

MINUTES

NEW JERSEY HIGHLANDS COUNCIL
MEETING OF JANUARY 6, 2005

PRESENT:

JOHN WEINGART)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
LOIS CUCCINELLO)	
TIM DILLINGHAM)	
JANICE KOVACH)	
MIMI LETTS)	
DEBBIE PASQUARELLI)	
JACK SCHRIER)	
BEN SPINELLI)	
EILEEN SWAN)	
GLEN VITRANO)	
SCOTT WHITENACK)	

ALSO PRESENT:

ADAM ZELLNER, EXECUTIVE DIRECTOR, HIGHLANDS COUNCIL
DANTE DIPIRRO, ESQ., NJDEP
CHARLES M. KUPERUS, SECRETARY OF AGRICULTURE
RITA L. STRMENSKY, ESQ., EXECUTIVE DIRECTOR OF THE NJ EXECUTIVE
COMMISSION ON ETHICAL STANDARDS
LEWIN WEYL, DAG, DIVISION OF LAW, ATTORNEY GENERAL'S OFFICE
DENISE GUIDOTTI, SECRETARIAL ASSISTANT, NJDEP

ABSENT:

MIKAEL SALOVAARA COUNCIL MEMBER

The following are the minutes from the New Jersey Highlands Council meeting which was held at 10:00 a.m. at 100 North Road (Route 513), in Chester, New Jersey on January 6, 2005.

CALL TO ORDER:

The Chairman of the Council John Weingart called the meeting to order. He asked that the members on the Council introduce themselves.

OPEN PUBLIC MEETINGS ACT:

Chairman Weingart announced that this meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council sent written notice of the time, date and location of this meeting to pertinent newspapers of circulation throughout the State.

APPROVAL OF THE DECEMBER 16, 2004 HIGHLANDS COUNCIL MINUTES:

Chairman Weingart suggested that since the members just received copies of the minutes from the last Council meeting, members could review them over lunch and, time permitting, perhaps approve them later in the day.

PLEDGE OF ALLEGIANCE was then recited.

CHAIRMAN'S REPORT:

Chairman Weingart noted that the Resolution created two committees: Personnel Committee; and Budget & Finance Committee. Jack Schrier motioned to create the committees and to have Chairman Weingart serve as Chair of the Personnel Committee, Janice Kovach seconded the motion, and all members were in favor of the motions and approved. The Treasurer – once designated – will serve as chair of the Budget & Finance Committee. Chairman Weingart said that if anyone wants to be considered for the Committees to please let him know in the next couple days.

PUBLIC COMMENT

Chairman Weingart asked if any member of the public wished to address the Council. No one spoke up.

PRESENTATIONS:

Council member Kurt Alstede introduced Secretary Charles M. Kuperus, Secretary of Agriculture to speak about the Highlands role of the Department of Agriculture.

Secretary Kuperus expressed his appreciation for being invited so early in the Council's formation. He said it was an indication of the Council's recognition of the importance of agriculture in the Highlands and the Council's desire to seek the input of agricultural interests.

He noted that there are 160,000 acres of farmland within the Highlands region. He noted that keeping the farms and farmers in our Garden State is very important as we carry out the goals of the Highlands Act. Agriculture is changing -- the number one crop used to be poultry, then dairy and now corn and horticulture.

Secretary Kuperus wanted the Council to know the names of important contact people concerning Agriculture: Tony Kramer, USDA State Conservationist (federal farmland preservation funds); Tim Brill, Planner for the Farmland Preservation Program; Monique Purcell, Director, Division of Natural Resources at the Department of Agriculture; Susan Kraft, Director of the Farmland Preservation Program and Executive Director of the State TDR bank. Also, Secretary Kuperus advised that the NRCS (part of the USDA) has been a close partner of the Department of Agriculture with regard to farmland conservation monies.

