

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF MARCH 19, 2009

PRESENT

JOHN WEINGART) CHAIRMAN

KURT ALSTEDE) COUNCIL MEMBERS

ELIZABETH CALABRESE)

TRACY CARLUCCIO)

BILL COGGER)

MIMI LETTS)

TAHESHA WAY)

TELECONFERENCE

JANICE KOVACH)

DEBBIE PASQUARELLI)

ERIK PETERSON)

JACK SCHRIER)

GLEN VETRANO)

SCOTT WHITENACK)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 83rd meeting of the New Jersey Highlands Water Protection and Planning Council to order at 1:12 pm.

ROLL CALL

The members introduced themselves.

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 or circulation throughout the State and posted on the Highlands Council website.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF February 26, 2009

Ms. Calabrese introduced a motion to approve. Ms. Letts seconded it. Ms. Pasquarelli abstained. Messrs. Alstede, Peterson and Vetrano were absent. All other members present voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart announced that PSE&G asked for more time for their presentation.

BUDGET & FINANCE COMMITTEE REPORT

Chair Cogger reported that the committee had reviewed the Statement of Activities for January 1 through June 30, 2008, and the RMP Budget for 2009 for inclusion in the required 2008 Annual Report. He noted that the RMP Budget had already been approved and there was no action required

by the Highlands Council but just approval for the Report. The Council indicated approval. Mr. Cogger thanked Ranji Persaud for his work on financials for the reports.

EXECUTIVE DIRECTORS REPORT

Ms. Swan began her report with a summary of the Plan Conformance information. To date, 72 municipalities have filed a Notice of Intent to conform to the Regional Master Plan. These municipalities represent 775,000 of the 860,000 acres of the Highlands Region or 90% of the Region as a whole and 80% of the Planning Area. She also reviewed the progress on Module 1 and noted that two training sessions will be held for Module 2.

Mr. Vetrano joined the meeting. Mr. Peterson joined the meeting by teleconference.

At this point, the meeting was interrupted by a member of the public who refused to adhere to meeting protocols in spite of requests from the Chair of the meeting. The individual was asked to leave by the police but later allowed to reenter the meeting room by the Chair after promising to adhere to meeting procedures.

Ms. Swan continued with her report mentioning the dates of March 30 and April 3 for the Module 2 training for municipal professionals. She described the importance of the data verification process as a result of Module 1 and the fact that it is linked to spatial maps and detailed to block and lot level. Under Module 2, the verified geodatabase is returned to the municipalities to then commence work on capacity constraints. She explained that the information had originally been generated regionally and that now it was being verified at the municipal level.

For Modules 3 through 6, Ms. Swan gave an overview of the status noting that guidance on the use of the municipal build-out results for the creation of Housing Elements and Fair Share Plans (Module 3) is still being developed. The Environmental Resource Inventory (Module 4) template has been finalized after close of the public comment period, and instructions on municipal use of the template are being developed. The model Highlands Master Plan Element (Module 5) has been provided to Council members for review with the intent to release it for informal public review with public comments due by mid-April. Work continues on the Highlands Model Ordinances (Module 6, Land Use Ordinance and Board of Health Ordinance).

Ms. Swan continued with an update on grants noting that, as of last evening, 61 municipalities had applied for Plan Conformance grants. The total number of Initial Assessment grants awarded to date is 69, and Lebanon Borough had been added for today's consideration by the Council. Chairman Weingart asked whether the counties were involved in the workshops. Ms. Swan explained that the County approach was different because there was no build out being conducted for the counties and therefore no need for Module 1 and 2 for the counties. However, the counties continue to have their regular meetings with the Council staff.

She reviewed the process that would be followed with the minutes for the Highlands Development Credit Bank (HDC) explaining that, in accordance with the HDC's recently adopted by-laws, the minutes of the HDC Bank would be presented to the Highlands Council for review as follows:

A true copy of the Board's meeting minutes shall be prepared and forthwith delivered to the Highlands Council. The meeting minutes shall be deemed approved if no affirmative action of the Highlands Council disapproving the meeting minutes is taken at the Highlands Council's next

subsequent meeting following deliverance of the Board's meeting minutes. No action taken at such meetings by the Board shall have effect until the Highlands Council's period of review has expired.

She then noted that if the Highlands Council did not take any action today that the HDC Bank minutes would be included with the Highlands Council minutes for submission to the Governor's Authorities Unit. She suggested that language will be added to the minutes to alert the Governor's Office that their veto power over the Council's minutes could be exercised such that the HDC Bank minutes would be likewise vetoed if desired.

