

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF JULY 16, 2009

PRESENT

JOHN WEINGART) CHAIRMAN

KURT ALSTEDE)
ELIZABETH CALABRESE) COUNCIL MEMBERS
MIMI LETTS)
BILL COGGER)
MICHAEL FRANCIS)
ERIK PETERSON)

VIA TELECONFERENCE

TRACY CARLUCCIO)
JANICE KOVACH)
JACK SCHRIER)
SCOTT WHITENACK)
GLEN VETRANO)

ABSENT

TAHESHA WAY)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 86th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:08 am.

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 was then recited.

APPROVAL OF MINUTES OF June 25, 2009

Mr. Cogger introduced a motion to approve the minutes. Mr. Vetrano seconded it. Ms. Way was absent. Ms. Calabrese abstained. All other members present and on the teleconference voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart announced that the next meeting will be changed to August 27th at 1 pm and the Highlands Development Credit Bank Board will meet August 6th at 1 pm. He noted that the voting items would be next as several members had other commitments.

RESOLUTIONS

I. CONSIDERATION OF RESOLUTION – Approval of Contract for Lake Management and Stream Restoration/Protection Plan Assistance - (voting matter with public comment)

Ms. Swan introduced this resolution noting that it had been previously reported that a request for qualifications (RFQ) was released with a due date of June 12th for lake management and stream restoration protection plan and that seven proposals had been received. She reviewed the staff evaluation procedures, explaining that staff independently review and score the proposals and then the selection team meets to discuss the recommendations. Staff evaluating these proposals unanimously recommend that a contract not to exceed \$95,000 be awarded to Princeton Hydro. They have extensive experience in lake management and stream restoration including many projects within the Highlands and they have worked with state, county, municipal and also in the private sector. This experience will ensure attention to public and private purposes as well as development design issues. Staff believes that this guidance will provide key support for development of lake management plans and stream corridor protection restoration that are requirements from the RMP.

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

PUBLIC COMMENT ON THIS RESOLUTION

David Shope Lebanon Township

He asked how this project would affect a private property owner owning a piece of a stream. He asked for a copy of the contract.

Julia Somers New Jersey Highlands Coalition

She complimented the work of Princeton Hydro and asked how conflicts would be addressed.

Mr. Borden noted that the staff does a conflict screening for all proposals for contracts and that in this case, there would be model guidance established that is not specific to an individual municipality. He further explained that the planning grants available from the Council provided funding for municipalities to have their own consultants tailor that model to the municipality. Mr. Borden said that as soon as the contract was signed a copy would be provided to Mr. Shope.

Wilma Frey, New Jersey Conservation Foundation

She made a recommendation that the lakes management plans should include the full spectrum not just water quality e.g., the protection of habitat, historic and scenic resources up to the ridgeline.

There were no further comments. All members present and on the teleconference voted to approve. Ms. Way was absent. The resolution was APPROVED.

II. CONSIDERATION OF RESOLUTION – Approval of Contract for TDR Program and Highlands Redevelopment Program Assistance – (voting matter with public comment)

Ms. Swan introduced this resolution discussing the RFQ was released with a due date of July 1, 2009. She noted that there were thirteen submittals. She reviewed the scope of the proposed contract beginning with sending zone assistance that the firm would be able to assist the Highlands Council in the review of parcels to confirm eligibility for receipt of HDC allocation consistent with requirements of the RMP; to assist in the confirmation of municipal zone designation, bulk standards, and for non residential zones parking requirements in specific municipalities as those requirements existed in August 2004. She noted that although this section refers to a small number of non-residential parcels and staff has completed the bulk of the work for residential parcels that there was a need, as this was an important part of the contract, to have expert assistance for the nonresidential parcels as they are very site specific to understand the development potential at the time of the passage of the Highlands Act.

She continued the review with the assistance for non-residential parcels in determining building footprint and gross floor area of pre-Highlands Act development potential. From an economic perspective, she commented that the firm would assist the Council in preparing a report detailing amount and type of pre-Highlands Act development potential that could have reasonable occurred on a parcel.