A major Departmental accomplishment noted by Secretary Kuperus was that 20,000 acres of farmland in the Highlands region have already been preserved and that another 10,000 acres are in the pipeline for preservation. He said there is Farmland Preservation funding available for farmland protection and asked that the Council work together with the Department of Agriculture in that area.

Kuperus chairs the TDR Bank which is “in but not of” the SADC (State Agricultural Development Committee). He noted the importance of TDR in the Highlands region.

Council member Jack Schrier asked Secretary Kuperus if he could elaborate on the issue of smart growth as it relates to farmland viability because he understands we need to preserve farmland viability; farmland is beautiful but Morris County farming isn’t what it used to be. Kuperus responded that contiguous land is of great importance because NJ is number two in the nation as to blueberry farming. Council member Glen Vitrano said Sussex County farms and the agricultural community have diversified to find new markets to help farm profitability, and they are looking to us to support them. Chairman Weingart asked Secretary Kuperus what we could do to reach out to farmers. Kuperus responded that you are already doing it: the Council invited him to speak today and has reached out to the Farm Bureau; and the Chairman will be attending the upcoming Agriculture convention. TDR is an issue; the planning process will have to be coupled together with equity and land value because every farmer wants to be treated fairly. Eileen Swan asked what could be done to help farmers get into the Farmland Preservation Program and encourage counties to support it because farms are not being treated equally by Hunterdon County as to funding in the preservation area. Kuperus responded that “we’re blind to the line”, that is the Department of Agriculture will promote preservation in both the preservation area and the planning area; he said we need to find partners to help counties with preservation. Ben Spinelli asked how to improve outreach to farmers. Secretary Kuperus responded that he and Monique Purcell are already supplying better information and guidance to farmers because a major problem has been misinformation or lack of information. Tim Dillingham asked the Secretary about water quality programs. The Secretary noted that Department of Agriculture budget increases have targeted that issue. He says the Department of Agriculture wants to protect national resources.

Chairman Weingart then recognized Rita L. Strmensky, Esq., Executive Director of NJ Executive Commission on Ethical Standards to address the Council on the subject of Ethical practices.

Ms. Strmensky discussed a number of situations:

- 1) If a member is on the Council because he or she is an elected official in a particular area, and an application relates to that area, the Council member may have to recuse himself. The member is not prohibited from participating on matters of general policy or planning (as opposed to specific applications);
- 2) If someone calls to inquire about an application, the Council member should refer it to a staffer, and have the staffer look into status so that the Council member is not perceived as an agent of the applicant;

- 3) Members should not accept dinners, golf outing or similar invitations from vendors.

Members had a number of questions and comments. Ms. Strmensky indicated that the Council could follow up by making further inquiry of the Ethical Commission through the Council's Ethics Officer, once designated.

Ms. Strmensky advised the Highlands Council that it must appoint an Ethics Officer on staff. Members should go to the ethics officer when they have an ethical issue or question. She said her Commission is happy to have Council members tell people that they are declining invitations or gifts because the Ethics Commission won't let them accept. The Commission is supposed to play the "heavy." She also explained that recusals should be done in writing or put on the record during a meeting. She pointed out the existence of separate ethical standards and ethic review for local government entities and members. Since counties have local ethics offices within their local government, Ms. Strmensky advised members to seek guidance at that level in county related questions.

Ms. Strmensky advised the Council that the next meeting of the Executive Commission on Ethical Standards was coming up in February, and that if the Highlands Council approves a Code of Ethics at the January 20, 2005 meeting, the Commission would most likely be able to review it at the February session.

PUBLIC COMMENT PERIOD:

Assemblywoman Alison Littel McHose, District 24 (5 towns in Morris County, two in Hunterdon County). She's concerned about the guidelines for TDR and looks forward to working closely with the Council. Chairman Weingart promised to inform her when TDR is on the Council's agenda. McHose said an example of a problem in Sparta is that people are gobbling up land, however a school has trouble purchasing land because values have gone up. Glen Vitrano affirmed her position and gave examples. McHose said farmers rely on their farms' equity to borrow against when seasons aren't favorable. Eileen Swan asked McHose to look to those townships in Hunterdon County because she knows at least one farm is having problems because the County is not funding farms in the preservation area. Tim Dillingham noted that this was a big issue in the Pinelands and said the need for economic studies are essential. He added that the economic impacts of regional planning had been studied in the Pinelands and the results of those studies should be provided to the Council and to the public as well as to Assemblywoman McHose.

