislation.

Ross Kushner, Pequannock River Coalition. Mr. Kushner said that after the Highlands Act was passed many people thought that was the end of water preservation, but it is just the beginning. Water has had to be pumped from the Pequannock River into the Wanaque reservoir which is what prompted phosphorus restrictions placed on farming in that area. He thanked the Council for its work.

Jim Kelcey, Independence Township. He stated that the fact that very little funding has been provided for land preservation is disturbing. His equity is in his land and at certain times in the past he has considered selling portions of his land to make ends meet, but he has never done so. He would like to sell the development rights at a fair market value but he does not believe that it will come to that. He feels that he is being punished for having preserved his land.

Andy Drysdale, 32 E. Fox Chase Road, Chester. Mr. Drysdale is unhappy with the rules imposed by the DEP on the residents in the Highlands Preservation Area. As to TDR, he would like the Council to have precedence and ultimate power in making decisions.

Robert Frye, Pohatcong Township. Mr. Frye advised that he attended a recent meeting of the Warren County Board of Agriculture, which meets on the third Wednesday of every month. Mr. Frye is pleased that the Highlands Council is planning a workshop to focus on the specific issues farmers in the region are concerned with. Mr. Frye attended a recent farm convention and provided the Council with a copy of a document generated at the conference which outlines the prices that will likely be paid on crop yields this coming season. It represented that the overhead cost for production of corn is up 14%, and that revenue per acre is estimated to

go down 21%. He stated he is very concerned about the future for agriculture and that he agrees with Mr. Kelcey's comments.

### **COMMITTEE REPORTS:**

Mr. Weingart, Chair of the **Plan Development Committee**, reported that the committee met on January 12, 2006 at the Highlands Council's Chester office. The meeting focused on how the Council and its staff can best keep pace with the task of completing the master plan. The committee rejected the idea that the Plan Development Committee make policy decisions. It also rejected the idea of having that committee serve as the steering committee for all policy decisions. Mr. Weingart noted that what was ultimately decided upon was that the staff would compile lists of policy decisions to direct them to the appropriate committee and that those committees will then bring them to the full Council for ultimate decisions and vote. He noted that the Council and staff want to identify as early as possible the decisions that need to be made in order to keep on schedule.

### **CONSIDERATION OF RESOLUTION REGARDING FRAMEWORK FOR THE REGIONAL MASTER PLAN (voting matter):**

Mr. Steve Balzano advised that the resolution documents the framework for the master plan outlining the major components of the Act's requirements and how they relate to the Regional Master Plan accomplishing those requirements. The resolution also directs the staff to continue to develop the Regional Master Plan according to what is outlined.

Mr. Schrier motioned to approve, Ms. Janice Kovach seconded. Mr. Mikael Salovaara noted that in the fifth Whereas paragraph, end of line one, to include the word "draft" before the words "Scoping Document" since the document is in draft. No public wished to comment on the resolution. Mr. Schrier accepted the requested change, as did Ms. Kovach, all were in favor, APPROVED.

### **CONSIDERATION OF RESOLUTION APPROVING RELEASE OF THE REGIONAL MASTER PLAN SCOPING DOCUMENT (voting matter):**

Mr. Weingart noted that approaches contained in the document may be modified as they are identified as necessary. Mr. Balzano said the scoping document reflects the comments received to date by the members of the Technical Advisory Committees. Mr. Salovaara requested that as in the prior resolution, the word "draft" be added before the words "Scoping Document" in the seventh and eighth Whereas clauses.

Mr. Salovaara also asked whether the document wasn't already considered a public document. Ms. Pasquarelli noted that the document was deliberative at this stage. Mr. Salovaara requested that in the heading of the resolution to change the word "Release" to "Distribution" and also to add the word "Draft" before "Scoping Document."

Mr. Salovaara made a motion to approve the resolution with his suggested revisions, Mr. Schrier seconded. Mr. Balzano noted that staff had already received editorial comments from the members and the resolution presented at the meeting reflected those revisions. Mr. Schrier asked that voting on the resolution be tabled until the afternoon after staff revises.

