

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF APRIL 7, 2005**

PRESENT:

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

The following are the minutes from the New Jersey Highlands Council meeting which was held at Passaic County Community College, 500 Union Avenue, Wanaque, New Jersey on April 7, 2005 at 4:00 p.m.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the seventh meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:10 p.m.

OPEN PUBLIC MEETINGS ACT:

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

ROLL CALL: The members of the Council introduced themselves.

PLEDGE OF ALLEGIANCE was then recited.

COUNCIL MINUTES (March 17, 2005 meeting):

Mr. Glen Vetrano made a motion to approve the minutes, Ms. Lois Cuccinello seconded the motion, Mr. Mikael Salovaara abstained, all others were in favor, and the minutes of March 17, 2005, were APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart noted that the meeting was being held at the Passaic County Community College, and that the Council will continue to conduct its next six meetings at locations in each of the Highlands counties. Mr. Weingart then introduced Council member Ms. Lois Cuccinello, Passaic County Freeholder, to address the public. Ms. Cuccinello expressed her appreciation that Passaic County was chosen for the first road meeting and also thanked the College for providing space for the Council and public.

Mr. Weingart then followed up on previous discussions regarding the process for handling inquiries about individual properties. He suggested that all questions and comments about specific properties or developments be first referred for review to Council staff, and that the staff then report to the Natural Resource Committee, which in turn will recommend action its members feel appropriate to the full Council. In all cases, the staff and/or Committee will inform all Council members of the conclusions of their reviews. Mr. Weingart asked that staff prepare a resolution incorporating this procedure for consideration at a subsequent Council meeting.

Mr. Weingart noted that at the Council's last meeting on March 17th, Mr. Stephen Shaw, attorney for Hunterdon and Warren Counties, requested that the Council provide him an opportunity to make a presentation to the full Council. Mr. Weingart noted that he had advised the two counties by letter that the Council would do so. (He indicated that a date for the presentation had been agreed to, but subsequently that date has been changed.)

The Chairman then suggested the order of the agenda be revised slightly to enable the Council to first consider two resolutions which members of the public had asked be moved up on the agenda. No members objected. Mr. Weingart also noted that all fourteen Council members were present (a fifteenth member has yet to be appointed).

Mr. Weingart advised that Resolution 2005-14 would establish a committee structure, provided that committee meetings would be open to the public and include a process for obtaining input from the public. Resolution 2005-15 would establish a revised meeting schedule.

RESOLUTION MEETING DATES AND LOCATIONS (voting matter):

Mr. Weingart noted that the Council had before it a resolution that would update the list of annual meeting dates in order to reflect that the next meetings would be held in each of the other six Highlands counties.

Ms. Pasquarelli noted with reference to Resolution 2005-15, that the location chosen for the Warren County meeting should be changed. She advised that the room is not large, and will likely not be sufficient to accommodate the meeting. Ms. Pasquarelli advised that staff could call her for assistance in finding a different site.

Mr. Schrier moved the Resolution with Ms. Pasquarelli's proposed amendment. Mr. Alstede and Ms. Pasquarelli seconded the motion, all were in favor, UNANIMOUS.

RESOLUTION ON COMMITTEE STRUCTURE (voting matter):

Mr. Weingart called upon Mr. Dante Di Pirro to present the resolution on committee structure. Mr. Di Pirro explained that the resolution would establish eight standing committees:

- A) Local Participation Committee: Members: Jack Schrier (Chair); Tracy Carluccio; Mimi Letts; Debbie Pasquarelli; Ben Spinelli; Eileen Swan; Scott Whitenack.
- B) Smart Growth and Economic Development Committee: Members: Ben Spinelli (Chair); Kurt Alstede; Lois Cuccinello; Tim Dillingham; Mikael Salovaara; Jack Schrier; Glen Vetrano.
- C) Land Conservation Committee: Members: Eileen Swan (Chair); Kurt Alstede; Tim Dillingham; Janice Kovach; Debbie Pasquarelli; John Weingart; Scott Whitenack.
- D) Personnel Committee: Members: John Weingart (Chair); Tracy Carluccio; Lois Cuccinello; Janice Kovach; Jack Schrier; Eileen Swan.
- E) Budget and Finance Committee: Members: Debbie Pasquarelli (Chair); Janice Kovach; Mimi Letts.
- F) Natural Resources Committee: Members: Tim Dillingham (Chair); Kurt Alstede; Tracy Carluccio; Eileen Swan; John Weingart.
- G) Interagency Committee: Members: Lois Cuccinello (Chair); Janice Kovach; Ben Spinelli; Glen Vetrano.
- H) Plan Development Committee: Members: John Weingart (Chair); Lois Cuccinello; Tim Dillingham; Debbie Pasquarelli; Jack Schrier; Ben Spinelli; Eileen Swan.

