

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF MARCH 15, 2012

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTEDE)	VICE CHAIRMAN
TRACY CARLUCCIO)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY)	
MICHAEL R. DRESSLER)	
MICHAEL TFANK)	
MICHAEL FRANCIS)	
BRUCE JAMES)	
JAMES MENGUCCI)	
CARL RICHKO)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT

ROBERT HOLTAWAY)

CALL TO ORDER

Chairman Rilee called the 112th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:05 pm.

ROLL CALL

Roll call was taken. Council Members Holtaway and Dougherty were absent. All other Council Members were present.

OPEN PUBLIC MEETINGS ACT

Mr. Borden announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF FEBRUARY 16, 2012

Mr. Richko introduced a motion to approve the minutes and Mr. Mengucci seconded it. All members present voted to approve. The minutes were APPROVED 12-0, with one abstention.

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CHAIRMAN'S REPORT

Chairman Rilee reported that he had two items to discuss: 1) Chairman Rilee reported that a couple of weeks ago Council put out a press release and he thanks the Highlands Council for previously recommending that certain Highlands exemptions be given to municipalities after meeting their conformance requirements in the Preservation Area. Because of that action he was able to work with Commissioner Martin at the NJDEP to allow the seven exemptions to be transferred to the municipalities. Chairman Rilee noted that this is a big win for individual property owners that are looking for relief from having to submit an application to the NJDEP for relatively minor exemptions of the Highlands Act, which would add significant time and strain on them. Chairman Rilee was pleased to work with Commissioner Martin on this agreement and these exemptions and looks forward to working with this Council and NJDEP to address other concerns of property owners in the Highlands region. Chairman Rilee also commented that he is confident Council will have a Memorandum of Agreement from NJDEP on this item in the very near future. 2) Chairman Rilee announced that he has reorganized the Personnel Committee and appoints himself, Mr. Alstede and Mr. Walton to the Committee.

Council Comments

Ms. Carluccio commented that she would like to be on the Personnel Committee as she has originally served on the Committee since the formation of the Council and was involved with the development of an organization chart for the Council and has been involved with all the hiring and recommendations that have come through the Committee since the beginning of the Council. Mr. Rilee indicated that he appreciated Ms. Carluccio's comments and her experience in this area, but expressed that he did not re-appoint Ms. Carluccio to the Committee because she is a hold-over in her position and he felt moving forward he wanted a stable Committee and at this time he felt the members he has appointed will do an adequate job. Ms. Carluccio responded to Chairman Rilee that she is a stable member of the Council with full voting and full participatory rights until she is replaced by the Senate. Chairman Rilee thanked Ms. Carluccio for her comments.

Chairman Rilee moved on to Item 7 of the agenda regarding the **Consideration of Resolution – Appointment of Highlands Development Credit Bank Chair**. Chairman Rilee said he would like to hold this Resolution until the next meeting.

Mr. Richko asked what the reasoning is for this action. Chairman Rilee responded that he does not think that anyone had an opportunity to get the information out to the members of the committee itself regarding this Resolution.

EXECUTIVE DIRECTOR'S REPORT

Chairman Rilee asked for Ms. Swan's Executive Director Report. Ms. Swan gave a brief summary update to the Council on Plan Conformance Petition reviews. She reported that, to date 65 (60 Municipalities and 5 Counties) Petitions have been submitted. Of these, 53 have been deemed Administratively Complete and posted to the Highlands Council website (including 2 Counties). Of these, 39 municipal Petitions and 2 county Petitions have been approved. At today's meeting Alexandria Township is seeking approval for their Petition for the Preservation Area. Should the Council approve this Petition, the Council will have approved 40 of the 60 municipal Petitions (62% of the total Petitions and nearly 75% of the complete Petitions). Ms. Swan reported that Council Staff

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has ten (10) Draft Consistency Reports in Municipal Review for Townships of Clinton, Greenwich, Independence, Randolph, Roxbury, Parsippany-Troy Hills, Union and Vernon; and the Boroughs of Oakland and Far Hills. Ms. Swan also noted that she met with the new Mayor of Oakland Borough and has set up a meeting on March 28, 2012 for the Highlands Council Staff to do a presentation for Oakland and continue the work we have been doing with them as a lot of that centers on the ability to sewer their downtown area where there are failing septic and small lots. This meeting would be very good for Oakland and more of the kind of work the Highlands Council takes pride in.

Mr. Dougherty was present at 4:13pm.

