

New Jersey Highlands Council
Public Hearing in Consideration of the
Draft Regional Master Plan

Date: January 9, 2007
Commencing at: 6:00 PM
Location: Frelinghuysen Arboretum,
Morristown, NJ

Before: Hearing Officer Jack Schrier and fellow
Highlands Council Members Kurt
Alstede Tracey Carluccio, Mimi Letts,
Chairman John Weingart, and Scott
Whitenack

Hearing Officer Jack Schrier: Good Evening. I'd like to get started. I expect that once we get started others will be filtering in. Welcome to the public hearings on the Highlands draft Regional Master Plan. This public hearing has been noticed on the Council's website and printed in the Council's newspapers of record. As I begin, kindly join me in a salute to the flag. **[Pledge of allegiance]**

My name is Jack Schrier and I am the Vice Chair man of the Highlands Water Protection and Planning Council. Today I will be serving as the Hearing Officer of this public hearing. With me today are Chairman John Weingart and Council members Kurt Alstede, Tracy Carluccio, Mimi Letts and Scott Whitnack as well as Tom Borden, the Deputy Executive Director of the Highlands Council and staff.

In today's hearing we will hear comments from interested members of the public on the draft Regional Master Plan which was released for public comment on November 30, 2006. This serves as one of the five public hearings called for in the Highlands Act that must occur within the Highlands Region. A sixth hearing will be held in Trenton and at least two additional hearings are in the process of being scheduled. The comment period is set to run through March 2nd. The hearing schedule is at the registration desk and on our web site.

The draft Plan has been widely distributed to all 88 highlands municipalities, seven Highlands counties, numerous public libraries, and is available at the Highlands Council's office and on the Council website. The Council's website has extensive technical information containing detailed information supporting the draft Plan. The Council would like to thank each of you for your time and thoughtful input which will assist us in developing and refining the Plan. It is important to stress that this is a draft Plan and the Council intends to makes changes to this draft based on public comment. The Council firmly believes that this process will only serve to strengthen and improve the Plan.

Today we will hear from you. If you would like to speak, please fill out a colored Commenter form at the registration table. We encourage all speakers to leave a copy of their remarks with the Highlands Council staff. Please keep your comments brief so that we have an opportunity to hear from everyone. This is a listening session. There will be future Council meetings available to the pubic for consideration of changes to the draft Plan. If you have questions please see the Highlands Council staff at the registration desk.

Members of the public may also submit written comments. It's easy. Just go to www.highlands.state.nj.us and click on "Comment on Draft Plan." Keep in mind that no additional weight is given to a person submitting the same comment, multiple times or methods.

Before we take the first comment, some brief background on the development of the draft Plan is in order. The New Jersey Legislature enacted the Highland Water Protection and Planning Act in order to protect nearly 860,000 acres which supply drinking water for more than sixty-five percent of New Jersey's residents. The Highlands Act created the Highlands Council as a regional planning entity charged with protecting the water resources and natural beauty of the New Jersey Highlands while allowing for planned, sustainable development and redevelopment. It required the Council to create a master plan for the entire Highlands Region.

The draft Regional Master Plan, released November 30, 2006, is a comprehensive, science-based plan, designed to safeguard New Jersey's most significant source of drinking water.

Using the latest science and data, the draft Plan proposes policies and strategies designed to best protect Highlands' resources while also promoting a sustainable economy and sustainable agricultural practices. The draft Plan is built upon land use standards and a Land Use Capability Map. The Land Use Capability Map is based on an analysis of natural resources, existing development, infrastructure, and agricultural activities. The map establishes three zones that overlay municipal zoning, each with its own criteria and standards.

The Protection Zone (green) contains the most important natural resource lands that are critical to maintaining water quality, quantity, and other significant ecological processes. The purpose is to protect natural resources, especially water. Generally, standards in the zone prohibit the disturbance of natural resources or expansion of infrastructure. Public land acquisition is a priority in the Protection Zone.

The Conservation Zone (brown) captures regionally significant agricultural lands. The purpose is to promote agriculture within the framework of the Highlands environment. Generally, development potential is limited in size and intensity due to infrastructure constraints and natural resource protection goals, although opportunities exist for low impact, clustered development. Standards protect agricultural soils and large farms and contiguous operations.

The Planned Community Zone (purple) was established for the purpose of working with municipalities and counties to determine appropriateness of further development given the presence or absence of water and sewer and the desire of the town to grow. These areas are less environmentally constrained, and, with proper planning, *may* support development in a manner and intensity desired by the municipality. Emphasis will be on increasing land use efficiency, encouraging the use of previously developed lands through techniques such as revitalization, adaptive reuse, in fill, and property assemblage.

In addition to zone standards, site specific standards may apply, such as stream buffers and steep slope protections.

Things about the draft Plan to note:

- The draft Plan is designed to protect against water shortages, dry wells and costly water treatment systems.
- The draft Plan does not mandate growth and will serve to control sprawl.
- It promotes sustainable communities and agricultural viability.
- The draft Plan advances the establishment of a transfer of development rights (TDR) program and calls for increased land preservation funding for the Region.
- The draft Plan is designed to benefit municipalities and all levels of government and can serve to maximize the benefits of State and federal planning and financial investments in land and infrastructure.

Recognition of Elected Officials

I am pleased to welcome the following elected officials here today. Richard Krieg, from Mendham Township, Council member Cory Fuller, Chatham Boro

Opening to Comments

With that, I would like to open the comment portion of the public hearing. We want to give everyone a chance to speak. Given the number of people, we are asking people to confine their comments to 3 minutes. Council reserves the right to expedite the process, if necessary, so as not to deny anyone of the opportunity to speak. When I call you, please come forward to the microphone and state your name and any official affiliation clearly for the record.

Final Ground Rules

Comment on the draft Plan: The Council is not taking comments on the Highlands Act or NJDEP regulations. This forum is also for the purpose of addressing specific property questions. The Council will continue to handle property questions but not in this proceeding. If you came today with the hope of raising a question about your property, please see a staffer at the back of the room.

(2) Be specific: For example, if your concern is water resource protection, say what the Plan should say and why. Remember, the Plan is not completed-- it's just in draft form. We're seeking your input to improve it. Your comments will have the greatest affect when you focus on the specifics of what you think the Plan should say.

The first speaker is:

Marion Harris, Chair of the Morris County Trust for Historic Preservation, President of a nonprofit entity: Hello, I am Marion Harris and I am Chairman of the Morris County Trust for Historic Preservation. I am also President of a little known organization called the Mount Hope Historical Conservancy and I have been until very recently Chairman of the Morristown Historic Preservation Commission. I am also tonight coming from, not exactly representing, but out of a group of 6 or 7 people who understand that you cannot effectively protect natural resources and cultural resources separately. They are inseparable and you have to consider them together. I think that other members of this small unnamed group will testify at different times and eventually we are going to provide written comments although we don't have them all, I can tell you who these mysterious people are. A couple of us have organizations some of them don't, but the main thing that brought us together is that we wanted to be sure that cultural resources were covered adequately in the plan.

Which we don't think they really are at the time although we are very grateful they are covered at all and right from the beginning of the plan I have tried to say that whenever I have talked to you a lot of you. What I would like to do with my 3 minutes tonight is to talk about inventory of cultural resources, how you get it, how you evaluate it and how you protect it. Because we have some suggestions that may make it easier for you to do that and it's very important for you to do that inventory before you start figuring out what kind of protections you can, can place on resources like this.

I understand that you have the State Historic Preservation Office database. I'm sure you know and, they'll be the first to tell you, that that's very far from being 100% of the cultural

resources that need to be recognized in the state. There's going to be a lot more stuff coming out of there. That will give you the beginning of the list that you could work from but first of all you need to be able to describe in general terms what the cultural resources of the Highlands are like; why is this area different from, for instance, the city of Seattle; what do you say about the way the area developed; what made it develop that way; how did the road pattern develop; what kinds of buildings were built there, how big were they, how tall were they how close together were they; what have you got on the ground.