The contract firm would also provide assistance in determining HDC requirements to construct in the TDR Receiving Zones through assessment of receiving zone project pro formas and underlying market economics and, in general, to assist in planning initiatives necessary for the implementation of TDR and consistency with redevelopment planning.

To recap, Ms. Swan listed the three areas in which staff was looking for expertise: planning experience to do analysis for site specific conditions opportunities looking at municipal regulations, expertise in real estate evaluation and redevelopment experience. She reviewed the unanimous staff recommendation of Group Melvin Design ("Group Melvin") to receive a contract not to exceed \$95,000. The recommended contract with Group Melvin would allow for the use of its sub-consultants: Regional Plan Association, Langan Engineering, and Real Estate Solution Group and Greenbaum Rowe Smith & Davis, LLP. The staff review committee selected Group Melvin based on the team's significant planning, site plan development, TDR, land valuation and redevelopment experience. Group Melvin is working for several municipalities in the Highlands Region and Ms. Swan noted that the comment made by Julia Somers regarding conflicts and addressed by Mr. Borden was specifically addressed in the proposed resolution which specifies the ability of staff to hire another firm that submitted a response to the RFQ on a specific project on an as needed basis due to potential conflicts.

Ms. Letts asked what the timeline was for this contract. Ms. Swan explained that this contract would be on a time and materials basis and that there was no specific timeframe.

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

Chairman Weingart asked how many projects would be able to be covered by this contract and it was noted by Ms. Swan that there was no specific number as it would be on an as needed basis particularly with respect to the non-residential sites. She also mentioned that she would continue to report out to the Council on progress and confirmed that the total authorization was \$95,000.

PUBLIC COMMENT ON THIS RESOLUTION

Dave Peifer, ANJEC

He asked for a clarification of the other firms involved that would be working with Group Melvin.

Harold Danielson, Hampton

He asked if this contract request had been sent out for competitive bids and if so to whom was it sent.

Helen Heinrich, NJ Farm Bureau

She complimented the choice of Group Melvin and mentioned the Farm Bureau's experience with that firm in Woolrich. She recommended that Group Melvin be engaged in the process right away to provide recommendations for stimulating TDR participation by municipalities.

David Shope, Lebanon Township

He asked where the line was between the Highlands Council and the HDC Bank Board. He expressed his opinion that the HDC Bank Board should be dealing with this contract.

Chairman Weingart asked for staff clarification of the issues raised. Ms. Swan read the list of subcontractors in the Group Melvin proposal – Regional Plan Association, Langan Engineering, Real Estate Solutions Group and Greenbaum Rowe Smith and Davis, LLP. Mr. Borden commented on competitive bidding that for the RFQ, staff was primarily interested in the qualifications of the thirteen bidders. He also mentioned that the RFQ was advertised in newspapers and on the Highlands Council website. Ms. Swan addressed the issue of the responsibility for this contract and said that it was under the purview of the Highlands Council.

Ms. Calabrese asked where Langen was based and decided to abstain from the vote as the firm was familiar to her.

Ms. Calabrese abstained and Ms. Way was absent. All other members present and on the teleconference voted to approve this resolution. The resolution was APPROVED.

EXECUTIVE DIRECTORS REPORT

Ms. Swan continued with the Executive Director's Report giving an update on the progress of Plan Conformance. She noted that 30 Initial Assessment Grant reports had been received and reviewed for completeness. For Module 3, staff is still working with COAH and the Division of Law to draft guidance on Fair Share Plans and Housing Elements. She noted that municipalities should be actively working on the development of Fair Share Plans. Under Module 4, staff is responding to municipalities as questions on the Environmental Resource Inventories arise. There have been 30 municipalities as of July 7th that submitted their draft Environmental Resource Inventories. The Highlands Master Plan Element which is Module 5 was posted as a model on June 2, 2009 and Ms. Swan reported that municipalities have begun work on that module. She concluded this update with Module 6 saying that work continues on the Highlands Ordinances. Specifically, the drafts are nearly complete for the Highlands Land Use Ordinance, and Board of Health ordinance for Septic System Maintenance and for Potential Contaminant Source Management. Ms. Swan mentioned that work would continue with municipality's professionals, engineers and land use attorneys.