Robert Best from Independence Township, Warren County, an orchard owner, with 60 years in business is located in the preservation area. His concerns are that loans are based on land equity. He fears that without collateral from equity the banks will start calling before the farmers are reimbursed. Mr. Best asked what mechanism is in place to remedy this situation. Chairman Weingart thanked Mr. Best for his comments.

Richard Nieuwenhuis, President of the NJ Farm Bureau notes that the Farm Bureau concurs with the Secretary of Agriculture's comments. He says the Bureau is "on board" with the legislation and had input with the Governor's office when the legislation was

being developed. He notes that the Bureau did not ultimately sign on as supporting the legislation when it came up for a vote out of concerns about lack of a dedicated funding source which is critical and a major issue with farmers. He asked that the Council please go forward with studies on land values for the comfort level of farmers and is pleased to see Kurt Alstede on the Council.

Rick Gardner, Freeholder, Warren County notes that Warren County is a joint participant with Hunterdon County and that he would like to see information as to surface water flow available to the counties. He concurs with Assemblywoman McHose as to concerns over property value and equity. He suggested that the Council look at New York's system for urban water supply. Eileen Swan stated that the New Jersey Water Supply Authority has a water protection fund where users pay to protect watersheds.

Bob Larsen, resident of Independence Township. He said he's not a farmer nor a developer, however he and his wife purchased 15 acres one year ago. The property they purchased is affected by the Act and he wants to know if there is funding available for legal counsel because his property is on the dividing line. He has had to expend a considerable amount of money because 12½ acres of his property is protected and 3½ acres are not and they want to build a new house. Chairman Weingart thanked him for coming and suggested Mr. Larsen present the facts of his situation to Adam Zellner.

LUNCH BREAK 12:30-1:15

CONSIDERATION OF COUNCIL BY-LAWS (Voting Matter)

Jack Schrier moves to approve revised Bylaws as proposed, with four changes:

- 1) Fix the typo "Vice Chair" to "Treasurer" on page 3;
- 2) Vice Chair and Treasurer will serve for one year terms which are renewable;
- 3) Members will be allowed to participate (including vote) via telephone so long as there is a quorum (8 Council members) present in person and further provided that the Council member calling in may be heard by the public and that the public may hear the Council member calling in;
- 4) The hiring referred to in paragraph 5b will be "upon approval of the Personnel Committee."

The motion to approve the revised bylaws, as amended, is UNANIMOUS, ALL IN FAVOR.

CONSIDERATION OF COUNCIL OFFICERS (Voting Matter)

Council member Mimi Letts moves Jack Schrier to be Vice-Chair; motion is seconded by Janice Kovach; the vote was UNANIMOUS, ALL IN FAVOR.

Council member Janice Kovach moves Debbie Pasquarelli to be Treasurer; Eileen Swan seconds the motion; the vote was UNANIMOUS, ALL IN FAVOR.

CONSIDERATION OF ETHICS POLICY (Voting Matter)

Chairman Weingart asked Counselor Dante DiPirro for his recommendation on how to move forward with voting on the ethics policy. Mr. DiPirro responded that it would be appropriate to delay voting and give further consideration to the ethics policy and ethical considerations in light of the discussion today. Staff will consult with the Executive Commission on Ethical Standards. The Council decides to put consideration of the approval of the Code of Ethics on the agenda for the January 20th meeting.

DIRECTOR'S REPORT

Chairman Weingart suggests changing the order on the agenda and asked Executive Director Adam Zellner to present the Director's Report.