In order to do this you really need a far more complete history of the area than you've been able to have so far. There are people who can do this for you, Peter Wachert can do it, Brian Morrell can do it, Rick Porter can do it. I'm sure these are names that are known to you and some of them actually are in this small group I'm talking to you about. So you need to have a background for this inventory and then yes people will suggest things to you but there's really no substitute for sending people out to collect things and they have to be fairly knowledgeable people to know what is significant. Once you have defined significance for the area, in a general way, you go out and you say "Oh look, there used to be a mine site there and I recognize that because I can see what the ground looks like." That takes special training for somebody. You just can't have a neighbor saying "Well, we have a hole in the ground there must be a mine under there." So you have to go through this collection process very carefully and then when you get your list of things you have to evaluate them. Now that's the thing that takes technical training.

And it occurs to us that it would be useful for you to draw on the cultural TAC that you had because there are people there who are very well equipped to go through the list of proposed cultural resources that people have brought in and say "this is significant and this is probably not significant and this one we have to go out and look at to see how much integrity is left" because maybe it was an important building at one point maybe you have a lake. So anyway, the TAC can help you but also if you need professional help there's no reason why can't do what NJ Transit and NJDOT do and rent some time of somebody who works in the state historic preservation office. I haven't even got to the protection part yet.

Dennis Harsley, Riverdale: Good evening. I am Dennis Harsley and I am from Riverdale. I am just a citizen that's concerned about the water in my area and the over growth of my town. I see the planned community zones they take in quite a large area and I'm seeing the open areas of my town disappear to development. The Highlands Council, I ask, to think about this. They should be included in the protection zone because you have all this construction going on. It adds pollutants to the environment.

Then after the construction, you have problems with the runoff from the vehicle traffic that it incurs from more vehicles. It brings in a lot more vehicles. You have to make more roads and then you get more pollution of your streams, waters and aquifers. Which I'm concerned with because my well now has a few problems and I'm concerned with the drinking quality and I just don't want the citizens who in the future would have to come up against problems of what to do with clean water how to purify what we have, not enough water and where do you get it from. And that's all I would you to think about is if some of these planned community zones should be in the protection zone. That's it, that's all I have to say.

Jeff Tittel, President, New Jersey Sierra Club: I just wanted to thank the Council for having hearings, long overdue for all of us who have been involved with Highlands issues. I'll be brief because other people haven't spoken and I spoke a little earlier today. To me, the Highlands are an incredible place when you think about what opportunities we have as far as land preservation, doing balanced growth and more importantly preserving the natural resources for the future. We have things in the Highlands that appear nowhere else in the country. We are at the northern end of most southern species; we're at the southern end of most northern species and have a biodiversity second to none. We have some of the most incredible scenic vistas. I think of up in Ringwood, when I go hiking behind my house there I can look out and see the Wanaque reservoir and look to the north and see the mountains of the sterling forest and look across the Wanaque reservoir and see the New York Sky line.

But where your standing on that ridge and looking out you also see the development that has been marching steadily every year from urban New Jersey out into the Highlands; and you see the bridge from 287 going across the Wanaque gorge and you see development that was taking place in the sides of mountains. And some of that development, because there was never any capacity analysis done and there was never any real zoning in place other than the whims of the town, nothing based on science, nothing based on real land use, you see developments where they chew up the side of the hill; where you see, where you see buildings that have come down because of mudslides because they were built on slopes like this because there was no slope regulations; you see properties at the bottom that have been flooded out by those developments and you see the people in those towns having to spend tremendous amount of time and money themselves to protect their properties from flooding or when a new subdivision goes in, have to dig a new well or to put in a new septic because a development went in behind them and flooded out their septic.

The people who live in the Highlands, who care and been there for years, who have put up with high taxes and long commutes are there because they love it and they want to see the Highlands protected. And I think that's something that sometimes we miss when we hear a lot of the yelling and things that go on, that the people who live in the Highlands, especially I know in my community, you know, really care about the Highlands and want to make sure that there's a strong comprehensive plan that protects the equity for all the people in the Highlands and all the homeowners, not just land speculators. Secondly, when you look out and you see that beautiful vista and you see all that development well, all those areas of New Jersey depend on the Highlands for water. You know a hundred billion dollars worth of economy. And when you think about what would happen if we lose the Highlands, the North Jersey water supply commission did a study in 2004 where they talked about if the highlands were lost the additional treatment for the water consumers of New Jersey would be a hundred billion dollars over the next fifty years, if there's water there.

Because one of the things that we've seen in the Highlands as we've seen development take place we've seen streams that used to run in the summer time dry up because of over pumping to new development; we've seen waters we used to be able to drink out of, that were pristine, now become polluted; we've seen mountains get blown up and sliced in half. What we see with the Highlands Act is that that won't happen in the future. That we'll be protecting those natural resources and that we will be looking toward the future, for the state and for the people who live in the Highlands.

I wanted to make a couple comments on the plan, and one thing that really disturbs me, because it hasn't been defined. And that is on, I guess, the purple areas and I wore a purple tie today, I kinda reasoned, what's going to happen to those areas we know from the plan they could become TDR receiving areas, they could become um places for transient villages for redevelopment but we don't know what the densities are going to be and how much growth are you going to take. And those areas are both water supply intakes or above reservoirs and the concern is what's the capacity, what's the analysis going to show what's the impact of that potential development and I think you need to take a second look at those community development areas to find out what, really, is the capacity of those areas, and can it really grow.

Because some of them like in West Milford and Ringwood are they going to be for people are they going to be for infill or are they going to be for redevelopment and can you handle that without bringing in sewers and doing other things that goes against the Act. And my last piece, just real quick, is that you need to get the water analysis done the capacity analysis the build out analysis and model, without that you really don't have a plan.

David Pringle, Campaign Director NJEF: My name is David Pringle and I am the campaign director for New Jersey Environmental Federation. We have 90,000 individual members throughout New Jersey, the vast majority of which consume Highlands water as their primary source of drinking water and virtually all recreating benefit from the economic benefit resulting from Highlands water. My family, who lives in NJ, drinks Elizabeth town water and showers in Elizabethtown water everyday, which comes from primarily the Highlands, thanks to the Raritan. I'm also here also representing a group of urban activists and mayors who will be submitting comments. And I'll be representing two in particular tonight Reverend Doctor James from Newark and is the head of the North Jersey Black Clergy Association and Dean Smith mayor of Irvington and President of the New Jersey Urban Mayors. They themselves are consumers of Highlands' drinking water and represent many other folks that do as well.

With the hearing officer's comments, I will be commenting and making specific point on the plan. But our basic premise is the plan, while moving in the right direction, isn't strong enough. You already face tremendous political pressure to have the plan be as weak as possible. And to combat that, the reason we have this plan is because the context. And the context can't be stressed enough. So I'll spend half of my time on the context before I comment.

The flow of the Passaic River during drought conditions which happened several times in the last decade is almost 100% treated sewage. North Jersey drinking water fountains in at a school were shut down because of high levels of contamination leading to birth defects, miscarriages, and cancer, that are directly attributable to the over development of the Highlands. As Mr. Tittel mentioned, the \$100 billion for new treatment that the North Jersey water supply commission estimated, that's \$400 per resident per year for the next 50 years. So much for the government property tax savings cause we just lost it if we don't manage to protect the Highlands. To that end, we are pleased that 65% of the Highlands is in the Protection Zone under this plan, but a lot of that is in the Planning Area and it's voluntary.

