

SPECIAL SESSION MINUTES**AUGUST 9, 2005**

The Boards of Chosen Freeholders of the Counties of Hunterdon and Warren met in special session in the offices of the New Jersey Highlands Council, Chester, New Jersey on August 9, 2005 at 9:30 a.m.

The meeting was called to at order 9:45 a.m. by Warren County Freeholder Director Gardner and upon roll call, the following members were present: Warren County Freeholders Richard Gardner and Everett Chamberlain; and Hunterdon County Freeholders Marcia Karrow, George Melick and Nancy Palladino. Also attending were Highlands Council officers John Weingart, Chairman; and Jack Schrier, Vice Chairman; as well as the following Highlands Council staff members: Adam Zellner, Executive Director; Tom Borden, Chief Counsel; Steve Balzano, Director of Science and Planning; and Chris Danis, Regional Planner. Further attendees were Steven Shaw, Esq. of Bell & Gage; Guy DeSapio, Hunterdon County Counsel; and Richard (Dick) Zimmer of Gibson, Dunn & Crutcher.

Mr. Zimmer began by suggesting his letter to the Highlands Council dated June 15, 2005 serve as the agenda for this meeting.

Before proceeding, Ms. Karrow expressed her disappointment that Debbie Pasquarelli had not been invited to attend the meeting. In her opinion, Ms. Pasquarelli had been misled by Mr. Zellner regarding this meeting. Ms. Karrow said she was "pretty upset about it" and felt underrepresented.

Mr. Weingart said he had been under the impression this meeting was to be a working session and it was merely a matter of miscommunication.

Referring to the first item on his letter, Mr. Zimmer asked whether the Council agreed or disagreed with Frank Getchell's assessment.

Mr. Balzano said the issue of streams, and whether or not the data supplied by Mr. Getchell will be included in the Master Plan has yet to be determined. The Master Plan will consist of three principal elements: 1) a Goal Strategy Policy Document, 2) Local Participation, and 3) a Consistency component.

The Goal Strategy component will include resource assessment, consequences of sustainable economic development, smart growth, a transportation element consistent with smart growth and a financial assessment including tax ratables on the municipal level.

The Local Participation element will deal with engaging in partnerships on three tracks: regular meetings with elected and appointed boards; a working session open to the public; and a Technical Advisory Committee (TAC) to give a fresh perspective.

The Consistency component will involve engaging in discussions with the Offices of Smart Growth, DEP and COAH; the goal is to identify areas where there is a potential for inconsistencies.

Mr. Balzano further explained an implementation piece involving District Overlay Zoning, which will only define zones that are supportive of growth. Water resources is a very prominent element, said Mr. Balzano. The Council will be looking at aquifer protection and the protection of surface water supply, and a land capability map will be blind to all political boundaries while remaining consistent with the Highlands Act.

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Ms. Karrow pointed out that being “blind to the line”; yet consistent with the Act is a contradiction in terms.

Ms. Palladino said, “We are highly supportive of preserving resources,” and asked if the Council had compared Mr. Getchell’s hydro geological presentation with that of their own hired professional. Do you agree or disagree with Mr. Getchell’s assessment?

Mr. Weingart replied that the Council has been getting feedback from numerous sources, and will not respond “piecemeal”. All will be assessed.

Mr. Balzano said “time is critical” as the Council must pursue an aggressive schedule, but will make a concerted effort to be as open as possible. Resources identified by Mr. Getchell as being important, such as the importance of recharge areas and the underlying soil, are being examined.

Mr. Gardner cited recharge implementation – did we not improve or is this a failure of the DEP?

Mr. Balzano said it is “very problematic” to look at only one aspect. Mechanisms for engineering controls to protect recharge areas come with an increase in impervious coverage which may be detrimental to water quality.

Mr. Gardner inquired about zoning in Franklin Township (Warren County). Presently, the zoning is five acres; this will now change to five units per acre?

This launched a discussion of TDR receiving areas and a secondary level of volunteer standards. Ms. Karrow referenced point #7 on Mr. Zimmer’s letter regarding an interagency memorandum of agreement. Mr. Weingart said the Council is pursuing a Memorandum of Understanding (MOU).

Mr. Borden mentioned a meeting he had attended with the State Planning Commission. The resource assessment must come first; then areas with potential for regional growth will be identified. What the town chooses to do with that information is voluntary.

Ms. Karrow said she was encouraged by what Mr. Borden was saying, but will be interested in watching if COAH, DEP, DCA, the State Planning Commission, the Brownfields Redevelopment Task Force and other relevant agencies will enter into a MOU.

Mr. Gardner asked if TDR of residential properties could be possibly changed to commercial or light industrial use. Mr. Borden said TDR receiving can be combined: residential, mixed use, industrial.

Mr. DeSapio said he would like to work on specific language of the MOU before execution. Mr. Weingart said any input is welcome. Mr. Borden mentioned a League of Municipalities letter and confirmed that TDR credits will be calculated on pre-Act zoning.

Ms. Palladino stressed her belief in being pro-active with Green Acres funding. Mr. Zellner said the Council will be “weighing in early” with SADC, CADB and Green Acres.

Mr. Borden said the Council intends to “harmonize” the DEP rules and the Highlands

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Regional Plan. Incentives and grants will be implemented.

Mr. Schrier said he appreciates the June 16 letter and that the Council is making an "extreme effort" to make the process as transparent as possible.

Ms. Palladino stressed she and her fellow Board members want to be afforded the opportunity to contribute and influence parts of the Act they feel are in need of improvement.

Regarding item #2 on the June 15 letter, Mr. Weingart said it was simply not possible to evaluate land values on more than 300,000 properties.

Ms. Karrow pointed out the compensation guarantee for the first five years allows only for municipal taxes to be reimbursed, not county or school taxes. The Council confirmed this. In her opinion, the public does not understand this; they think the reimbursement will include school taxes.

Mr. Gardner cautioned that the Garden State Preservation Trust Fund will run out on December 31, 2008. Mr. Weingart said although agriculture has its own compensation through SADC and tax stabilization may be equity compensation, there is a need for additional funding resources for loss of equity. The process is to be initiated by landowners. The Act provides mechanisms to landowners (TDR, Green Acres); they can choose their option.

Ms. Palladino and Mr. DeSapio felt the process should be defined; Mr. Schrier agreed.

Ms. Palladino confirmed compensation was to be based on pre-Act assessed, not appraised, value and would be a replacement of municipal revenue only (not school or county). This was correct.

Mr. Zellner said there is a committee specifically dedicated to coordinating combinations of TDR and Open Space Preservation.

Mr. Chamberlain asked if a 500 cow dairy unit would be permitted in the preservation area. Initially the Council said yes, but then qualified the answer by saying it would depend upon criteria being met.

Regarding item #3 on the letter, Mr. Zimmer implored the Council to be very aggressive and file a public report. He offered his help in this regard.

Due to another commitment, most Council members and staff had to excuse themselves. In closing, Mr. Schrier said the Council needs to investigate the Getchell report and others, saying, "We don't want to do a fast track."

The meeting was adjourned at 11:45 a.m.

ATTESTED TO:

Steve Marvin, Clerk of the Board