Mr. Di Pirro further explained that standing committee meetings will be open to members of the public except when confidential matters are discussed (e.g. personnel matters, attorney-client matters or other matters that are privileged or confidential under law). Advance notice of the date, time and location of committee meetings will be provided on the Council's web site. Committee chairs will have the discretion to take public comment,

as appropriate. Members of the public who wish to make a presentation to a specific committee are encouraged to identify the issues they wish to address and request in advance that they be added to the agenda for an upcoming meeting. Committee chairs will be authorized to establish work groups, as appropriate. He noted that the Natural Resources Committee intends to have a DEP work group and an Agriculture work group (with regard to the latter, Mr. Kurt Alstede is working on potential membership).

Mr. Schrier noted that several members have expressed their interest in having committee meetings be open to the public, and thanked the Chair and the staff for crafting the resolution to provide for it.

Ms. Swan noted that TDR may need to be included in both the Smart Growth and Land Use committees because cross-over might occur when looking at properties. Mr. Di Pirro acknowledged that there would invariably be some cross-over on issues. He said that an issue could be sent to two committees or that two committees could meet jointly to handle a cross-cutting issue.

Ms. Swan made a motion to approve Resolution 2005-14, Mr. Schrier seconded the motion. Mr. Tom Borden noted the public's desire to make comments prior to the vote. Mr. Weingart opened the floor for public comment.

Martin O'Shea, West Milford. Mr. O'Shea said he agreed with the resolution overall. However, he asked that the public not be precluded from commenting at committee meetings. He also objected that at today's meeting the Council had moved consideration of the resolutions up earlier on the agenda.

Mr. Weingart thanked Mr. O'Shea for his comments and explained the reason voting items were moved up on the agenda was in an attempt to utilize time as effectively as possible. He noted that the Council is taking public comment right now. He further stated that committees do not wish to exclude any member of the public and will provide as much time as possible for public comment.

Mr. Schrier addressed Mr. O'Shea's comments, stating that although committee meetings may not be subject to the Open Public Meetings Act, by virtue of this resolution, the Council will nonetheless provide notice and make them open to the public.

Ann Barron, Highland Park. Ms. Barron commented that she appreciates the Highlands Council opening up committee meetings to the public. She asked that public input be taken at all committee meetings.

Ms. Swan noted that the resolution specifically memorializes the Council's intent that there be meaningful public input at committee meetings.

Ms. Pasquarelli suggested that in order to accommodate everyone, the Council might consider amending the resolution to affirmatively require that there be public comment at every standing committee meeting, and leave the amount up to the discretion of the chair.

Mr. Mikael Salovaara proposed instead that the Council approve Resolution 14 as it stands, noting that if ever insufficient public comment at meetings becomes an issue in the future, the Council would address it and make appropriate changes.

As to the motion made by Ms. Swan to approve Resolution 14, seconded by Mr. Schrier, all were in favor, except Ms. Pasquarelli, who opposed, and Resolution 14 was APPROVED.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Weingart asked Mr. Adam Zellner to present the Executive Director's report.

Mr. Zellner thanked the County and Passaic County College for hosting the meeting. He pointed out that there are materials available to the public at the meeting and that materials are also available on the Highlands Council's website.

Mr. Zellner noted that at the Council's last meeting Mr. Schrier inquired about the NJWSA's water rate proposal. Mr. Zellner advised that Mr. Ross MacDonald addressed those questions and provided a memorandum which is included in the members' meeting packets. Mr. Zellner thanked Mr. Lewin Weyl for his assistance with Highlands legal matters.

Mr. Zellner then introduced staff members Mr. Matt Curtis and Ms. Laura Szwak to give brief presentations.

Ms. Szwak gave a breakdown of draft funding amounts available for land preservation. She advised there is currently \$55 million in the State fund for local acquisitions not including Green Acres. As to local government funding, Ms. Szwak advised that there are 61 towns that have an open space trust. She advised that funding amounts are still draft and staff is finding that more funding sources are available. However, Ms. Szwak noted that these amounts are not within the Council's control. Mr. Weingart asked Ms. Szwak to email her outline of the amounts she mentioned to all Council members.