Ms. Swan reported that the Module 1 and 2 Highlands Municipal Build-Out Reports were starting to be completed. She explained that the reports are sent to the mayor and professional with ten days for review prior to posting on the Highlands Council website.

Chairman Weingart asked Ms. Swan to define what the build-out analysis represented. She explained that the report is the result of a planning analysis based on vacant land and carrying capacity, net water availability in natural systems, infrastructure for public water and sewer and septic system yield. The first step is a vacant land analysis in partnership with municipality at a block and lot level. The Highlands Council staff provides all relevant municipal information and then asks the municipal professionals to verify and provide any corrections. They update the information with any development or additional buildings served by wastewater so at the end of Module 1 the information is verified. Then step two is where the additional constraints of the RMP are applied. She noted that this process is split between the Preservation and Planning Areas so that Highlands municipalities can look at all of the planning implications.

Ms. Letts asked if the analysis of a town that had a municipal water system and used ground water that was limited by the NJDEP through a water allocation permit was included in the build out analysis of net water availability. Dr. Van Abs responded the build-out report does deal with water utility capacity which is based on water allocation permits and in addition looks at net water availability. There are any number of limiting factors, therefore the most restrictive is what was used. Ms. Swan commented that staff had worked with municipal professionals and the actual build-out report is posted. She noted that supporting information will also be posted.

Mr. Alstede asked if the build-out projection included the exemptions that could be exercised. Mr. Borden explained that build-out report does not include projections for all exemptions because they are speculative as some of the owners might not ever exercise their exemptions. He noted that the policies of RMP include land preservation strategies and the use of septic system yield to retire exemptions. He also commented that the RMP is a planning tool and municipalities are supplied with a parcel based planning tool that they can use for tracking land development. He noted in response to questions that estimating the impact of all the 17 Highlands Act exemptions would be very difficult. Ms. Swan also clarified that the land associated with potential exemptions is included because all the vacant and oversized lot land is included in the analysis for septic system yield. She also commented that exemptions are outside of the scope of the RMP.

There was additional discussion regarding the exercise of exemptions and their effect on COAH projections. It was explained by Ms. Swan pursuant to Executive Order 114 for conforming municipalities that their projections will be adjusted to the Highlands Municipal Build-Out Report analysis. She clarified that projections from the Highlands Council and COAH are a planning tool, and that the actual affording housing obligation depends on actual growth and that it is up to the municipality to determine where growth should occur consistent with the RMP.

Mr. Cogger speaking in his capacity as Mayor of Chester Township said that the build-out results are consistent with what he expected and he was comfortable with it. He noted that the results for Chester Township did not have a commercial component.

Ms. Swan gave an overview of the involvement of staff with municipal professionals and explained that wastewater planning, master planning, and water availability are all areas where the build-out analysis can be used, not just affordable housing planning. She noted that the exemptions are not

guided by the RMP or the Highlands Act, but reiterated that in the septic system analysis the vacant lands are included. It is the towns that will apply the yield in their planning process according to Ms. Swan.

Mr. Borden explained that Exemption 1 and 2 are dealing with vacant land where single family homes can be built that are primarily reliant upon individual septic systems and wells. For Exemption 3, this exemption expired unless construction beyond site preparation commenced before August of 2007. Exemptions 1 and 2 do not normally necessitate a NJDEP water allocation permit just a local health department approval for the septic system and well. Mr. Borden pointed out that the RMP included provisions so that a municipality may account for the exemptions in the allocation of septic yield.

Ms. Swan continued with the Plan Conformance update. She noted that 17 municipal build-out reports are on the website as of today and 28 are complete. A total of 11 other Module 2 submissions are being worked on and this will be an ongoing process. There are 15 Module 2 reports soon ready to go out and 10 additional reports are coming soon. Some towns are still working on Module 1. She mentioned that the Planning Area municipalities do not have a deadline in the Highlands Act.