Ms. Swan showed maps representing Plan Conformance progress since the Council's December 16, 2010 meeting through today's meeting. Ms. Swan noted that today's Petition, if approved, will take effect after the Governor's review period of the Council's minutes and showed the map that would result from that action. Ms. Swan showed that the map reflected those municipalities with lands in the Preservation Area where conformance is mandatory and in Planning Area where it is voluntary. Ms. Swan then summarized a chart on the implementation of approved Petitions:

Implementation Status	#	Municipalities (New underlined)
Total Approved Municipalities	39	<u>Ogdensburg Borough</u>
Planning Area Petition Ordinance	11	Alpha Borough, Bethlehem Township, Byram Township, Clinton Town, Hampton Borough, High Bridge Borough, Holland Township, Lebanon Borough, Lopatcong Township and Mahwah Township, <u>Phillipsburg Town</u> .
Master Plan Re-examination Report	4	<u>Byram Township, Franklin Township.</u> High Bridge Borough, Holland Township
Checklist Ordinance	1	Holland Township
Environmental Resource Inventory	5	Byram Township, Califon Borough, <u>Franklin Township</u> , High Bridge Borough, Lopatcong Township
Highlands Master Plan Element	3	Califon Borough, <u>Franklin Township</u> , High Bridge Borough
Highlands Land Use Ordinance	1	High Bridge Borough (<u>w/ zoning map</u>)

Ms. Swan noted that Passaic County has approved the Highlands ERI, the Master Plan Highlands Element, and the Land Development and Land/Facilities Regulations.

Ms. Swan then provided an update on the Plan Conformance Grant Program and showed the average amounts requested for reimbursement by participating municipalities. Ms. Swan advised the Highlands Council that on average the expenses of the seven Modules are very close to the projected base amounts, with certain exceptions, as set forth in the following chart:

Towns	Base Amount	Average	Number
Module 1	\$15,000	\$13,839	73
Module 2	\$10,000	\$ 6,963	72
Module 3	\$ 7,500	\$15,402	65

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Module 4	\$ 2,000	\$ 3,142	64
Module 5	\$ 2,500	\$ 6,537	57
Module 6	\$ 5,000	\$ 4,422	54
Module 7	\$ 8,000	\$ 7,448	52
Module Subtotal	\$50,000	\$57,694	
Municipal Response Costs	\$ 8,000	\$ 5,942	37
Plan Conformance Cost	\$58,000	\$63,695	

Ms. Swan also reported the average award amounts for implementation plans based on approved Highlands Implementation Plan and Schedules:

Implementation Plans	Average Amount	Number
Wastewater Management Plan	\$3,471	35
Stream Protection & Restoration Plan	\$28,893	27
Habitat Conservation & Management Plan	\$16,962	26
Highlands Center/Redevelopment Plan	\$22,632	19
Agriculture Retention/Farm Preservation Plan	\$12,382	17
Sustainable Economic Development Plan	\$16,250	16
Water Use & Conservation Management Plan	\$58,000	15
Lake Management Planning	\$28,750	4

Ms. Swan concluded her Executive Director's report.

CONSIDERATION OF RESOLUTION – PETITION FOR PLAN CONFORMANCE BY THE TOWNSHIP OF ALEXANDRIA, HUNTERDON COUNTY

Ms. Swan gave a PowerPoint presentation on background statistics, as well as significant Highlands statistics as they pertain to Alexandria Township:

- Incorporated: 1798
- Population 2010: 4,938
- Land Area: 17,760 acres/
27.75 sq. mi.
- Preserved Lands: 2,792 acres (15.7%)
- Total Forest: 6,640 acres (37.5%)
- Preservation Area Lands: 2,721 acres – 14%
- Planning Area Lands: 15,038 acres – 86%
- Conservation Zone: 14,345 acres – 81%
- Protection Zone: 2,895 acres – 16.1%
- Existing Community Zone: 41 acres – 0.2% (Roads 2.6%)
- Agricultural Priority Areas: 11,062 acres – 62%
- Highlands Open Water Protection: 9,445 acres – 53%
- Critical Wildlife Habitat: 8,154 acres – 46%

Ms. Swan presented land use ordinance maps of Alexandria Township. Ms. Swan provided an overview of the RMP consistency analysis as follows:

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Petition Requirements	Consistent with the RMP	Specific Issues
Modules 1-2 Municipal Build-Out Report	X	None
Module 3 Housing Element/Fair Share Plan	X	None
Module 4 Environmental Resource Inventory	X	None
Module 5 Highlands Element	X	None
Module 6 Land Use Ordinance	X	None
Module 7 Petition for Plan Conformance	X	None