Mr. Zellner noted that the end of the budget year is coming up on the fiscal calendar. Therefore, many towns cannot commit to funding amounts. The new fiscal year begins July 1. Mr. Zellner then introduced Mr. Curtis to give a status report on office technology.

Mr. Curtis noted that email for staff at the Chester office would be migrating to a new domain at njhighlands.state.nj.us. Due to the recent flooding in Trenton, migration has been delayed. Mr. Curtis noted that once migration is complete, members and staff will have new email addresses. The new domain will also allow staff to share schedules electronically. Mr. Curtis advised that the time frame for completing migration is 2-3 weeks. He noted the Council's website will become much more extensive. Mr. Curtis

advised that he is drafting a policy for email and will provide the draft to the members and staff.

Mr. Zellner then briefed the members on events on the schedule. He noted that over the past week staff has had TDR meetings with South Hackensack, Netcong, Hawthorne, and that a meeting in Somerset will be occurring within the next week. Mr. Zellner stated the primary focus has been on receiving. He also advised that the NJ Planning Officials will meet on Saturday, April 9th. Mr. Zellner noted that in the last two weeks Passaic County has had Mayors' meetings, County meetings, and meetings with towns within the county on TDR.

COUNCIL MEMBER REPORTS:

Mr. Weingart then asked if there were any members who wished to give reports and none did.

PRESENTATION (PASSAIC COUNTY):

Mr. Weingart then asked Mr. Neil Muller, Director, Passaic County Planning Department, to give a presentation regarding planning issues in the county.

Mr. Muller then gave a detailed power point presentation noting Passaic County's importance to the Highlands. He noted that in Passaic County there are 114 square miles in the preservation area, and six square miles in the planning area. He identified the location of natural resources and development. He noted current planning concerns and issues. With regard to the planning area of Passaic County, Mr. Muller noted that a "blind to the line" approach is necessary. Among the planning area goals in Passaic County are to protect water, preserve environmentally sensitive lands, protect town character, preserve farmland, promote agricultural, horticultural, and recreational culture. Mr. Muller stated the planning area in Passaic County is almost already wholly developed.

Ms. Cuccinello thanked Mr. Muller for his presentation and added that there are many issues to address regarding preserving land, as well as sound planning in the planning area.

Mr. Whitenack thanked Mr. Muller for the specifics he included in his presentation.

Mr. Spinelli talked about the importance of reclaiming brownfield sites and noted that the very site of the community college in which this meeting was taking place was a former brownfield site. Mr. Muller responded that it was his belief that the site indeed was a former landfill. Mr. Spinelli added that re-use is an important issue.

PRESENTATION (AFFORDABLE HOUSING):

Mr. Zellner then introduced Ms. Lucy Voorhoeve, Executive Director of the Council on Affordable Housing. He said her presentation would clarify many of the misunderstandings about COAH. Since affordable housing is desperately needed, it's important to recognize that affordable housing is about building where building is sustainable which in turn makes it affordable.

Ms. Voorhoeve advised that the Fair Housing Act created COAH as the mechanism to oversee the establishment of affordable housing within all municipalities in New Jersey.

Ms. Voorhoeve offered a number of materials to the Council and the public. She discussed fair share obligations and the techniques for municipalities to meet their COAH obligations. Ms. Voorhoeve noted that COAH worked with the Meadowlands Commission and has appointed someone to deal solely with Meadowlands issues. She proposed that COAH could also dedicate someone to deal solely with Highlands issues.

Ms. Voorhoeve then noted the three components of a municipality's fair share obligation: (1) growth share, (2) rehabilitation obligation and (3) prior round obligation

Ms. Voorhoeve noted that the new COAH rules are consistent with the State Plan and the Highlands Act. Under the growth share approach, a town's COAH obligations keep pace with its decisions on growth.

Ms. Voorhoeve would like to work closely and effectively with the Council to achieve the goals of both COAH and the Highlands. The rules of COAH reflect consistency with the Highlands Act

Ms. Voorhoeve said that the COAH process is more beneficial than dealing with the courts. She noted that 300 of the 566 municipalities participate with COAH and that the 75 towns that work with the courts are not in the Highlands region. Ms. Voorhoeve stated that builders remedy lawsuits cause towns to lose the ability to determine the amount of development. Alternatively, COAH is proactive and lets towns give input in deciding what growth occurs.

Ms. Voorhoeve advised that COAH would like to jointly review plans that come in to the Highlands Council. She advised that COAH's analysis estimated that the COAH obligation of the entire Highlands region was 300 units yet to be constructed.