Executive Director Adam Zellner thanked the Council for hiring him and synopsized the visions and ultimate goals of the Highlands Protection Act. He mentioned that the key departments are DEP, DOT, and Agriculture, and that School Construction and improvement plans all come into play with HMFA rules being written with a need for cross acceptance. DEP will be writing the Highlands regulations on an expedited basis. The Council will then adopt a regional master plan based on standards set out by the regulations. By May, budgets will be finalized so the Council needs to start right away with meetings and address concerns and readjust capital spending positions. The Council needs to give input before June 2005, because the DEP needs to hear from the Council in the rulemaking process.

Chairman Weingart stated the need for a work plan to adhere to regarding policy decisions, master plans, and areas the Council is not familiar with. For example, scientific information as to where water is available and where water isn't. Debbie Pasquarelli thought the Council should involve planners from the 7 Highlands counties. Eileen Swan thought a presentation by the counties of their master plans which set forth their own visions would be helpful also. Tim Dillingham thought that the analysis of technical data may be hard to complete within the timeframes.

Mimi Letts asked Adam Zellner what the major components of what's expected in the next 18 months. He said there is an economic development aspect a comprehensive master plan, and land use elements which can be controversial. Mimi requested an index and Adam said background books would be put into a flow chart with goals, deadlines and timelines. Chairman Weingart stated the Council needed to establish a working group on DEP rules right away that can report back to the Council. Chairman wants Adam to get meetings scheduled with Commissioner Lettiere from DOT, and the Commissioner of Community Affairs on cross acceptance issues within 2 months.

PUBLIC COMMENT

Wilma Frye, Highlands Coalition acknowledged that Tim Dillingham suggested the need for technical materials and she stated that such documents and tools are available and that the New Jersey Conservation Foundation report is available. The Highlands Coalition also has a map, which is called "Treasures at Risk" from the Forest Service generated by Rutgers, which identifies important environmental places. Wilma suggested that it would be helpful to them and offered to present it.

Lisa Voyce, Roxbury Planning Board, appointed for the next 4 years as Water Quality Specialist. Lisa worked at ANJEC for 2 years and she seconds Wilma's suggestion about making a presentation to the Council and concurs that good technical expedited information is available and that she is willing and able to step in and help move the mission.

Andrea Hayde, Franklin Township, Pohatcong Mtn., Southern Warren County. Ms. Hayde wanted to express her concern because towns are expending amounts of money on legal counsel for Highlands issues and she would like to know if there is a way she could get financial assistance in hiring a lawyer herself. She stated there is a definite need for legal advice.

Chairman Weingart motioned to go into Executive Session to discuss personnel matters, all were in favor.

EXECUTIVE SESSION:
Personnel Matters

REPORT ON EXECUTIVE SESSION

Chairman Weingart reconvened the meeting and noted that in executive session the Council discussed hiring a Deputy Executive Director, Interim Planner, several non-executive staff members, and adopting an Organizational Chart.

Janice Kovach motioned to adopt the Organization Chart, seconded by Debbie Pasquarelli, the vote was UNANIMOUS, ALL IN FAVOR

Eileen Swan nominated Dante DiPirro for Deputy Executive Director on an annual basis of \$115,000, that motion was seconded, and the vote was UNANIMOUS, ALL IN FAVOR.

Chairman Weingart then moved to approve the hiring of the following people:
Ross MacDonald, Economic Development Director
Erin Thomsen, Executive Assistant to Executive Director Zellner
Geoffrey Knapp, Environmental Field Coordinator
Denise Guidotti, Executive Assistant to Deputy Executive Director DiPirro
Susan Schmidt, Receptionist

The Chairman further moved to retain MaryJude Haddock Weiler, as Interim Planner, by means of a consulting contract not to exceed \$7,500.

The vote was UNANIMOUS, ALL IN FAVOR

Chairman motioned to ADJOURN. UNANIMOUS, ALL IN FAVOR