Ms. Swan reported that two public comments were received during the public comment period for Alexandria’s Petition, which opened February 17, 2012 and closed March 2, 2012. The following comments were received:

- Helen Heinrich, on behalf of the New Jersey Farm Bureau (supported proposed grant funding for the Agriculture Retention Plan and suggested the plan be coordinated with existing farmland planning tools already in place in the Township.)
- Erica Van Auken, on behalf of the New Jersey Highlands Coalition (supported the Petition and urged the Township to consider conformance for their Planning Area lands.)

Ms. Swan reported that the staff recommendation for Alexandria Township is to approve with the following conditions:

- Modifications to Plan Conformance Implementation Components Including Master Plan Element and Land Use Ordinance
- Water Use & Conservation Management Plan
- Agriculture Retention Plan
- Habitat Conservation & Management Plan
- Sustainable Economic Development Plan
- Stream Corridor Protection & Restoration Plan

Ms. Swan recognized Keri Bencoter, Highlands Staff Liaison for Alexandria Township.

Mr. James made a motion on the Resolution for Alexandria Township. Mr. Tjank seconded it.

Chairman Rilee opened the meeting to the public for comments on this Resolution.

Public Comments

David Shope, owns property in Lebanon Township – Mr. Shope commented that with all the hearings involving agricultural retention there is no mention of soil classifications. Mr. Shope further commented that the type of soil determines the productivity of the soil and asked about the parameters used to determine agricultural retention. He further suggested that perhaps in the future this information can be included in the Council’s synopsis.

Council Comments

Ms. Carluccio had a question regarding the fact that the original Resolution passed by Alexandria Township covered both the Preservation and Planning Areas and then the Township changed their

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mind. She asked if there was another Resolution passed to change their intention. Ms. Swan responded that Council dealt with the professional and that the Township was not going forward in the Planning Area and they would put in their own protections. Ms. Carluccio asked if Council requires a resolution for a municipality to change their intent. Ms. Carluccio urged Council to table this Resolution. Chairman Rilee commented that there are guidelines the governing body takes. Ms. Carluccio responded that she is asking if there is an amended Resolution by the governing body whereby the public was made aware that their Plan Conformance Petition for both Planning and Preservation Areas had been changed to Preservation Area only. There was further Council discussion by Messrs. Alstede, Visioli, Dougherty and Walton and Chairman Rilee and the decision was made to carry this Resolution until the next meeting.

CONSIDERATION OF RESOLUTION – APPROVAL OF SUSTAINABLE AGRICULTURE GRANT TO SUSSEX COUNTY

Chairman Rilee introduced the Resolution.

Mr. Vobden recused himself as Sussex County Freeholder.

Ms. Swan reported that a request from Sussex County is before Council today for consideration of a Sustainable Agriculture Grant in the amount of \$15,000. Sussex County has a history of working with the Highlands Council and they have had four prior grants, which were noted in Ms. Swan's Executive Director's report to Council:

- Agricultural Marketing/Agricultural Tourism (round 1); 2/15/2007
- Commercial Kitchen/Niche Markets (round 1); 2/15/2007
- Agricultural Marketing/Agricultural Tourism (round 2); 6/25/2009
- Commercial Kitchen/Niche Markets (round 2); 6/25/2009

Ms. Swan further stated that three of these grants have been closed and have proved to be very successful. Sussex County submitted material about the success of those grants (which is included in Council's packets) and this information will be posted to the website so the public can follow the success of these grants. Ms. Swan concluded that the Resolution before Council today is a request to continue that successful work, which builds partnerships between farmers and students to create valuable agricultural products through the use of Sussex County Technical School kitchen and other activities.

Mr. James made a motion on the Resolution. Ms. Carluccio seconded it.

Chairman Rilee opened the meeting to the public for comments on this Resolution.

Public Comments

David Shope, owns property in Lebanon Township – Mr. Shope submitted for the record the 2007 Census of Agricultural County Profile for Sussex County, which shows how the average age of farmers in New Jersey has gone up. Mr. Shope is of the opinion that farming is not a particularly wonderful

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way to earn a living and that is why the average age of the farmer is going up and why average earning is approximately \$20.72/acre. Mr. Shope commented that farmland assessment lands in earnings in other areas of the State are higher. Mr. Shope also submitted information from 1992 USFS Report that says “farming in the Highlands is becoming less attractive as development increases.” Chairman Rilee commented that Mr. Shope’s time was up and to submit his comments to Ms. Tagliareni. Mr. Shope submitted materials for the record.