Ms. Voorhoeve stated that municipalities may comply with obligations through inclusionary zoning; developers could provide that a percentage of housing would be affordable housing within a total development. She noted that a growth share ordinance can be adopted by municipalities so that no matter what development occurs it is applied to all growth, or it can be applicable to a particular zone within a municipality. Ms. Voorhoeve added that municipalities can work together and negotiate credits through the

Affordable Housing Partnership Program. Ms. Voorhoeve said that COAH is open to suggestions and ideas for improvements on how it can better serve towns.

Ms. Voorhoeve noted that there will be technical meetings in May and June, and invited the Council staff to participate.

Mr. Weingart asked if a town says they won't have any more development then there is no obligation, Ms. Voorhoeve responded "yes."

Ms. Letts asked whether receiving areas will have a greater fair share obligation if they receive. Ms. Voorhoeve responded that COAH will follow the growth and will work with Smart Growth office to determine whether TDR is applicable.

Ms. Swan asked whether changes as to COAH are possible, and Ms. Voorhoeve said timing for changes is good and that the opportunity for improvements by working together is better than ever.

Ms. Pasquarelli asked Ms. Voorhoeve for clarification with regard to Mr. Weingart's earlier comment suggesting that if a town declares it is a "no growth" area within the preservation area that it won't have a COAH obligation. Ms. Pasquarelli stated that since towns are not able to decree that they will have no growth, they will in fact have a COAH obligation.

Ms. Voorhoeve said that with regard to build out analyses, it is for a specified amount of time, between now and 2014. What generates the COAH obligation is those numbers.

Ms. Pasquarelli said planning areas are being targeted and need protection.

Mr. Zellner added that COAH has visited sites to make sure that its numbers are valid.

Mr. Weingart called for a short break at 6:15 p.m.

PUBLIC COMMENT:

At 6:30 p.m. Mr. Weingart called the meeting back to order for a public comment period.

Ella Phillipone. Ms. Phillipone noted with regard to Eagle Ridge, that Belchers Creek flows into Greenwood Lake and that raw sewage is currently going into the lake. She asked that the Highlands Council partner with the Water Commission to stop the project. Ms. Phillipone stated that the DEP needs to fully address the problems which this development will cause.

Ms. Cuccinello advised that Passaic County passed a resolution in opposition to the Eagle Ridge development. Passaic County asks that the Council take appropriate action to stop the project. Ms. Cuccinello offered the resolution for the Council's review.

Mr. Weingart advised that review of the project has been referred to staff. Ms. Letts pointed out that the Council is not fully familiar with every area and every project in the Highlands. Mr. Schrier noted that he has heard about Eagle Ridge and thinks there are many problems. He stated that the Council must consider what the DEP's position is regarding the project. Mr. Schrier said that at a minimum, the Council needs to know what projects the DEP is considering. Ms. Swan agreed and said that the Council needs to take a closer look at this project to see what DEP's methodologies are.

Ms. Carluccio asked what the time frame is for DEP's approval of the water allocation permit on the Eagle Ridge project. She expressed concern over whether the Council will have sufficient time to consider the issues and take appropriate action. Ms. Cuccinello replied that the issue is before the Commissioner at the present time. Ms. Carluccio then asked that the Council communicate to Commissioner Campbell that it is reviewing the project, and request that DEP take no action before the Council can complete its analysis.

Mr. Zellner advised that Mr. Dillingham had relevant information regarding Eagle Ridge which he would provide in his committee report.

Ms. Pasquarelli asked what immediate action should be taken with regard to Eagle Ridge. Ms. Cuccinello advised that the main issue with the project is the pending approval by the DEP of the water allocation permit. She noted that an appropriate action to take would be to request that DEP postpone acting on the permit application until after the Council has fully reviewed it. Mr. Weyl advised that the DEP is not required to act on the permit within a certain time limit.

Mr. Weingart asked the members to consider taking this action by letter. Ms. Letts advised that members need to get up to speed on the matter, but noted that it should not ask for an indefinite delay.

Mr. Zellner noted that the Council could be ready to address the issue by its next meeting on April 21st. Mr. Zellner said that he would draft a letter to the DEP requesting that not rule on the Eagle Ridge water allocation permit application until the Highlands Council has had the opportunity to conduct its review.

Ms. Cuccinello so moved, Ms. Letts seconded, all were in favor, APPROVED.

