

MINUTES

SPECIAL SESSION MINUTES WITH HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

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APRIL 26, 2006

The Boards of Chosen Freeholders of the Counties of Hunterdon and Warren met in special session in the Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey on April 26, 2006 at 5:13 p.m.

The meeting was called to order by Warren County Freeholder Director Chamberlain and upon roll call, the following members were present: Warren County Freeholders Richard Gardner, John DiMaio and Everett Chamberlain; and Hunterdon County Freeholders Marcia Karrow, George Melick and Nancy Palladino. Also attending were Warren County Counsel Joseph J. Bell, Attorney Steven Shaw, Hunterdon County Counsel Guy DeSapio and Warren County Administrator Steve Marvin. Joining the meeting later would be Richard (Dick) Zimmer of Gibson, Dunn & Crutcher at 5:15 p.m. and Hunterdon County Freeholders George Muller and Erik Peterson at 5:35 and 5:37 p.m., respectively.

The Pledge of Allegiance was led by Director Chamberlain.

Director Chamberlain read the following statement: **“ADEQUATE NOTICE OF THIS MEETING OF APRIL 26, 2006 WAS GIVEN IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT BY FORWARDING A NOTICE OF THIS SPECIAL MEETING OF THE BOARDS OF CHOSEN FREEHOLDERS TO THE WARREN COUNTY CLERK, THE STAR-LEDGER AND DAILY RECORD AND BY POSTING A COPY THEREOF ON THE BULLETIN BOARD IN THE OFFICE OF THE BOARD OF CHOSEN FREEHOLDERS. NOTICE WAS ALSO PROVIDED BY FAX TO THE STAR-GAZETTE, WARREN REPORTER, EXPRESS TIMES, NORTH WARREN NEWS, HUNTERDON DEMOCRAT, HUNTERDON REVIEW, THE COURIER, THE TRENTON TIMES AND THE LAMBERTVILLE BEACON. FORMAL ACTION MAY BE TAKEN BY THE BOARD OF CHOSEN FREEHOLDERS AT THIS MEETING. PUBLIC PARTICIPATION IS ENCOURAGED. IN ORDER TO ASSURE FULL PUBLIC PARTICIPATION, THOSE INDIVIDUALS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING SHOULD SUBMIT ANY REQUESTS FOR SPECIAL ACCOMMODATION ONE WEEK IN ADVANCE.”**

Mr. Chamberlain welcomed the Hunterdon County Freeholders and acknowledged Mr. Zimmer as he arrived. He then entertained comments from the public.

Mr. James Kessler, a farmer from Mansfield Township, approached the Board Members to thank them for their efforts to combat “grossly unfair” legislation and hoped they would be able to find the means to keep fighting.

Mr. Hank Flap, a farmer from Tewksbury, said the Freeholders understand what farmers have to go through. He likened Highlands Council Meetings to “dog and pony” shows; the Council follows the DEP. “How can you pass and act without funding?” he asked rhetorically. He lauded the dedication of Ms. Palladino, Ms. Karrow and Mr. Melick as his representatives and expressed his appreciation. He noted members of the Highlands Council are appointees and do not own farms.

Mr. David Shope, owner of a farm in Lebanon Township, Hunterdon County, also thanked the Freeholders for their efforts. The Act is so draconian, he said and will affect everybody although they don’t realize it yet. “It will serve to impoverish this area,” said Mr. Shope.

Ms. Susan Buck of Oxford said she agreed with Mr. Shope that most constituents do not realize how the Act will negatively affect them. She had attended the recent press conference held at Spruce Run introducing the new Executive Director of the Highlands Council. There is no seat at the table for us, yet so much to be done. We really need your help, she said.

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Mr. Bob Best of Hackettstown said it has been very comforting to know that both counties have been "on our side". He pleaded with the Freeholders to continue to help as much as they can. Regarding the six month extension, Mr. Best thought the Council was beginning to realize that formulating a master plan that affects 88 municipalities is "a monster".

Next to approach was Mr. Hal Danielson, a Hunterdon County property owner with an engineering background. Armed with comprehensive research from the U.S. Geological Survey, Mr. Danielson introduced several interesting topics. The singling out of the Highlands for water usage makes little scientific sense as there are more abundant aquifers elsewhere in the state. Ms. Karrow agreed with that assessment. Ms. Palladino said the Council already knows where the aquifers are through cross-acceptance. According to Mr. Danielson, the water is owned by German corporations that benefit at the expense of Hunterdon and Warren Counties. He noted that Highlands Act author Sen. Bob Smith is responsible for much of the building in Monmouth and Middlesex Counties, resulting in enormous demands on underlying aquifers. Although there have already been well closings due to salt water encroachment, the building continues. Sen. Smith is not practicing what he preaches. Mr. Danielson views the Highlands Act as a political ploy to continue building and to abuse eminent domain powers. "Politics should not enter into science this way," he said.

Mr. Danielson said golf courses use tremendous amounts of water in addition to contributing to contamination as a result of pesticide and herbicide applications.

Mr. Chamberlain thanked Mr. Danielson for his insight and expressed interest in following up with him in the future.

Morris County Resident Deborah Post approached to thank both Freeholder Boards for doing what Morris County is not and to encourage them to go forward with legal appeals.

Mr. Chamberlain concluded the Public Comment period and invited Freeholders to comment.

Ms. Palladino said we've got to push the water fee. Surprisingly, we've actually gotten some consensus and support from the Sierra Club and the Highlands Council. We need to make sure funds will be available for land acquisition.