And the old adage goes you can't judge a book by its cover. We like the cover but the pages is what matters and many of the pages are blank. Just receiving the technical reports today and in my opinion, the most important technical reports have yet to be released. The water resources, is from my understanding especially for the agricultural areas and the hydrate density modules and all, that that information is remaining MIA for the foreseeable future. So it's difficult to comment when that kind of critical information is lacking. Meanwhile we're almost burning through 5,000 acres in NJ Highlands every year. More cost, more development, more pollution, less water.

Even in non drought conditions, the Pequannock River, entirely within the Highlands, is out of water, literally. Wells are running dry in non drought conditions. So, in that, I'd like to make a few specific comments on the plan. The first is, I would like to emphasize in the Planned Community Zones, the purple areas, we ask if wetlands are regulated. And so there would be very little development on those wetlands. But stuff happens and those wetlands will sometimes get developed. Even when they don't get developed, you're setting false expectations and you're creating more conflict. It's the State Plan all over again. You have to clearly designate this stuff.

And finally even when those areas aren't developed themselves, they will risk developing the upland areas within those Planned Community zones. The wetlands and the other impacted areas dry up and they will be destroyed just the same even though you didn't develop them. So please take a much closer look at them. One final point: Half of the consumers of Highlands' drinking water live in Middlesex, Hudson, Essex, and Union county and there are no public hearings for half of the folks that are going to be directly attributed, directly impacted by this. So as you're scheduling more hearings, I would like to see, it would be nice, if one hearing was in an urban area directly impacted by the Highlands.

Hank Klumpp, Hunterdon County: Good evening. Thank you for letting me speak today. I appreciate it. I am one of the property owners that this Highlands Act has affected. My name is Hank Klumpp. I am a farmer in Hunterdon and I have 150 acres in the Highlands Preservation. Those of you on the Highlands Council who have been here since day one – as I have been – can hopefully feel my frustrated pain over the agony of having my property values stolen right out from under me. This is land my family and I have cared for, for generations. Instead of being rewarded for the care that has been given to the land, I've been made the victim of the Highlands Act that doesn't have now – and never did have – any money in place to compensate me or others for life savings. The Highlands Act should have been shelved because funds were not in place to implement the Act.

Watch the films on TV about the Highlands and its plans for the future. Where in the film does it say that the following was made possible by the theft of land values from farmers and large landowners in the Highlands? Unfortunately, people are not aware of how this Highlands Act is hurting people. All they hear is about water, trees, endangered species – not who is actually paying the price. Even the governor who signed this flawed Act lives on a postage stamp in Plainfield – does he care about my family or my property theft? It has been written that in a perfect world, property owners would receive the real estate value for their land, but, under the circumstance, compromise will have to be made. Would that satisfy you – if the property in question was yours?

Recent maps I've seen, shows my farm should never have been included. Politics not science determined the line boundaries for the Highlands preservation. This matter becomes more unjust as time goes on. How can it stand?

My wife is writing a book about our life in Hunterdon – the past, the present and possible future. The publicist has told her she may find it difficult to convince the public that she is writing, what she is writing is a fact and not fiction!

Thank you very much I appreciate your time. And one other note, if this plan is gonna work, someone has to come up with some money. That's the name of the game. And if there's no money, there should be no plan. There's people whose lives have been on hold for over 3 years and nothing. How would you feel if you had money in the bank and somebody came up to you and said, gee I'm sorry, you can't use it any more? It's un-American, it's unrealistic and when you're trying to live in today's world, it's not right. Thank you very much. I appreciate it.

Robert Johnson, Summit: Hi I'm Robert Johnson. I live in Summit NJ. I think the plan is a good plan however I suggest you strengthen it by doing a build out analysis so you know what the future holds and by doing a carrying capacity analysis so you know the future is sustainable. Thank you for your consideration.

Rory Corrigan, Morristown: I'm Rory Corrigan, a resident of Morristown, just a taxpayer citizen with some interest. I support the Draft; I support the Act that it's in support of. I won't repeat all that's been said about water but I firmly and strongly agree with it as do my family and most of my neighbors. I've been a resident here since 1983.

I've lived close to the Whippany River and we've watched a degradation of the lands in and around Morristown by sprawl and by the, how should I say violation of everything from zoning ordinances. We've been profiting from water resources. This is an imperfect draft I realize, I think the Act itself is imperfect in many ways, which you'll hear about tonight. But I also think its farsighted legislation that needs to be enacted, needs to be strengthened and I applaud your efforts to do so. Thank you.

Ross Kushner, Pequannock River Coalition: Good evening, Ross Kushner, representing the Pequannock River Coalition; I have formal comments which I'll summarize tonight. I'll hand in the whole set. When the Highlands Act was adopted, there was cause for both concern and relief. Concern because more than half the NJ Highlands were placed in the Planning Area and essentially unprotected. Even though towns in the planning area may eventually opt-in the plan; the towns that are likely to opt in are towns that are serious about water protection when there was a problem in the first place.

However, we can still rejoice in the fact that almost half the highlands were placed in the preservation area. Or were they? This draft plan puts 150,000 acres in the Highlands in the planned community zones where growth will be promoted. That's about 220 square miles. Incredibly 17,000 of those acres, 25 square miles, are being carved out of the preservation area and into the growth zones. Putting lands that we thought was protected forever right back in the chopping block. I'm amazed that the builders are still complaining but maybe

faulty homes should be thrown out. According to the Council, lands in the planned community zones have minimal environmental constraints. I wish it were so.

As the single example and by the council's own admission, 7,000 acres in these growth zones, that's 10 square miles, are wetlands, critical to water quality. From our own analysis, lay thousands more floodplains, steep slopes, river and stream buffers and wellhead protection areas. These are lands that are essential to water supply and quality. These are the same lands the Highlands Act was designed to protect and the citizens of NJ have a right to see protected. In fact, the Highlands Act specifically lists the protection of wetlands, vegetative stream corridors, and steep slopes as a goal of the regional master plan. That the Council is putting these lands in harm's way is outrageous.

We have heard the argument that these lands will be reviewed on a lot by lot basis and that environmental concerns will be handled as development is proposed yet this is precisely the scatter gun, local approach the regional plan is supposed to avoid. Again the stated goal of the Highlands act is to, and I quote "discourage piecemeal, scattered and inappropriate development" end quote. It's unbelievable that all this money and effort have been wasted only to put land usage right back where it started. The first, and most important, thing a resource paced map should accomplish is to identify those lands critical to water supply and place them of limits.

In this, the Council has failed utterly. We know where these lands are. We know they are sensitive. Why are we putting these lands at risk? This morning I developed a map showing the planned community zones with these sensitive lands identified and removed. I created this map in less than an hour. The council, with dozens of staff and millions in their budget, has yet to achieve this in 2 years. Until and unless this regional mapping recognizes land essential to our resources and protects them fully, this plan will be a sham and a disgrace. The council must go back to the drawing board. It's time we got this right.

Brenda Holzinger, Conservation Chair of the Adirondack Mountain Club: Hi. Good evening and thank you. My name is Brenda Holzinger and I live in Morristown. And I'm an individual who uses a lot of New Jersey's protected open spaces. I am here tonight as the Conservation Chair of the Adirondack Mountain Club the North Jersey chapter. And we are primarily a hiking club.

I wanted to encourage the Council to consider Newark as a spot for a public hearing. I think you all know that Newark is not only a huge consumer of highlands water, but it's also a very large Highlands land owner. Newark owns about 35000 acres of some of the wildest area in the Highlands, the Pequannock watershed and by having a hearing in Newark the Highlands Council would be taking an opportunity I think that would be very significant to educate more of New Jersey citizens about the very vital connection between preserving open space and also protecting our drinking water.