Mr. Alstede asked if every exemption 1 and 2 decided to exercise that exemption whether that would affect the build out numbers. Ms. Swan responded that exemptions could conceivably exceed capacity.

Ms. Swan next discussed the Conservation Restriction drafts. She reviewed the process saying that after much public comment the conservation restrictions had been divided into four different documents and then posted for additional public comments. She mentioned that the staff was awaiting state agency comments and after receipt additional drafts would be provided to the Council. She reiterated that comments had been received from a HDC Bank Board member and those comments had been incorporated. She asked for Council comments by the July 24th so that those comments could be shown to the HDC Bank Board at its next meeting on August 6th. At the next Highlands Council Meeting, August 27th, Chairman Weingart expects the Council to take action.

Chairman Weingart asked if there were any other questions from Council Members. Ms. Letts asked for a clarification of the responsibilities of the Highlands Council and the HDC Bank Board. Chairman Weingart asked Ms. Swan to make a power point presentation at the next Highlands Council meeting on August 27th that she had done for the HDC Bank Board.

There was additional discussion regarding exemptions, the burden of dealing with the NJDEP and the coordination with municipalities. Mr. Borden commented that the RMP included an important issue authorizing the delegation for some of the exemptions to the municipalities. He also noted that there needs to be further coordination with NJDEP to delegate this authority in the Preservation Area. Ms. Swan added that many building officials are not comfortable with issuing permits.

Mr. Francis asked for a clarification of the protocols between the NJDEP and municipalities. This was in reference to exemption analysis. Ms. Swan commented that the RMP contemplates handing over some exemption determinations to the conforming towns, it is important for them to be in charge and once a town conforms to the RMP, the town is in the best position to serve its residents.

Mr. Alstede expressed his concern for any NJDEP authority over exemption determinations and thought it was a burden to landowners.

Hearing no additional Council Member comments, Chairman Weingart opened the meeting for Public Comments.

GENERAL PUBLIC COMMENT

Wilma Frey, New Jersey Conservation Foundation

She commented on the TDR Conservation Restrictions and asked that the Council ensure that the resource values are protected by the easements. She recommended that the agriculture easements include the 5% max for impervious surface for agricultural lands created by the Highlands Act. She also recommended that all development rights be retired on the restricted land including the ability to mitigate critical habitat. She did not want double dipping. She asked for a clear statement of what is restricted and what is permitted and wanted a list of the remaining permitted uses included. For access, she advocated that there be a provision for emergency immediate access. She next recommended the establishment of a baseline of what exists on the property in narrative or maps when the easement is executed to provide a basis for the future comparison with respect to restrictions.

Mr. Weingart asked her to submit further comments in writing.

Monique Purcell, Dept of Agriculture

She commented that the conversation about towns and how they handle exemptions is confusing and important to work out with NJDEP. She noted with respect to Ms. Frey's request regarding impervious cover that it is being incentivized by SADC through the Federal farmland and ranchland program and did not agree with Ms. Frey to add another layer to the TDR Restriction. She asked for special attention to the Conservation Restrictions and appreciated that those comments would be reviewed once more by the HDC Bank Board before the Highlands Council took action. She reiterated the importance of the conservation restrictions to the future of the TDR program.

Dave Peifer, ANJEC

He commented that how towns deal with exemptions is a major problem. He recommended a technical paper determining exemption impacts as those impacts are a planning concern for town master planning and an administrative issue for the town and property owners. He also asked for an enhanced public process in the ordinance development. He also noted his concern for conflicting goals and objectives that are supposed to be achieved by the conservation restrictions. He asked that the Council relate the document to a system of administration.