Mr. Weingart left the meeting. Treasurer Bill Cogger assumed the role of the Chair

RESOLUTIONS

I. CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grants - (voting matter with public comment)

The Highlands Council initiated a grant application process for Initial Assessment grants to municipalities within the seven Highlands Counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000. Council staff reviewed the grant applications and recommend grants for Council consideration. Ms. Swan gave a summary of the grants previously applied for and status:

1. Morris Plains Borough – Requesting \$15,000. This is their first grant request. They have also simultaneously applied for the 2009 Plan Conformance Grant.
2. Pequannock Township – Requesting \$15,000. Previously, they had received a COAH Round 3 Grant for \$7,500 with a resolution date of 10/6/05 and an execution date of 12/19/05. This grant is scheduled to be closed out due to a lack of submittal by the Township to COAH by the deadlines COAH established.
3. Lebanon Borough – Requesting \$15,000. They had received a COAH – Non-Sub certified grant for \$12,500, which was not paid out because they are under court jurisdiction.

Ms. Letts introduced a motion to approve. Mr. Whitenack seconded it. There was no public comment. Mr. Weingart was absent for the vote. All other members voted to approve. The resolutions were APPROVED.

Mr. Weingart rejoined the meeting.

II. CONSIDERATION OF RESOLUTION – Approval of the Hunterdon County Agricultural Market Development Program (voting matter with public comment)

Ms. Swan reviewed the activity on this grant program to date. She explained that the grant application from Hunterdon County seeks to continue agriculture marketing initiatives begun under a previously approved Highlands Council grant of \$50,000 which is part of a two-year grant program. The activities associated with this grant include: 1) Group promotion and marketing of markets that sell produce from farmers in Highlands communities; 2) Community Market Mini Grants to assist in individual farmer's market promotion; 3) Website updates on the NJ\Council of

Farmers and Communities website. Hunterdon County is requesting a \$120,000 grant (\$40,000/year over 3 years).

Ms. Swan explained that the County did not expend all of the original \$50,000 grant; it is recommended that the remainder of the first year's grant (\$23,276) be supplemented with an additional \$16,724 bringing the available funds for 2009 to the requested \$40,000. While the request is for a three year grant, it is recommended that a second year grant be approved consistent with the Council's two year grant program.

Previously, Hunterdon County also received a Sustainable Agriculture Grant for Integrated Pest Management (IPM) for \$75,000 with a resolution date of 2/15/07, an execution date of 9/11/07 and a payment date of 1/15/09 (\$75,000). The county has been approved for a County Initial Assessment Grant in the amount of \$15,000.

Ms. Carluccio introduced a motion to approve this resolution. Mr. Cogger seconded it.

PUBLIC COMMENT ON THIS RESOLUTION

David Shope, Lebanon Township

Mr. Shope commented on the low average return for farm crops. He did not believe that allocating these funds would address that problem.

Joseph Mikulewicz, President, NJ Council of Farmers and Communities

Mr. Mikulewicz spoke in support of this grant funding. He asked that the Highlands Council take up any future grants earlier in the year so that his organization could provide information packages to farmers and farmers markets about the availability of grant program prior to the planting season.

Deborah Post, Chester Township

She spoke against the grant funding and asked that any excess funds be given to landowners for compensation of loss of land value.

All members present voted to approve the resolution. The resolution was APPROVED.

III. CONSIDERATION OF RESOLUTION – Approval of Hunterdon County Integrated Crop and Pest Management Program - (voting matter with public comment)

Ms. Swan gave an overview of this grant application from Hunterdon County saying that it seeks to continue an Integrated Pest Management (IPM) grant previously awarded by the Highlands Council. The primary objective of this grant is to help growers in the Highlands reduce the use of potentially toxic pesticides and replace them with newer, reduced risk and environmentally soft integrated pest management solutions. Also, the program aims to educate farmers about integrated pest and crop management practices. It is the recommendation of the Council Staff that the Highlands Council pass a resolution in support of a second year of funding of \$75,000 for these endeavors.

Ms. Carluccio commented that this was a good program and Ms. Letts asked if the Council would award a grant annually. Ms. Swan explained that if it was the Council decision to continue to support

the goal of sustainable agriculture that the program could continue. Mr. Alstede spoke in support of this program and said that it would not be in existence but for these grant monies.

Ms. Carluccio introduced a motion to approve this resolution. Mr. Whitenack seconded it.

PUBLIC COMMENT ON THIS RESOLUTION

David Shope, Lebanon Township

Mr. Shope noted that only 15% of Hunterdon County was in the Highlands and asked why the Highlands Council would provide this funding.