And also sort of moving along that link between connecting open space and water I urge the Council to think about two things that I don't think have been mentioned before.

The first is the issue of off-road vehicles and I would urge the council to think of the Draft regional master plan as an opportunity to think about off road ordinances and perhaps include a model ordinance in your basket of ordinances for the local municipalities to use in

their conformance activities. And I would further suggest the Pinelands as an excellent model of this way of putting ATV protections into place. About half of the Pinelands municipalities now have these ordinances in place and their experiencing some positive results. And I would be happy to give the Council some information on that, I have some information that I could pass on to you.

And finally, I would like to bring the Council's attention to something called the Lackawanna cutoff, which is a 26 mile railroad bed that lies entirely in the Highlands Region and is currently targeted by the DOT and NJ transit for a large transportation, public transportation project that would put a rail line in place that would ultimately connect eastern Pennsylvania with New York City. And one of the things that we fear is this would give New Jersey more of what we don't need, which is sprawl. Furthermore, the draft environmental impact statement just came out for this project and the price tag is now an estimated over \$500 million.

My group, the Adirondack mountain club thinks that again this is a great opportunity for the Highlands Council to protect what is an incredible example of sophisticated engineering and is something that could be protected and really turn into a world class rail trail that would be another attraction in the Highlands that could bring some revenue into the area. Thank you.

Victor Lagomarsino: Hi I'm a landowner in both the Planning area, I live in the planning area and I have property in the protection zone. I, currently it's costing me \$1000 dollars a month to carry the protection zone property. And this is money that I've been losing for the last couple of years because I've been put in limbo. My feeling is I have lost a lot of property value here and we talk about compensation to a certain degree but there is no plan for it.

I do have a suggestion. I heard today how much other counties use our water and yet I think a positive way of doing is to floor the bond to compensate property owners and have the water they are using that's coming out of our property taxed and pay the bond with money that's being taxed on the water. That's a possibility right there.

I also feel exclusionism to areas that some people want just for hiking other people may like to use it other ways. Exclusionism isn't the way to go. We all pay for this property in our taxes and I'd like to see it open to all forms of use. I just you know didn't write anything down; I just talked from the heart here. I do wish I don't get my planning area changed at the last moment because I'm already hurting from the protection areas so if we do a last minute switch where the planning area gets turned into protection, I'm getting zapped twice here.

I really don't want that happening. I do wish you'd look at how this bill came into fruition here signed by a governor on his last day in office as he left in disgrace. I do think that there was some insider trading going on there also so just maybe that bond issue is a way to look at things to compensate us.

David Epstein, Morris Land Conservancy: Good evening, my name is David Epstein. I served on the Governor's Highlands task force back in 2003. The draft Highlands Regional Master Plan (RMP) makes it clear that demand for water already exceeds supply in more

than half of Highlands watersheds and many Highlands streams are already polluted. For a state that is so completely dependent on drinking water from the Highlands, this is stunning and frightening news.

While the Regional Master Plan designation of nearly 2/3 of the Highlands to the Protection Zone is positive, strong protective standards and constraints to development need to be applied in all three zones in order to effectively protect water supply and quality. Current mapping is inadequate and needs to show all important water supply features such as wetlands, steep slopes, wellhead protection areas. These areas, when mapped should be given the strongest protections, regardless of which zone they fall into.

Morris Land Conservancy believes strongly in the equity provision of the Highlands Act. We have purchased 38 different properties totaling 3500 acres in the Highlands since the Act was signed into law in August 2004. All of our purchases have been from willing sellers and have resulted in protecting natural resources with the cooperation of the landowners.

As you all know, the largest source of funding for purchasing land in the Highlands is from the Garden State Preservation Trust, which unfortunately is out of money. We applaud the Highlands Council for supporting efforts for refunding the GSPT and we call on all the landowners and the towns in the Highlands to join us in supporting reauthorization of the GSPT.

We strongly support the policy that the Highlands Council require any lands in the Highlands Region that are proposed for a diversion from Green Acres requirements secure a Highlands Council determination that such diversion is consistent with the RMP.

We support Conformance Requirements that municipalities and counties incorporate an open space element of their master plans that are consistent with the RMP standards and that they maintain a current Recreation and Open Space inventory.

Among the long term goals, we support the development of a Forest Easement Purchase Program, and recommend that this program be developed through the DEP, in order to assure protection of multiple forest values, including wildlife habitat and water quality.

We also recommend that conservation priority areas and agricultural priority areas be combined onto a single map. Separating them onto two maps provides a misleading picture of the extent and location of areas that should be priorities for preservation. Further, the Council should clearly designate a "No Development" zone within the Protection Zone.

We urge the Highlands Council to work with the SADC to establish incentives for farms to be preserved with a 5% impervious coverage limit, as required by the Highlands Act. We also urge that prime agricultural soils be protected within the Conservation Zone and throughout the Highlands Region. The Conservation Zone should include stronger conservation provisions, including a prohibition on non-farm development and strong protections of grassland species and scenic values.

In closing, we urge you, as the Highlands Council to create and implement a strong Highlands Plan that will fulfill the mandate of the Highlands Act. Thank you for having this hearing and having me speak.

Susan Buck, Oxford: I'm Susan Buck from Oxford, New Jersey. I can say at least this I am really, really, really happy that this process is starting to come to an end. It hasn't been difficult for me since just about 3 years ago I lost just about everything I owned once the Highlands Act was passed. But it's been difficult for me to sit through this process, I've participated with the process, I've sort of done technical advisory committees and the like. And it's finally almost over.

And it's tough to listen to the continued rhetoric that happens with the planning process and it's happened with the culmination of the plan. We are told, even today, that the plans widely distributed to the municipalities. Maybe if they paid for it. But it wasn't sent to them, they had to request it. It's for sale in back. That's not my definition of widely distributed. The plan was supposed to be based on science. We were promised all of this science. And when the plan was delayed it was because of the great science we were gonna use. Starting in July we started to see a release of the long awaited scientific data. None of the stuff that means a hoot has been released.

You now, I'm having flashbacks. It's just like when the Highlands Act itself was passed. We would come into the hearing and they would say, "Oh don't worry all the things you were upset about have all been fixed. Here's a new 150 page version of the Highlands Act." Which we didn't even know existed. It would come out on Sunday night, Monday morning you'd show up at the hearing and we had absolutely no idea. That's another method to try and diffuse the comments.

That's what I feel happened here today. We released how many, 8, 9, 10 different technical reports? And that's supposed to diffuse how angry we are that technical reports we never provided as promised? Well, it's not diffused. I haven't had the chance to read it but I've been done this road long enough to know that I don't have to. I did have somebody take a quick look at it and apparently there's still nothing of substance in there. There is no science. It's all fluff. I feel thousands of pages of pure fluff. Its not gonna accomplish the goals everything that was promised to us in the Act.

At first, where's the 11 things the Highlands Act dictated needed to be done in the master plan were completely and totally ignored. We still have no capacity analysis, we still don't know which areas and what kind of growth they can sustain; we don't have a TDR program. There's no substance what so ever there's no financial impact analysis. We're supposed to take a look at what the financial impact's gonna be on the area and on the culture. What's it gonna cost the state, what's it gonna cost for people to live there, how is it gonna sustain itself, what kind of business is still gonna be in existence, how's agriculture gonna stay alive.

Not one of those things has been addressed. I can't call this a plan I am upset at myself that I've dedicated this much time, participating in the process reading all the information. One quick glance of the bibliography tells you how much science there is. My teachers always taught me take a look at the bibliography if you want to see what the quality of the written material is. Well I did. It hurt my feelings what was in the bibliography. It's all fluff.