He noted that the bundle of rights that a landowner has is increasing in size, e.g. wetland mitigation application on an already restricted piece of land. He wanted the Council to examine the near and long term future of the retained rights. He then mentioned the energy facilities that are being installed and what do the restrictions leave after installation. He asked a question with respect to local authority. Does the local authority receive the enhanced legal protection authority provided in the Highlands Act where the ordinance was not linked to conformance with the Act?

Helen Heinrich, New Jersey Farm Bureau

She asked that the revised Conservation Restrictions be posted today for more public comment. She spoke against having a prohibitions list in the conservation restrictions that comes from an old statute and does not believe it is applicable. She wanted to know if agritourism and ecotourism were allowed in the conservation restrictions. She commented that for a landowner to give up an exception means a big financial concern without further compensation. She thanked for the opportunity for the HDC Bank to look at the deeds restriction language again.

Deborah Post, Chester Township

She commented on the exemptions discussion and spoke to the expense of working through the exemption process with NJDEP. She discussed the local authority of towns after conformance and thought that there would be takings lawsuits against the towns. She also commented that the staff should include exemption analysis in the build-out reports. She went on to discuss the dual methodology appraisal deadline which had passed and had not been extended and that without it landowners would lose even more value for their rights taken from the enactment of the Highlands Act. She reiterated her disagreement with the methodology used to establish the initial credit price for a HDC. She mentioned the high cost in association with the recent redevelopment project approved by the Council as unfair for an individual landowner. She expressed her disagreement with the Conservation Restriction language with respect to third party transfer, right to purchase underlying rights and right of access for inspection. She submitted written comments.

Julia Somers New Jersey Highlands Coalition

She expressed concern about the lack of public involvement in the Plan Conformance process noting that only municipal officials were working with staff. She referenced a firm that was hired to work on open space issues and asked if that firm is providing input on the conservation restriction easement documents.

David Shope, Lebanon Township

He advocated that the TDR easement should state it includes a building right and should be one page. He objects to third party inspection. He referenced a report from 2003 on drinking water saying that the report indicated that water was too cheap, methods to get people to pay stakeholders defined as water users and water companies. He noted that the landowners were not included as stakeholders as in the Highlands. He asked for a status of the Clinton TDR grant for \$23,500. He also asked about the ground water recharge methodology and believes the staff used the wrong one. He submitted a letter for the public record from Lebanon Township regarding downzoning.

The meeting was adjourned at 11:55 am.

CERTIFICATION

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: 8/28/09

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

TRUE COPY

**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 Francis			✓			
Councilmember Kovach			✓			
Councilmember Letts		✓	✓			
Councilmember Peterson						✓
Councilmember Schrier	✓		✓			
Councilmember Vetrano						✓
Councilmember Way					✓	
Councilmember Whitenack			✓			
Councilmember Weingart			✓			

TOWNSHIP OF LEBANON

HUNTERDON COUNTY

Municipal Building
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Comments submitted at Highlands Council Meeting
on July 16, 2009 by David Shope.
Page 1 of 3.

DATE: Dec 18TO: DAN Van Abs

PHONE: _____

FAX: 732-356-9461FROM: EILEEN SWAN, MAYORPATRICIA SCHRIVER, COMMITTEEWOMANJAY D. WEEKS, COMMITTEEMANART GERLICH, COMMITTEEMANGOTTFRIED PLETZER, DEPUTY MAYOR

MESSAGE: _____

For your commentTHERE ARE A TOTAL OF 3 PAGES INCLUDING THIS COVER SHEET, IF TrxTHERE ARE ANY PROBLEMS WITH THIS TRANSMITTAL, PLEASE CALL. Dan

Eileen -
Our State charter calls for NJWSA to provide water to its customers, both public (New Brunswick, North Brunswick, East Brunswick, etc.) and investor owned (Etown, Middlessex Water). All of them serve the public; that's where the water goes, and watershed protection benefits the public more than companies. Windy Acres is result of an affordable housing suit - Etown would provide water because their lines are there. the NJWSA "real purpose" is the protection of Reservoir, as stated in MOW - that is public info.

Comments submitted at Highlands Council Meeting
on July 16, 2009 by David Shope.
Page 2 of 3.