Mr. Gardner thanked the public for their comments and support and urged them to "stay with us". We have to fight to preserve our rights; it is worth our effort even for a single landowner. I believe I am environmentally cognizant, but I don't believe in stepping on someone else's land. This legislation will cost each and every landowner in the form of taxes.

Mr. DiMaio said if there is something I need or want in life, I pay for it. Looking four or five years into the future when the tax appeals roll in, the amount of money they are talking about in the bill is grossly inadequate.

Ms. Karrow thanked everyone who came out and spoke their minds. She is the sponsor of both the Repeal Act and the Amendment Act and will be introducing six or seven more Highlands Amendment Acts. Currently, there are 17 exemptions in the Act. Five are automatic, but the remaining 12 must be applied for with the landowner being forced to agree to permanent property deed restrictions. Private meetings with Assistant DEP Commissioner Adam Zellner have been promising and amenable. The Act is extremely flawed, but no Court will hear arguments against it

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until the master plan is unveiled (if that day ever comes). Ms. Karrow is still supportive of a two-pronged approach.

Mr. Chamberlain reiterated that most residents in the Highlands do not understand the negative financial implications of the Act. A CPA that works with a number of townships in the Highlands confirmed this lack of knowledge in a recent conversation, although Mr. Chamberlain is hopeful that attitude may be changing. The tax shift is going to be enormous; everyone in the Highlands is going to be burdened. He thanked the public for coming.

RESOLUTION 234-06

On motion for Warren County by Mr. DiMaio, seconded by Mr. Gardner and on motion for Hunterdon County by Mr. Melick, seconded by Ms. Karrow at 6:01 p.m.,

**A RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE WARREN COUNTY AND
HUNTERDON COUNTY BOARDS OF CHOSEN FREEHOLDERS PROVIDING FOR A
MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE
PROVISIONS OF THE NEW JERSEY OPEN PUBLIC
MEETINGS ACT, N.J.S.A. 10:4-12.**

WHEREAS, the Warren County and Hunterdon County Boards of Chosen Freeholders are subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6*, et seq., and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Warren County and Hunterdon County Boards of Chosen Freeholders to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b(7) and designated below:

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Warren County and Hunterdon County Boards of Chosen Freeholders, assembled in public session on April 26, 2006, that an Executive Session closed to the Public shall be held on April 26, 2006, at 6:01 p.m. in the Freeholders Meeting Room located at the Wayne Dumont, Jr. Administration Building, 165 County Route 519 South, Belvidere, New Jersey 07823 for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Warren County and Hunterdon County Boards of Chosen Freeholders that the public interest will no longer be served by such confidentiality.

Recorded Vote (Warren): Mr. Gardner yes, Mr. DiMaio yes, Mr. Chamberlain yes

Recorded Vote (Hunterdon): Mr. Peterson yes, Mr. Karrow yes, Mr. Muller yes, Mr. Melick yes, Ms. Palladino yes

On motion for Warren County by Mr. Gardner, seconded by Mr. DiMaio and on motion for Hunterdon County by Ms. Karrow, seconded by Mr. Melick the Boards adjourned executive session at 7:18 p.m. and returned to open session.

Recorded Vote (Warren): Mr. Gardner yes, Mr. DiMaio yes, Mr. Chamberlain yes

Recorded Vote (Hunterdon): Mr. Peterson yes, Ms. Karrow yes, Mr. Muller yes, Mr. Melick yes, Ms.

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Palladino yes

On motion for Warren County by Mr. Gardner, seconded by Mr. DiMaio and on motion for Hunterdon County by Ms. Karrow, seconded by Mr. Melick, AUTHORIZING ATTORNEY SHAW TO FILE NECESSARY APPEALS TO THE N.J. DEP RULES REGARDING THE HIGHLANDS.

Recorded Vote (Warren): Mr. Gardner yes, Mr. DiMaio yes, Mr. Chamberlain yes

Recorded Vote (Hunterdon): Mr. Peterson abstained, Ms. Karrow yes, Mr. Muller yes, Mr. Melick yes, Ms. Palladino yes

On motion for Warren County by Mr. Gardner, seconded by Mr. DiMaio and on motion for Hunterdon County by Ms. Karrow, seconded by Mr. Melick, AUTHORIZING ATTORNEY SHAW TO FILE NECESSARY PAPERS TO JOIN AS AMICUS IN THE APPEAL FROM THE MORRIS COUNTY SUPERIOR COURT DECISION IN THE OFP LITIGATION.

Recorded Vote (Warren): Mr. Gardner yes, Mr. DiMaio yes, Mr. Chamberlain yes

Recorded Vote (Hunterdon): Mr. Peterson no, Ms. Karrow yes, Mr. Muller yes, Mr. Melick yes, Ms. Palladino yes

On motion for Warren County by Mr. DiMaio, seconded by Mr. Gardner and on motion for Hunterdon County by Ms. Karrow, seconded by Mr. Peterson and there being no further business to come before the Boards at this time, the meeting was adjourned at 7:23 p.m.

Recorded Vote (Warren): Mr. Gardner yes, Mr. DiMaio yes, Mr. Chamberlain yes

Recorded Vote (Hunterdon): Mr. Peterson yes, Ms. Karrow yes, Mr. Muller yes, Mr. Melick yes, Ms. Palladino yes

ATTESTED TO:

Steve Marvin, Clerk of the Board