Wayne Anderson: Good evening, my name is Wayne Anderson. My wife owns land in the Preservation area. It's designated as a tree farm. It's been in the family for over 70 years. And we've been good stewards of land for 70 years. The Highlands Water Protection and Planning Act. Is this Act necessary? Is this the sole means to obtain clean water? Can the State afford it?

The Council has undertaken a difficult task, a task without a dedicated funding source and under severe time constraints.

For any plan to accomplish the end result of clean water, it must enlist the assistance of the landowners. This means adequate compensation and incentives for proper property management. A water fee is critical to fund this program and allow timely funding to the landowners. Excessive fees and permits will negate improvements to the Highlands environment. Many landowners cannot afford the legal and engineering fees if they desire to make any improvements in the Highlands. These costs discourage landowners from being good stewards of the land.

Who are the beneficiaries of this act? What are they being asked to contribute? Nothing! They will continue to water their lawn and fill their pools with cheap and clean water.

The Council should go back to the legislature to revise the Act so the Council can fulfill the intent of the Act more fairly and equitably. Thank you

Valerie Erwin, Morristown, speaking on behalf of John Erwin: My name is Valerie Erwin. A number of years ago, I worked with Geraldine Dodge Foundation for about 10 years. We supported various efforts to address the needs and the quality of life in New Jersey. So that is part of my background. Currently, I'm simply a resident of Morristown.

But I have been myself studying the way that people respond to different issues. And people respond to images. In fact, Freud has done a number of studies where groups do not even listen to facts or information. Groups look and what they see affects how they understand. And the larger public doesn't understand the technological language; they don't know who to trust. There are obviously so many interests involved here that are legitimate and important.

That I just wanted to make a simple suggestion and that is, that in the back of your minds you might think about an image that can bring people together. A simple image that can also have something informative with it so that people can understand that the source of life for New Jersey resides in this region. That the entire state is dependent on it and therefore if money needs to be had, the larger public needs to be rallied. And at the 25 year fundraiser, which was essentially my work, I know that imagery was what corralled peoples interest. And that would support the plan because people would give to what they understand. And people understand through imagery.

Joanne Anderson, Lebanon Township: My husband and I have attended many of the Highlands Council meetings over the past couple years. We listened as you tried to comprehend, yourselves, how to go about coming up with a draft Master Plan to implement

the Highlands Water Protection and Planning Act. We were at the meeting when you voted to put forth what you came up with. With due respect for your time and effort, this plan is not acceptable.

One major concern, as pointed out so correctly by Councilmember Kurt Alstede, is that there are no concrete, viable plans, nor available funds, to fairly compensate the landowners who are being hurt. As a landowner in the Preservation Area, I strongly object that my rights under the US Constitution are being denied. One specific instance is in the 5th Amendment, where it states “nor shall private property be taken for public use, without just compensation”. Thank you.

Jay Grant, Mendham, Chair of Community Builders Association:

Good evening, council members. How are you, Mr. Schrier? My name is Jay Grant. I'm a homebuilder, 2nd generation from Mendham NJ. I am also the Chairman of the Community Builders Association for the Highlands Committee that has been monitoring your efforts. As a business man, as a citizen and as a member of my Builders association, I am very concerned about the acts of this council and the act itself.

I'll refer you to two specific points in your draft plan. One refers to vernal ponds that will affect the ruling of development in the future as relates to the planning and the preservation area. Your intent is to have a 1000 foot border around the entire radius of each pond, defined as an area that lasts less than 24 hours after a rain. De facto: no development. A second concern is another detail in your plan that calls for 125% recharge in an area where, if you have 100 acre property that has now been entitled to build one home on. The developer of that one home is required by your plan to recharge 125% of the entire area. Development is become impossible in this area.

I have a client who owns 12 acres in Morris County on a site that has an existing home from 100 years ago. He cannot get a permit to build for 2 years after \$100,000 of legal and engineering fees. The text of the draft plan state there are 3 elements to the Regional Master Plan: the policy guideline documents, the technical reports and guidance documents and implementation framework. The council released the draft plan to the public without these technical reports. Our association has filed suit as you know against the council and we hope to be heard this week. We are asking a judge to force you to release these plans.

I find that an insult to us as the public that we have to spend our energy to get the physical impact analysis that the public paid for and now we can't see that you have used as a basis for your plan. The council glossed over this fact and these reports are not being provided nor are there any other steps being taken other than our lawsuit to remediate the failure to release these reports. The plan relies heavily on the work of outside consultants, however their reports and their analysis is not available to the public. Why?

The council states that the plan is science based however there is no timeframe provided as to when the reports will be released. It does not seem likely that the reports will be released quick enough during the public comment period and if the public comment period closes, when are we gonna have the chance to refute the reports to give you that information.

In closing, I wanna refer you to one short story, an example of one our builder members, who was an immigrant like my grandparents who came over to Ellis Island to avoid persecution. But a lot of American immigrants and this particular immigrant came from Estonia. He left that country when the government took his land. He came here and became a builder/developer. I don't consider that a bad thing. He made a living here. He is now, his land has been taken again.

There's a parallel here. This was a communist government in Estonia that took his land and then he had to leave to preserve his livelihood and his family. The long story of his story is that his family has just been given back the land 50 years after it was taken. I suggest that, I hope I will live long enough to see that the government will have to give back this land either by force of the Supreme Court or by another ruling that will take away this Act. Development is not something that should be taken away without compensation to the rights of the property owners. Thank you for your time.

Christine Hepburn, Madison: Christine Hepburn, I live in Madison, although I plan and expect to retire to northern Warren County where I also own land. First I just wanna say that I am very proud of our state and in the past when they passed the Highlands Act I, I think you worked very hard, you're going to have to work very hard and I'm very grateful for all these efforts of yours. I am not an environmental expert in any way. I am here just as a non expert citizen who doesn't live in the Highlands Region. I have been involved in very local land use and environmental issues in Madison. So I'm on the Planning Board, Environmental Commission and Open Space Committee so in that capacity, I'm not sure what order I should go in here, but I've been involved in initiating housing and zoning changes in Madison.

In one case along Main Street to increase the amount of development that could take place. We are engaged, generally, in trying to increase development in our town where we already have paved it and save the land that is not paved. In another case, we have changed the zoning of a residential area so that the minimum lot sizes would have to be larger. In neither case was there compensation going either way. The owners on Main Street did not pay, the government and the government of Madison did not pay, nor the residential landowners who we increased the minimum lot size preventing several of them from being able to subdivide their land.

So I'm a little confused by the outright takings discussions. If you had land for generations, then I think that even with the Act, the master plan in place and the rules in place, you have equity in that land. But maybe someone could explain that to me. Or why if you've been a good steward for years, you can't continue being a good steward. That said, I do think there should be lots of funding in place for open space purchases, like Ringwood purchasing some open space at the generous for the pre Highlands Act value.

I think there should be not only a normal funding source as well as a water tax. Water is valuable obviously that's why we're here and people should pay for it. I've gotten involved in environmental issues as a non expert I think just because I am a worrier by nature. I worry about what going on and what will happen in the future so obviously I'm worried about the water supply. I think we'll have a water supply going forward even if we're not the best managers. It'll just cost us much, much more money than it should, so that's a concern.

But things like the habitat, the grasslands, vast woodlands, wetlands and scenic views and hills in the Highlands and the biodiversity is absolutely priceless so that is usually what gets me out of the house. Thanks Warren County.

As a fairly, relatively old person, I just recently became acquainted with spring peepers. I'm very pleased to see that you know if they need 1000 feet from vernal ponds, I'm very pleased that you're giving it to them. Just on some specific things, I mean I've looked at some of the literature, I've certainly read the paper. I do think there should never be a 5% impervious coverage limit pushed somehow on agricultural lands; cluster zoning should not go along together with agricultural use.