- Section 18-3.13d, concerning tracts of 30 acres or less, is incomprehensible. Paragraph 1 states that the standard does not apply to two lot subdivisions, but paragraph 2 states the reverse. Which is it?

Why is the entire area of East Hill Road, from Bunnvale Road to Slyker and beyond, and down to Rte 513, in a five acre zone (except for a small area at or near the bottom of Hickory Run Road), when all of the physical features, streams, subsoil, etc., are identical to the RC zone? If there is justification for this, then why has the Mayor started negotiating for preservation of a parcel of land that is smack in the middle of what for 25 years has been designated as a Commercial "Hamlet Zone", has Califon water mains in the street in front of it, is surrounded by five acre zoning, and which abuts Rte 513? This defies any planning analysis that I know of. Further, rumor has it that the Fox - Rodigas and Ambielli properties will also be approached for development rights. The latter are also along Rte 513, one of which is really in what is supposed to be our Industrial Zone. Is this planning, when many other more strategic parcels are ready and perhaps willing to join the open space designation areas? And if the environment is the goal, then why has Teetertown Ravine been zoned as five acres? I do not understand this logic.

The entire backbone of the proposed zoning change is water. Yet, there have been no certified instances of wells going dry, except as noted for wells in the 1960's, and other wells which have been having trouble for twenty years and probably should have long ago been called bad and re-drilled. The M2 study has prevailed, bad science, unorthodox assumptions, and all. And the Water Authority has been used as an expert witness, though their real purpose has not so far been made known to the public. If it were, it would have to be made known that this is the same organization which sells two-thirds of its water to Elizabethtown Water Company, and is an organization which has as it's stated purpose the procurement of clean and plentiful water for it's downstream users (read profit making ventures).

Further, it would also have to be made public that the Elizabethtown Water Company is actually owned by a German Conglomerate that has as its goal the making of profit for its shareholders worldwide. It would also have to be told, as the attached article shows, that Elizabethtown Water Company is linked to the 'dreaded' Windy Acres Development in Clinton Township, which will have 911 houses put on 292 acres. This is important to note because those 911 homes will sit on an average of one third of an acre each - one thirtieth of what we are being expected to use as a reasonable amount of land per home in this township, and just shy of one half of our total number of township residences. This is also approximately the same amount of land that is causing such a ruckus here in the township, with only 39 Toll Brother houses. Don't these facts seem a little contradictory to you? Are we to assume that we are giving up our rights and equity for this sort of downstream user?

Comments submitted at Highlands Council Meeting
on July 16, 2009 by David Shope.
Page 3 of 3.

This ordinance is obviously aimed at stopping development at all costs. But "all costs" means all costs to only certain of our residents. If you own a five-acre development house with a swimming pool and tennis court, but it is not in the RC zone, you are unaffected. If you have subdivided every bit of your land previously, and live outside of the RC zone, you are unaffected. In fact, unless you are one of only 160 families, you are unaffected. This means that 5,500 residents of this township are unaffected. Is this a fair distribution of the cost of stopping development? I think not. Could you fashion a more equitable solution to the problem? I think that you could, if you started thinking more critically, and stopped relying solely on the advice of your planner.

The issue of taxes is, of course, at the bottom of your attempts. That is why you will not listen to input from those of us who are begging you for reconsideration. Given the township's inability to keep up with its COAH obligations, its inability to fund our school system, its terror at the thought of new development, etc., it is completely understandable that the board is trying to accomplish its agenda. However, the feeble attempts to increase ratables (while actually eliminating the chance for them in the Rte 31 and Rte 513 corridors), the recent re-appraisal of township property, and the worldwide impending recession coupled with the real loss of equity which will follow this ordinance, if passed, will only make matters worse in the township for the next 20 or 30 years. This does not look like any rational planning process that I am familiar with.