Dennis Schvejda, Sierra Club. Mr. Schvejda has worked with Congress since 1993 on federal funding. He noted that funding is available through the Forest Legacy which amounts to \$100 million a year. He asked that the Council petition for this funding. Mr. Schvejda noted there is also \$20 billion in the Land and Water Conservation Fund. Mr. Schvejda said that he recently spent time at the DEP reviewing files. He found that there were approvals to drill wells in areas where water allocation permits have expired.

Robin O'Hearn, Director, Skylands Clean. Ms. O'Hearn advised there was a meeting between County officials and the DEP regarding Eagle Ridge which was attended by Skylands Clean's hydrologist, Peter D'Amico. Ms. O'Hearn stated that the project

planners agreed to meet with Mr. D'Amico, however that meeting didn't occur. She offered Mr. D'Amico's services to the Council. Ms. O'Hearn noted that his studies on the well in Eagle Ridge are thorough and date back to 1987. She provided documents to Mr. Zellner and Mr. Borden.

Dennis Galway, Forrester, Bernardsville. Mr. Galway stated that the NJ position statement was provided to the Council previously and noted that he is a consultant and the Chair of the Society of American Foresters, as well as a member of the Tree Farm Committee. He advised that the DEP acknowledges that no letter of exemption is needed for farming or forestry. He stated that the people who live and work in the forest are concerned about DEP rulewriting. He asked the Council to be supportive of forestry in the Highlands region. Mr. Galway offered scientific and technical data to the Council.

Mr. Alstede noted Mr. Galway's comments and recognized that forestry is an agricultural process. He stated that the Legislature recognized it as such and wanted it understood that forestry is exempt from the \$500 fee for DEP exemption applications.

Paul Christy, Executive Director for the Coalition for Affordable Housing. Mr. Christy suggested that the Council look at where affordable housing will be placed in the regional master plan as the plan is being developed. He believed affordable housing would not work if it is addressed after the plan has been drafted.

Mr. Zellner confirmed that Mr. Christy was correct and noted that the Interagency Committee will do a comprehensive plan including affordable housing unit obligations.

Greg Daly, Oak Ridge, tree farmer. Mr. Daly advised that he owns 125 acres. He recognizes the benefits of open space preservation and said tree farmers are in support of the Highlands Council. He is aware of the need to protect the biodiversity of his farm and noted that private landowners find ways to make the land work without developing it.

Timothy Trainer, Bloomingdale, former founder of WATER. Mr. Trainer advised that WATER was a grassroots movement which moved to successfully defeat the Passaic County landfill. Mr. Trainer is the co-owner of a 65 employee business which works on new construction. He provided materials to the Council regarding smart construction.

Doris Aaronson, West Milford. Ms. Aaronson provided a resolution to the members for their review attaching maps which Houvnanian was utilizing for the Eagle Ridge development. Also included was Houvnanian's hydrology report by Tom Dwyer. Ms. Aaronson noted that the report on the project provides that wells will pump out at 130 gallons per minute, however the report fails to demonstrate how the water will recover. She stated Houvnanian's expert noted interference with their wells. Ms. Aaronson noted that five hydrology studies had been done and all conclude that water resources are not sufficient on the project.

Tom Carroll, Borough Administrator, Wanaque. Mr. Carroll noted that Wanaque is a very complex Highlands location. He advised that both the planning area and

preservation area are within 100 yards of where the meeting is being held. Mr. Carroll advised that \$500 million is being set aside for Ringwood Avenue in order to rehabilitate the road and improve character.

Ed Meakem, Pompton Lakes. Mr. Meakem advised he is originally from Jersey City and is a former member of the Pompton Lakes Board of Adjustment. The Board voted on a Resolution for open space which passed, that the Pompton Lakes Open Space Committee wanted the Dupont tract in Pompton Lakes preserved because it is the last open ridge left in Pompton Lakes. Mr. Meakem stated the tract is historic and should be preserved. He expressed concern that since Pompton Lakes is within the planning area, that the Dupont tract will not be preserved. Mr. Meakem advised that the first meeting for cross acceptance was held Monday night in Passaic County and asked that the Council scrutinize Pompton Lakes.

Sandy Lawson, Wanaque. Vice-Chair, Passaic Open Space Committee; Greenwood Lake Commission; and Co-founding Member of Wanaque Reach. Ms. Lawson advised that a large 775 unit grandfather project on fifty acres in the preservation area of Wanaque exists. She noted it proposed ten buildings on an acre each, and that impervious cover was at 10 acres without including parking. Ms. Lawson advised the project was revised in 2002, and that this month they applied to divert water which reflected an 86% increase in their water allocation. She noted that the area is flood prone. Ms. Lawson provided pictures of the area to the Council. She asked that the Council review the project.