Well you know I think that the only point I really have to make left is, I hope you'll weigh heavily the input of the environmental groups, the countless number of environmental groups who have input, that are spread throughout the Highlands. These people have nothing to gain I mean they might have an environmental agenda but I think they've come to that because they are worriers like I am. The builders, there's nothing wrong with builders, but obviously it's in their financial interests to have all land available with no environmental constraints. And I think their experts, their comments and their experts need to be taken with a huge grain of salt. Thank you.

Grace and John Maiello, Wanaque: Good evening, we're Grace and John Maiello. And we live at 26 Rhinesmith Avenue. Our concern is our property block 231, lot 26. It's 9 acres bordering the Wanaque Reservoir and you know we're in trouble. We are in, of course, the Protection Preservation Zone and I'm here as a representative of my 2 siblings.

We definitely, everyone in my family believes in the Highlands and we were before the Highlands Council 1 ½ years ago. I've been working a year and a half now with Laura, Ross, Neil, Mullen, Kathleen Caren, the Green Acres and the North Jersey Water Commission. And right now we are a little frustrated because we have been through appraisal process. I've hired a lawyer. We are now \$3500 less in our pockets and it has absolutely just fallen flat. At this particular point we don't know what to do.

The land that we own is a former recreational area. It is, we know, within your Highlands, that's what you want to do, is revitalize these recreational areas. It is an absolute beautiful spot. It could be utilized for the public. It's not happening, I understand that. There are money concerns. And that's what concerns us too. I have a sister who is a paraplegic. She has 24 hour care. This was an estate that was left to her. All that money goes to her for her care. She's had to re-mortgage her home. It's just left us absolutely frustrated. We don't know what else to do.

I would like the Highlands Council to have this packet so that could see all of it and what we did, what expenditures we have made. (By the Highlands instructions) And by the Highlands instructions. We went exactly, and got Green Acres appraisals, we did everything. I just recently talked to Joy Farber and she said, "Oh you should never had done that." But we were instructed to do that and we did it in good faith. It just kinda fell flat. You just don't know what else to do now.

John Maiello: You know, first of all, you have to understand. I've listened to all these comments. I believe in the Highlands Act. This problem we have is that we were instructed by the county, who wanted to buy the property, but they found out it's \$1 million or \$1 million three mandatory for 9 ½ acres. It's an established facility for recreation. And now we don't have the money. And the biggest problem we had is that we can't. I don't understand what we can do. What, like I said, I served 2 years for my country.

I believe in the constitution. You can't just acquire our retirement. I'm 70 years old. By the time we're compensated, we may be dead. What happens to people like us that really, at our age group, that we can get compensated? Like one lady said here, there are ways to do it. If our properties are going to be confiscated, the whole state has to pay for the water they use here. Here we have the water but damn we can't build on our property. One town over, they build 100 condominiums and they use our water. This is inappropriate. And we're just asking you to look into it and to resolve this as fast as you can so we can be compensated.

Dr. Lynn Seibert, Morris Twp. : Good evening. My name is Dr. Lynn Seibert. I'm from Morris Township. I don't want to repeat a lot of the comments that were made. I just would like to say that it's an admirable effort that's happened so far. I would like to see many of the buffer zones and specific capacity elements defined especially for the areas that are still opened potentially for development.

I am concerned about the Planned Community zones still being vulnerable to the bad land use decisions that have been made in the past. And I hope and I'm sure that you will be addressing this since so many people have brought it up. But I've been told that all of the restricted features (the wetlands, the buffer zones, steep slopes and stream corridors and flood plains) will all be clearly demarcated and that the areas where really there is no room to build in, especially in the Planned Community Zones, will be clearly marked as the plan is put into its final form.

The other thing I just wanted to mention, I know that you've heard this as far as the plan for what it would cost if you didn't have the Highlands protected properly in New Jersey, I also call to mind the studies that were done in New York when there was a concern about preserving both the water quality and quantity for the New York City water supply. And how the Adirondack's feeding zones were examined and I believe, now this was many years ago, maybe 20, 25 years ago, that they came up with realizing that it would be over \$5 billion if they let the land be developed around it instead of preserving it. \$5 billion more to do that than to then have the operation and maintenance costs associated with the water treatment facilities that would have to take care of providing that water if the water was supply even was able to be maintained. So, I think that's a powerful argument.

I'm sympathetic to those whose properties have suffered but I also understand that when you're dealing with something like this it obviously takes a lot of effort to get the financial wherewithal in place. I know that you're working very hard and I just wanted to personally thank you for all your efforts that have gone on so far and I hope that you'll continue to address them. Thank you.

Devlen Mackey, Belvidere: How are you doing? I spoke earlier. I'll try to keep this short. I have a couple points to bring up to you. I know that to a certain degree you were each on a committee. You may or may not know what happened in the other committees.

It seems to me if I'm going to go out and put another building up at my farm or I wanna do something as far as the business plan, I'll get a little bit of science and a little bit of facts and I'll write them all down on a piece of paper. Then I come up with a plan. I don't create a plan and then say I wonder if there's any scientific basis to this. Let's release the plan and let a month or two go by and then see if we can't create some science to back it up.

Point number two: You reference in the master plan document that this is a new and innovative approach to planning. I think if you take a look at what happened with the APA, the Adirondack Parks Association, in New York which is 3.5 million acres. That started back in 1988 or 1989 and got a full head of steam up in the early 60s, was passed into law in the mid 70s. This thing is identical. Step by step up to and including, they put forth their plan before Christmas and let people review it over Christmas and the New Year holiday, knowing that they wouldn't have much time to review it. Same thing happened here. Step by step. There is identical to here. This is not new, it's not innovative. It copies the APA, it copies the Shenandoah Valley, it copies what is happening out west.

Another point, the state of the state. The governor was, my brother was down there today listening to the state of the state. What he gathered from that is the state's broke. We have a serious financial problem. Roughly, \$10-12 billion, Billion with a B, worth of our landowners equity is gone now thanks to the Highlands Act and the lack of compensation. Therefore I would suggest that you guys might want to think about, and the governor ought to think about, looking at what's gonna happen.

A lot of the folks here are old. A lot of folks here are going to die soon. The state collects a lot of money from an inheritance tax. This guy here had a \$3 million asset. He dies, the state gets x amount of dollars. You take away 90% of their value the state is losing a heck of a lot of money. And still none of us have been paid. You got third world countries, Costa Rica, Ecuador, these people are paying dividends to the people that own land. These are 3rd world countries that can't afford to feed most of their people. Most of the people live in shacks live in cardboard boxes, little pieces of tin, that's how the people live, most of them. They are paying the people, the landowners a certain amount \$7, \$8, \$10 an acre to keep their land forested. There's probably some international work going in to help fund that, but their collecting a dividend per acre to keep their land in open space.

I have yet to see...My point is if 3rd world countries can pay their people who own the forested land and the rainforests, I would think New Jersey, here in the US supposedly one of the richest countries in the world, ought to be able to pay something. My last point: tourism in that section of your master plan, is touted as the salvation to all of our economic woes. You say that we're gonna bring all this extra tourism and we're gonna have all this added revenue. Yet where are all the tourists supposed to stay cause we're not allowed to build any places for them to stay, where are they supposed to shop cause we can't build a place for them to shop.

Michael Henderson, Bedminster: Thank you, Michael Henderson from Bedminster Township. First of all, I want to thank you for the enormous amount of hard work and courage you've all had in putting out the plan. It ain't perfect by any means but it's certainly a very good start. You are to be congratulated for that. I do have a um... First of all I would like to encourage you to grab hold of the regulatory powers that has been given to you in the plan. You haven't been shy to date, but keep going. There's a lot of power there that's been handed to you for the purpose of protecting something we all need. We all need water and other than the 800,000 people who live in the Highlands, the 5 million or so others who live outside of this area also need that water.