Mr. Weingart then opened public comment on the scoping document resolution.

David Shope, Long Valley. Mr. Shope asked when the scoping document would be offered to the public. Mr. Balzano replied it would be available on-line on the Council's website within a week and that hard copies could be requested and that staff would provide copies.

Mr. Weingart noted that the Council has received a grant from the Geraldine R. Dodge Foundation to fund a two day planning charrette. He asked Ms. Christine Danis, Principal Planner to provide an overview of the purpose of the charrette.

Ms. Danis advised that typically architects and planners use charrettes and that the word charrette means “cart” in French. The term historically referred to the practice where artists would put their artwork on a cart and bring it around town to the public in order to get comments and feedback on the artwork prior to final release.

Ms. Danis stated that the Highlands charrette will facilitate the collaborative effort of a multitude of technical experts in order to receive and analyze their feedback. The information will be put into the form of a comprehensive report for the Council.

**COMMITTEE REPORTS CONTINUED:**

Ms. Pasquarelli, Treasurer of the **Budget and Finance Committee**, reported that the committee reviewed the proposed contract amendment for AKRF, Inc. and determined that funds were available to support the additional expense. She further advised the committee recommended that the Council approve the contract amendment.

**CONSIDERATION OF RESOLUTION TO APPROVE CONTRACTS TO DEVELOP THE REGIONAL MASTER PLAN (voting matter with public comment):**

Mr. Weingart advised that the Plan Development Committee also examined the AKRF, Inc. contract at its last meeting and determined that modification was necessary. The committee further recommended that the Council approve the amendment.

Mr. Balzano explained that AKRF, Inc. is currently under contract with the Highlands Council as a regional planning consultant. He stated that the scope of work for AKRF, Inc. is being undertaken on an incremental basis. Mr. Balzano noted that the staff also recommended the contract amendment in the amount of \$25,000.

Mr. Salovaara requested that a seventh Whereas clause be added to note that the staff also recommends approval of the contract modification. With the addition, Mr. Salovaara motioned to approve, Mr. Schrier seconded, all were in favor, APPROVED.

Mr. Weingart asked for public comment on the resolution.

David Shope asked if the work done by AKRF, Inc. to date was available to the public. Mr. Balzano said that at this time it was not, but would be available in the future in incremental portions.

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

Mr. Balzano said the grant program to assist municipalities and counties to meet their fair share obligations under COAH had previously been approved by the Council. Franklin Township, Warren County was now seeking its grant for \$7500, which staff recommended for approval.

Mr. Balzano also explained that the Council had approved a grant program to counties to provide support for evaluating sewer system locations, digitizing parcel cover maps and MOD4 data for tax maps, and identifying outstanding approved projects. Sussex County sought grants of \$25,000, \$10,000 and \$15,000 for each program area, respectively. Council staff recommended approval of the grants to Sussex County.

Ms. Kovach motioned to approve the grants, Ms. Pasquarelli seconded the motion, Mr. Vetrano abstained, and with no public comments received, all other Council Members were in favor, APPROVED.

**CONSIDERATION OF RESOLUTION CREATING AUDIT AND EVALUATION COMMITTEES (voting matter with public comment):**

Mr. Weingart explained that the Council is required by Executive Order to establish an audit committee and an evaluation committee. He stated that Council Members Ben Spinelli, Glen Vetrano, and Tim Dillingham are appointed to the Audit Committee and that Council Members Scott Whitenack, Debbie Pasquarelli, and Tracy Carluccio are appointed to the Evaluation Committee. Mr. Weingart then noted a typographical error in the proposed resolution creating the two committees; the last word in the first line of the third Whereas paragraph should be “establishing” not “establish.”

Ms. Carluccio motioned to approve the resolution, Ms. Swan seconded the motion.

Mr. David Shope asked whether the auditor comes from the public or private sector. Mr. Zellner responded from the private sector.