Robert Frey, Warren County, founder of Pohatcong Environmental. Mr. Frey expressed concerns over long and short term financing due to the Highlands Act.

Susan Buck, Oxford Township, Warren County. Ms. Buck stated she opposes the Highlands Act and believes funding issues are troublesome. She said that people in the preservation area feel they have no control over their land now and have lost equity. She expressed concern about short term and long term effects, and wants the Council to address preservation land maintenance costs.

Wilma Frye, Highlands Coalition. Ms. Frye asked the Council to review the grandfather project which Ms. Lawson mentioned in Wanaque. She commented that it should not have been given an exemption by DEP and that it is the type of development that the Highlands Act was intended to prevent as it is in the preservation area.

Peter Gonzales, Passaic County. Mr. Gonzales advised he owns 50 acres and asked the Council to address saving Federal Hill. Mr. Gonzales stated that many of the areas immediately surrounding Federal Hill should be analyzed. He provided written comments and documents to the Council.

Barry DiGuisento, West Milford. Mr. DiGuisento thanked the Council for taking on the task of protecting the Highlands water resources. He asked the Council to be aggressive in carrying out the Act. He reminded that West Milford suffered greatly during the

drought of 2003 and that residents had to leave town to do laundry. He added that the water in the West Milford Town Hall is not potable. Employees in the town hall must bring bottled drinking water.

Celeste Burn, former Open Space Chair, West Milford. Ms. Burn advised that the town of West Milford came together in a bi-partisan manner to protest the Eagle Ridge townhouse project. She further noted that West Milford is a sole source town.

Mr. Weingart asked if there were any further comments and since none were received, turned the meeting to Mr. Ross MacDonald to give details regarding Resolution 16.

RESOLUTION NJWSA PROPOSED RATE SCHEDULE (voting matter):

Mr. MacDonald explained the rate proposal of the New Jersey Water Supply Authority (NJWSA). He underscored that the proposal would not increase water rates, only the amount of money available for land acquisition of critical watershed property. Mr. MacDonald advised that NJWSA expects to reallocate when and if additional funds become necessary.

Mr. Spinelli thanked Mr. MacDonald for his analysis and asked that the Council suggest to NJWSA that it add a notation on its bills to customers that a portion of their payment is being dedicated for open space purchase. Mr. Schrier agreed and asked that Resolution 16 be amended to note this request.

Ms. Cuccinello made a motion to adopt Resolution 2005-16 with the amendments proposed, Ms. Letts seconded the motion, all were in favor, UNANIMOUS.

COMMITTEE REPORTS:

Mr. Tim Dillingham reported on the DEP/Agriculture Committee. He stated that due to the advocacy of the Council and its staff, the DEP will now give the Council the opportunity to comment on the DEP highlands rules before those rules are re-proposed. Mr. Di Pirro added that the reproposal process will begin in the summer.

Mr. Jack Schrier reported on the Local Official and Public Participation committee. He noted that the municipal advisory committee is critical because it affects the public directly. He noted the benefits of the meetings now being opened to the public and stated the committee will be listening to input. Mr. Schrier advised that partnership meetings will be held in each of the three zones of the Highlands. At those meetings, key issues of concern will be identified. Mr. Schrier stated that planning boards and governing bodies at all levels will be invited to the meetings. The first meeting will be in May.

Ms. Swan and Mr. Schrier asked whether staff could obtain information from DEP on the grandfathered project mentioned by Ms. Lawson by the next Council meeting. Mr. Zellner assured that staff will have the information by then.

Ms. Letts said the Council cannot assume it has ultimate power over the outcome of the project.

Mr. Dillingham noted the need for standards to follow for projects like Eagle Ridge to respond appropriately and effectively.

Mr. Weingart noted that staff must determine how much time will be necessary for reviewing projects.

Mr. Spinelli noted the Council requires explanations from the DEP when it is reviewing projects, and the Council should request such explanations.

Ms. Cuccinello agreed that the Council has a responsibility to protect water. She noted that if there are a limited number of projects in the grandfather area then the Council should address each one.

Mr. Vetrano made a motion to adjourn, Mr. Whitenack seconded the motion, all were in favor, UNANIMOUS.

ADJOURN:

The meeting ended at 8:15 p.m.