But the act also charges you with protecting cultural resources. I did want to spend some time speaking to them. I know it has not been a focus of everyone attention but it needs to be there clearly. They're clearly part, they're clearly protected in the act and they're clearly cultural resources and natural resources are intertwined. And they are in many respects inseparable. Without the technical reports in the plan, it's very hard for us to sort to give you a.. It's hard to respond to how we like the plan when it's not all there. The devil, in some respects, is in the details. So we certainly encourage you to keep the technical reports coming.

Along with that on the cultural resource side, the inventory of resources, we just don't know what's out there. And that is, as of lately, an ongoing and professional piece of work that needs to be done. What is the character of the Highlands? How do we know that we are protecting significant things? What is significant? Those are questions that have been touched on but they need to be fleshed out and they need to be fleshed out in the final plan. And along those lines, in looking at outgoing TDRs, I have a concern about where will the protections be for cultural resources in the outgoing TDR areas.

Either, whether their in the community development zones or whether they are outside altogether. But the crush of outgoing TDRs could put an enormous pressure on existing historic resources in settled areas. And I would like to make sure that your plan speaks to that so that these outgoing pressures of development aren't just causing some other enormous amount of problems in other areas. Fundamentally, that's what I wanted to say. Thanks.

William Griffin, NJ Board of Agriculture: Mr. Griffin supports a very aggressive framework for natural resource protection. The agricultural community must be represented as the Plan is amended. Agriculture is a fragile business and the NJDEP rules and the Plan has had a significant impact on farm value and ability to obtain loans. The burden on water protection must be shared. The council needs to address 3 things: 1) A dedicated source of funding for easement acquisition; 2) Private sector TDR program; 3) Conservation planning of agriculture lands.

Mike Herson, Co-chair NJ Sierra Club: I'm Mike Herson. I'm Co-chair NJ Sierra Club, the Highlands Issues coordinator. I'd like to talk about one specific area in the plan. And that is some of the mapping issues – specifically, no build zones. No build zones are identified in the act as areas which sensitivity should not be built upon and were mandated to be identified in the RMP. And in my review of the RMP I did not see them there. No build zones are very important because you want to be as clear as possible to people that this

is an area you can't build on. You want to avoid false expectations. And for that reason, I also want to talk about the purple areas.

One of the earlier speakers, Ross Kushner, mentioned that there are a lot of wetlands in the purple areas identified for growth on the map. I have a lot of experience with this having been involved with the Meadowlands. Wetlands are not really appropriate for growth and development. Yet by designating them as purple, you do set up false expectations. That is something that every Bergen county planning board deals with because almost every development application that comes through says "the State plan has designated this town as PA1, Planning Area 1 designated for growth therefore you must build in the wetlands." Etc etc.

You know it's really not good policy and there's also steep slopes in those purple areas. I guess you call them purple mountain majesties. But really the purple areas need to be addressed. Now I'd like to turn my attention to the hearing schedules. A lot of effort went into this process by the council and I thank you for all your time and effort and by the staff. But because of all the time crunch and kind of pressure that you were under, there has been a total lack of education and outreach to a lot of the people that are affected by the plan. And by those people I don't mean just the 88 towns that are in the Highlands region. There 188 towns that get their water from the Highlands that are not in the Highlands Region. That's almost half the population in the state of NJ that gets their water from the Highlands, that is not in the Highlands region and those people don't know that this process is going on.

Your future hearings are setup in Hunterdon and Warren and again through out the Highlands Region but there's a lack of attention. Someone mentioned Newark. I would suggest Newark, I would suggest Jersey City, I would suggest Hoboken. Right now there is probably only one person in Hoboken that knows that this is going on and he's our Governor. The rest of the people do not know that this is going on and unless those people are informed and they know then that their water is at stake and the future of their economic growth and prosperity.

The entire half of the state of NJ is tied into the water supply, unless those people know about this, you're only going to get a lopsided presentation from your hearings. People who recognize that they have a direct stake have, you know, they are better informed than people who, they don't realize. They take things for granted. They take their water for granted. And we really shouldn't take our water for granted. And that's why it's so important and that's why I applaud your efforts to protect the water but you need to go a little further and identify no build zones and protect those wetlands and inform the public of that, please.

Speaking on behalf of the Sierra Club, we support the Garden State Preservation Trust and reauthorization of that and funding for that. It's so important to the future of our state and that something that I said at a prior council meetings that I totally agree with that. We need funding. I would love to have the chance to talk to that Hoboken fellow.

Mike Natale: Hello again. I am a custom home builder. Sussex County, New Jersey. Presently we are stuck with 112 acres. Like I said earlier, I noticed that a lot of people are one way over here. Either, they are for saving it, the land or they are like the builders and

landowners saying reimburse us. I'm trying to be on, really on both sides over here. And quite honestly when they say "Save the Highlands with the plan", I want to add on "Save the Highlands with a plan to reimburse everyone whose been lost on their financial equity." And also, I know I tried asking for a sticker from a woman Make the Plan strong. Ma'am, this one's for you.

I don't wanna fight. I'm just here to make a point. And the point is, make the plan strong to reimburse for all that is lost. I have noticed that a lot of the people who are for the Highlands plan, man go get your own. I'm trying to be as reasonable as possible, because I've worked and have lived here all my life. It's not as if I work here and I go off to some foreign area that doesn't affect the Highlands or the Highlands has affected. I value open space, I value clean water because I plan to stay out here until eternity, hopefully, God willing.

Not unless the state chases me out such as like what happened to one of my top notch employees. He was one heck of a great guy, irreplaceable. He moved down to North Carolina. He said to heck with the state. I couldn't fault him for that. Well meanwhile for the past few years I've been sitting in limbo with 112 acres and I don't see McGreevey coming along and saying, or one of his poker cronies saying, Let me help you. No. He signs the bill and two days later he runs out the done admitting what he has done and he's history, with God knows who he's with.

Anyways, I'm not here to make fun of him. Corzine comes into office. Do I get to hear about him trying to help out the landowners who have lost so much? No. I've heard people speaking about how much land that they own. Some own 10 acres. Well their 10 acres to them is like my 112 acres is to me. As far as like, Mr. Klumpp owning 150 acres, that farmer who was up here a while ago. I am in the same type of situation, a different line of work but I own an awful lot of land and so far I haven't seen the government saying hey, let's really help ya out.

Yes, I did get some kind words from a member of the Sierra Club, Mike Herson, and just like Mr. DiPirro from the Highlands Council, pulled me aside and saying, "We can try to work with ya". If it was that easy I would have been on a track already. But apparently it hasn't been. So for the past three years I been working off of nothing but bank loans after bank loans and all the profits my company makes goes right back and pay the interest. I feel like I'm some kind of damn hamster on a wheel or a gerbil, whatever you want to call it. Just spinning, spinning, spinning and not making any progress.

You know what, I'm tired of it, because every home that I build is sitting on five acre minimum lots. I'm not into cluster homes, condos, 200 units sitting on 10 acres or eminent domain; I don't believe in any of that. But the thing is, meanwhile this whole act got railroaded through, so fast, behind closed doors. The only way I found out about it was through word of mouth. Back then, not enough people knew about it. A lot more people are aware right nowadays.

All I'm saying is, I am for open space and clean water. I intend to live here for the rest of my life. But don't destroy my family business. 40 years that we put into it and all it is, is one huge economic downward spiral. I don't fell like planning anymore. It's disgusting. The

politicians who passed this law, not one of them, I don't see sweating a bullet. Cause they all live in their mansions, driving their fancy cars and got their wallets nice and fat. Well that's not me. I'm into an honest hardworking living. That's all I want. Just reimburse me. Let me move on for the value that I have lost on it.