All Council Members were in favor, APPROVED.

**EXECUTIVE SESSION:**

Ms. Swan motioned to go into Executive Session, Mr. Tim Dillingham seconded, all were in favor, APPROVED at 12:15 p.m.

At 12:50 p.m. Mr. Weingart called the meeting back to order and advised that during Executive Session the Council discussed a number of personnel matters.

Mr. Weingart noted that when Mr. Balzano gave his master plan power point presentation at the December 15<sup>th</sup> Council meeting, there wasn't sufficient time to complete the TDR portion of that presentation. He noted that Mr. Balzano will present that portion in the future.

Mr. Weingart then asked the Council to return to consideration of voting on the resolution regarding the master plan scoping document.

**CONSIDERATION OF RESOLUTION APPROVING RELEASE OF THE REGIONAL MASTER PLAN SCOPING DOCUMENT CONTINUED (voting matter):**

Mr. Weingart noted that Mr. Di Pirro revised the language of the resolution to reflect the following revisions suggested by Mr. Salovaara. The heading of the resolution will now be “New Jersey Highlands Water Protection and Planning Council Solicitation of Public Input on Draft Scoping Document,” and that the word “draft” be inserted before the words “Scoping Document” in the seventh Whereas paragraph.

Mr. Salovaara motioned to approve the resolution, Ms. Swan seconded.

Mr. David Shope asked if the scoping document includes a discussion of transfer of development rights. Mr. Balzano responded that the document lays out the framework for that. Mr. Shope then asked whether the Council is releasing the scoping document to the public. It was explained that that was the purpose of the resolution under consideration. The scoping document would be released to the public for their comments.

All Council Members were in favor, APPROVED.

Mr. Salovaara requested that the resolutions be posted on the Council's website.

Mr. Weingart then opened the second public comment period.

**PUBLIC COMMENT PERIOD:**

Linda Ricker, Lebanon Twp. Ms. Ricker owns 78 acres of farmland situated 100% in the Highlands Preservation Area. She noted that 40 of those acres are forested. She asked if a program was in place in Hunterdon County that handles forested farmland preservation.

David Shope, Long Valley. Mr. Shope asked if the current land appraisal method in the Preservation Area is done both on pre-Highlands Act value and post-Highlands Act value. He said that he believes the number of current applications for preservation mentioned by Ms. Szwak of 2,000 acres, is low. Mr. Shope said that Governor Corzine is pro-growth and pro-business according to his public statements, and wonders how that will affect the Highlands.

Ms. Eileen Swan advised that the land appraisal process is conducted by SADC and Green Acres by two separate appraisers. Those appraisers examine both pre-Highlands Act value and post-Highlands Act value; a third review appraiser then analyzes both figures. Ms. Swan added that the 2,000 acres that Ms. Szwak referred to only account for what has come through Ms. Szwak's program and that there are a number of other programs conducting land preservation.

Tom Dallessio, Regional Planning Association. Mr. Dallessio echoed what Mr. Zellner said about the great benefits offered through the Downtown Revitalization Program and said that valuable information is available to mayors. He applauded the program and encourages municipalities to take advantage of the membership being offered.

James Kessler, Mansfield Township. Mr. Kessler is a farmer and supports other farmers who have spoken regarding farmland preservation. He noted that farmers have spent many years preserving their land and said he believes that the Highlands Act should be changed in order to provide appropriate and adequate funding.

Hank Klump, Tewksbury. Mr. Klump said his family has lived by the "golden rule" for years and believes that politics should also be governed by that rule. He said he has repeatedly asked for the scientific mapping which caused his property to be placed in the Highlands Preservation Area.

Mr. Weingart advised that the Council's next meeting would be at 4:00 p.m. on February 9<sup>th</sup> at the Chester office.

**ADJOURN:**

Mr. Schrier made a motion to adjourn, Ms. Carluccio seconded, all were in favor, and the meeting ADJOURNED at 1:05 p.m.