My recommendation is to leave the zoning as is, but control growth by ordinance. There have been significant restraints on development with the recently passed Stream Corridor Ordinance, the Well Testing Ordinance, the Steep Slope Ordinance, the DEP Septic Ordinance, and even the recent expansion of the Street ROW regulations. Other State imposed regulations on wetlands and floodplain areas further slow development. Let these do their work, at this time. Go after preservation of open land with matching County and State funds, or issue Township bonds and see what must be further done during the next Master Plan mandated session. I am quite sure that your present course is too much- too soon, with too little thought about the consequences, and the consequences will almost certainly lead to many lawsuits against the township. I would think that you are mandated to avoid these, at the very least.

Thank you for reading this far, for the opportunity to express my thoughts, and for the work that you have put into the issue thus far. I sincerely hope that you will give these thoughts some careful consideration before simply passing the ordinance as written. There is simply too much at stake, for too many of us, for you to take these comments lightly.

Ed Gagne, AIA, NCARB, Resident of the Township

My name is Deborah Post.

The Plan to annihilate the Highlands landowners is falling into place nicely, isn't it? Thanks very much to the crafty Mr. Borden and his extreme green cohorts, with some help from his friend the chairman. Are the rest of the Board members aware of this Plan? Let me detail:

1. The Green Acres Bond Act of 2009 was recently passed by the legislature and will be on the November ballot for voter approval. But Senator McKeon's bill to extend the June 30, 2009 appraisal methodology sundown date in the Highlands Act was never brought to a floor for a vote. Bill A3901 was a façade, a consciously conceived trick to pretend that the Highlands landowners would participate in the Green Acres preservation programs in the future, but to insure that they do not. The \$600 million Green Acre bond of 2009, if passed by the voters, will de facto exclude all harmed Highland landowners because the appraisal process will not allow these landowners to be paid for their development rights, which were taken in 2004. If there are any Board members who need this explained further, you should not be on this Board.
2. The Highlands Regional Master Plan adopted by this Council sets the initial price of the Highlands Development Credit at 17.5 cents on the appraised dollar of development right value. That's 17 and a half percent of the real property values taken by the Highlands Act. Again, I ask if the members of this Council are proud of themselves for their 17 and a half cent offer?
3. The recent Council approvals of a new parking lot and an electrical transmission line prove, without a doubt, that the professional fee and mitigation costs of gaining approvals to do anything in the Highlands is so high as to be a remedy not available to the lion's share of harmed landowners, many of them ordinary farmers who are the true good stewards of the environment. Let no good deed go unpunished.
4. And now we have the Highlands TDR deed restrictions:

- a. The deed restriction gives the staff of this Council and many other government bureaucrats access to our land...the right to enter our homes and our property Mr Borden may devise some obscure non compliance, and extract a further, likely deadly, pound of flesh from Highlands landowners. You have no idea what a nightmare it is to envision monsters such as the staff of this Council trespassing on my land denying me the right to my privacy and security of my home. Welcome to the America of tomorrow. This Council's deed restriction has given Big Brother a home in my barn. *not to mention bank on the ground with fines*
- b. The deed restriction allows its conveyance to private third parties so that these trespass rights could be purchased by Mr. Pringle, Mr. Olsen, Mr. Tittle, Ms. Somers, or any of many other extremists who will revel, as they do before this Council, in further abusing and raping the Highlands landowners.
- c. The deed restriction also provides this Council and the State with "right to purchase" the underlying lands beyond the rights provided in a lienholders foreclosure proceeding. The goal is, isn't it, to pay 17 and half cents for the restriction and then another nickel for the physical property itself?
- d. The deed restriction also puts a limitation on the property owners right to sell the restricted property to the buyer of their choice.

The deed restriction overreaches the Highlands Act and insures that no one will ever sell a TDRs. There's consequently no need to fund the TDR Bank and its Potemkin purpose is reconfirmed. Highland landowners will not be eligible for Green Acres funding without an extension of the appraisal sundown date. So, Mr. Chairman, you are winning your bet with Mr. Smith that you would successfully squash the Highlands landowners and implement his evil Highlands bill for free.