Blair Wilson, Executive Director, Morris Habitat for Humanity: Good evening. My name is Blair Wilson. I'm the Executive Director for Morris Habitat for Humanity. My organization builds affordable homes in partnership with low income families for home ownership. And my comments are brief. I would like to urge the Council to require task petition COAH versus standard certification as a prerequisite for conformance with the Regional master plan as it supports good planning practices already underway in many Highlands municipalities.

Douglas Williams, Flanders:

Good evening, Douglas Williams, Flanders. I'm not sure how much 120 acres in Flanders. The state's got most of it. I just can't see with the water act where all this water's coming from at all. You're taking people and putting them in cluster zoning in certain areas, in planning areas, and they're not going to be able to draw wells. They're gonna have to get public water. This plan has, as far as I've seen, very little or nothing about reservoirs, wells or the infrastructure to plan these communities that you're trying to throw all these people into. Plus the fact you're not paying anybody on our end that own property for 100 years or better. Even 10 cents and yet you're going to throw billions of dollars into these infrastructures. And we receive nothing.

Art Lee, Randolph: Hi, thank you for giving me a chance to speak. I live in Randolph, NJ. I am also on the planning Area and I have 15 acres of land. Basically I think the issue comes down to, basically is compensation. I don't think there's one person in this room who doesn't want clean air, clean water and open space.

The issue is that the people who own property I believe if you substantially change the zoning, I on the Planning Board, vice chair, is that the people should be compensated. There's a difference between planning and basically taking away the rights of the land. It doesn't right to be taken away, maybe they should for the common good. Then people should be compensated for it. And I think that's what the issue comes down to.

Basically what I have a big problem with is TDR. I think TDR is analogous to fairy dust and confederate money. It's not real currency. I think that if we want to protect it and feel it's in the best interest that these land to be protected, there should be compensation, compensation in cash.

A water tax is probably the best way. I worked, a separate hat, I worked in water purification for 30 years. Water in NJ is very cheap. People waste water. One of the ways to conserve water would be to put a tax on the water. Cause right now, people don't consider that. And I think that this would be a way to: a) conserve water, which is important with all the cost of infrastructure, secondly to compensate the people whose rights were taken away, which maybe they wouldn't be if they spoke publicly. But I think people whose rights were taken away in here, they would be great with it. They would be compensated for it. But everyone realizes that certain things, and all just to end up, if it's something for the

public good, it has to occur. But be compensated for it and be compensated for it in real currency.

And I think there's a lot of skepticism because basically in government you have one governor who decided to balance the budget by selling Route 80 to the Turnpike. Then you have another governor that figured that if we throw all the money in the stock market then you won't have to pay pension for a period of 4 years. Now we have a governor who says he's gonna cut property taxes by 20 % but the small print is that's for families earning under \$100,000 a year. For a husband and wife working, \$100,000 a year is not a lot of money any more. So I think really the concern that I think that most people have in this room, where it almost becomes the sense that we have a real way of paying for the rights that were taken away. Cause no one objects to your process of getting clean water. That's all I have to say, thank you.

Jim Kelsey, Independence: Thank you. My name is Jim Kelsey. I am a member of the Independence Township Planning Board. I have a four point question regarding my township and your regional master plan. The Highlands Act puts our township's watered and sewerred areas into the new preservation area.

My first question is, what sense does it make to put watered and sewerred land on one side of the street in the preservation area and watered and sewerred land on the other side of the street in the planning area? Now, if our township opts in to your master plan, which puts our whole township into preservation or conservation zones, you'll take away all of our future commercial, office, age restricted gradables and watered and sewerred area. My second question is how does this preserve water? My third question is how do we meet our COAH requirements? And my fourth question is how is this fair to the affected property owners or to our taxpayers?

As we lose gradables and tax appeals, how are we to continue to provide essential services without drastically raising taxes and forcing more people out of New Jersey to Pennsylvania? Or is that the point of all this, is that your goal? A nice lady earlier today gave a brief history of water conservation in New Jersey over the last century. She failed to mention one very important point. Those farsighted cities paid for the land, they purchased to build their reservoirs on.

I'm sure everybody here wants to conserve our environment. The question is at whose cost? Your master plan puts the cost squarely on the very people and municipalities who have conserved this environment. If highlands water is so critical to the general public, then the general public should be paying for it. The property owners should receive just compensation for giving up their property rights. An earlier speaker said that too many people take water for granted. Well, that's true.

Also, too many people take liberty for granted and the fact that property rights are a basic cornerstone of our liberty. The Highlands Act, your master plan, and the DEP regs, trample on the bill of rights. Over 200 years ago, we fought to a revolution to protect our rights and, yes indeed, our property rights. It seems here in the Highlands, we've come full circle. Again we've become colonists, second class citizens, to be exploited by the heavily populated democrat areas of the state, without just compensation, and by his majesty the state of New Jersey and its bureaucrats.

Repeater Mr. John Maiello, Wanaque:

John Maiello, Wanaque. After listening to all these things today, I hear, from what I can understand that you hear this every week. I have no doubt in my mind that you're working very hard to find a solution. But what happens is, like I said and like one person got up here and said we have equity in our land. But now there is no equity. We have lost the equity in our land. No one's gonna buy a piece of property that they cannot use. And the problem around us is, I remember when I got out of the service, I went and I took some night courses. I remember our college professor, we just got out of a giant conversation about different things, and he said at that time in 1960 that at one time water is gonna be more valuable than gold.

Julia Somers, Highlands Coalition: Julia Somers, New Jersey Highlands Coalition. You did say anybody who hadn't spoken at all. I spoke this afternoon. I commend my comments to those council members who were not here. I just wanted to make a couple of points, however. Today the Governor said that he supports renewal of the Garden State Preservation Trust in 2007. The Highlands Coalition and its members and many others have lobbied hard in Trenton to persuade the administration that this is the right thing to do. I hope everybody in this room of every persuasion will support us in trying to get the Garden State Preservation Trust passed in referendum in November. Regard, um, the New Jersey Highlands Coalition absolutely supports a water tax. I know the Council has called for a water tax. Again, I hope everybody lobbies with us for a water tax to support acquisition in the Highlands.

Jack Schrier – Hearing Officer

I'd just like to make it clear, when we were in Parsippany in March of 2004 at one of the Highlands Council meetings; the entire council agreed that we should have a water usage fee. We don't believe in a tax. But I think the concept of reimbursing for the water that you extract from the Highlands is a fair concept. I think that the Council virtually and unanimously supports that.

Thank you all of the speakers, all of the opponents and the proponents, neutral ones. I'd just like to say, if you don't get it already, this is hard. This is not an easy task. WE have talked about this a long time. I had the, I guess, questionable privilege of be appointed to the Highlands task force, along with some of the people who are here this evening, in September of 2003. And we've been at this for a very long time. It was very difficult in getting the task force report produced in a very constrained time window of 6 months. We did it in 5 ½ months. The report was easy. The act also took several months and several public hearings. It was the first public hearing in this community in December of 2003 and over 300 people came to that public hearing. Virtually all of those people were in favor of what the Highlands Act was proposing, which is the protection of our water resources. They, and I believe you, understand the value of what we're trying to do here.

But it's not easy because it does tread on so many areas. So many people are affected by it. The Highlands Council was caught between a problematic time frame to produce the draft master plan and the need to produce the data that will support that master plan, scientific data. We're trying to bring both of those elements together and that's the hard part. You want to be as accurate and as comprehensive and as complete with the data and at the same

time, you got to get the plan out the door. So it is not easy. All I've heard this evening is that the details are not clear to many people. It's not too clear to some of us. The details are on the ground. They come down to blocks and lots. They come down to pieces of property, and individual property owners have owned and want to deal with in some way.