Mr. Alstede explained that this grant program was available to all farmers in the Highlands Region, not just Hunterdon County, and that, in this case, the program was administered by Hunterdon County.

Mr. Weingart asked what members were still on the phone. Ms. Pasquarelli and Mr. Peterson were still on the teleconference. Ms. Kovach and Mr. Schrier had left the call.

Ms. Kovach and Mr. Schrier were absent. All other members present voted to approve the resolution. The resolution was APPROVED.

IV. CONSIDERATION OF RESOLUTION – Approval of the Warren County Agricultural Market Development Program – (voting matter with public comment)

Ms. Swan began the discussion of this resolution with the following information. This grant application from Warren County is requesting \$50,000 to promote Farmer's Markets and Agritourism in Warren County. The main purpose of this grant will be to attract visitors and local residents to locally grown food in the Warren County area through media and marketing materials. Deliverables will include a "Visit Warren" magazine, radio and print advertisements, and promotional farmer's market brochures. It is the recommendation of the Council Staff that the Highlands Council pass a resolution in support of this application in the amount of \$50,000.

Previously Warren County has received a CP3 Grant (Parcel Data) for \$57,000 with a resolution date of 12/1/05, an execution date of 12/19/05 and payment dates of: 3/9/07 (\$28,500), 4/8/08 (\$14,250), and 12/16/08 (\$14,250).

Ms. Carluccio introduced a motion to approve this resolution. Ms. Letts seconded it.

PUBLIC COMMENT ON THIS RESOLUTION

David Shope, Lebanon Township

Mr. Shope spoke against allocating funds for this grant.

Joseph Mikulewicz, President, NJ Council of Farmers and Communities

Mr. Mikulewicz spoke in favor of the grant. He noted that 800-1,200 residents in Chatham visited the farmers market there and that there are many farmers markets in operation around the State because residents recognize the need for home grown products and reducing their carbon footprint.

Deborah Post, Chester Township

Ms. Post raised the issue of using taxpayer money for promoting farmers markets but not other businesses.

Ms. Kovach and Mr. Schrier were absent. All other members present voted to approve this resolution. The resolution was APPROVED.

Mr. Alstede raised the issue of limiting the number of times that a Council Member could call in to Council meetings citing the background noise as a disturbance. He asked that the Council reexamine its telephone policy. Mr. Weingart asked staff to determine what other bodies had as their practices. Ms. Calabrese suggested that limiting background noise would be helpful.

Chairman Weingart announced that the next Highlands Development Credit Bank meeting would be April 2 at 1 pm and the next Highlands Council meeting would be April 16 at 10 am.

PUBLIC COMMENT

Alice Shane, Property owner Hampton Borough and member of the press

Ms Shane was asked if she were speaking as a landowner or member of the press. Ms Shane responded that she was speaking as a landowner but might write about the meeting.

Ms. Shane asked if the Highlands Council had appealed to the Legislature for property owner compensation and asked what the future plans were to take a stronger stand.

Mr. Weingart commented that the Council had on numerous occasions voted to ask the Legislature to establish a stable source of funding and that some individual legislators had pursued different approaches.

David Shope, Lebanon Township

Mr. Shope expressed his concern that the Highlands Council staff is the same staff that serves the Highlands Development Credit Bank. He made comments about the caliber of the staff.

Deborah Post, Chester Township

She asked if the Highlands Council agreed with the initial pricing for the TDR program, citing the presentations at the HDC Bank meeting for Long Island and Pinelands indicating higher initial values on the dollar.

Helen Heinrich, NJ Farm Bureau

She commented about the desperation among landowners for compensation and that the Governor had committed to having something on the ballot, but had not added anything yet. She also thanked the Council for the grants awarded to the two counties that had taken advantage of the programs.

Ms. Swan mentioned that Sussex County had submitted a grant application at the request of the staff, but that the application would be acted on after submission of invoices for the current year's sustainable agriculture grant. There were also two municipal applications, but those applications were not administratively complete at this time.

The meeting was adjourned at 2:17 pm.

CERTIFICATION

TRUE COPY

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 4/17/09

Name: Paula M. Dees
Paula M. Dees Executive Assistant

Vote on the Approval of these Minutes

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio			✓			
Councilmember Cogger						✓
Councilmember Kovach			✓			
Councilmember Letts		✓	✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson					✓	
Councilmember Schrier	✓		✓			
Councilmember Vetrano						✓
Councilmember Way						✓
Councilmember Whitenack			✓			
Councilmember Weingart			✓			