Jerry Kern, landowner in Pohatcong – Mr. Kern commented on Alexandria Township’s Petition. Chairman Rilee responded that public comment is currently open on the Agricultural Grant for Sussex County and that Mr. Kern may comment on any topic at the end of the meeting.

Monique Purcell, Department of Agriculture – Ms. Purcell commented that the Department of Agriculture fully supports this grant for Sussex County for value added to their commercial kitchen. Ms. Purcell added that this is an extension of a project down in Bridgeton, New Jersey called the Rutgers Food Innovation Center, which has proven very successful in taking Jersey products and making them value-added products.

David Peifer, Association of New Jersey Environmental Commission (ANJEC) – Mr. Peifer commented that ANJEC supports the application today and urged Council to approve it. Mr. Peifer also made comments related to Mr. Shope’s previous comment on the 2007 Census of Agricultural County Profile for Sussex County. Mr. Peifer noticed the great disparity in income per acre in farmland throughout the Highlands Region and suggests that Council may want to study it and see what is going on in Bergen County as there is a huge disparity and perhaps Council can learn from the winners and develop policies that would encourage this disparity. Chairman Rilee asked Highlands Council Staff to make a note on Mr. Peifer’s request and to follow up on his comment.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich commented that the age of farmers is the same all over the country and has stayed in the 50s for the past 25 years. Ms. Heinrich says it is a sign of something to worry about. Ms. Heinrich commented that the income is a statistical situation where the Counties that have a smaller number of farms have a higher income and the Farm Assessment Committee does the same type of math.

Council Discussion

Ms. Carluccio commented that this is a terrific project and a great partnership between the school, the agricultural community, the Council and has turned out to be a great success. Ms. Carluccio added that it gives opportunities when there is a commercial kitchen for farmers to make products that they can sell and is truly a win-win for everyone. Ms. Carluccio also commented that Sussex County’s testimony shows that it has moved the needle towards a greater profitability for the farmers in Sussex County and the commercial school where they are learning how to improve the basic health and safety practices and aspects of this activity. Ms. Carluccio concluded that it is money well spent by Council.

Mr. Alstede commented that this grant helps people succeed and this year the Outstanding Farmer for New Jersey was from Sussex County.

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Chairman Rilee commented on the last paragraph of the Resolution which read, "... that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Sussex County for the renewal of a Sustainable Agriculture Grant in an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws."

Ms. Swan responded that the Bylaws afford the Executive Director the ability to authorize contracts and grants up to the amount of \$25,000, however when Ms. Swan was hired she was uncomfortable with that because it was not shown in the Resolutions and wanted to ensure that Members were aware of this authority so she had that language added to the Resolution to be extremely clear. Ms. Swan added should Council wish to change that authority, the Bylaws would need to be changed. Chairman Rilee asked if the Bylaws say \$25,000. Ms. Swan concurred and emphasize that she was not comfortable with that so added the language in the Resolution to draw Council's attention to it.

All members present voted on the Resolution. A roll call was taken. The Resolution was APPROVED by a vote of 12-0, with two abstentions.

Mr. Vobden returned to the meeting at 4:46pm.

CONSIDERATION OF RESOLUTION – AUTHORITY FOR PLAN CONFORMANCE AND HIGHLANDS PROJECT REVIEW

Chairman Rilee introduced the resolution and added that this is a step that allows the Executive Director to make decisions on the processes of these meetings. This has been brought up for discussion primarily by Vice Chairman Alstede and has been moving at six month intervals. Chairman Rilee added that new Council Members may want to have a better understanding of what this process is. Chairman Rilee suggests to Council that we carry this Resolution for three months (90 days) so new members can get caught up on the process.

Mr. Vobden made a motion on the Resolution. Mr. Mengucci seconded it.

Chairman Rilee opened the meeting to the public for comments on this Resolution.

Public Comments

David Shope, owns property in Lebanon Township – Mr. Shope commented that he is against having the Executive Director take action on Council's behalf that are final administrative actions which could subject Council to lawsuits without Council knowing. Mr. Shope commented that he is against this resolution.

Kate Millsaps, representing the Sierra Club – Ms. Millsaps has concerns on Item #5, Page 3 of the resolution which delegates the Executive Director the authority "for Highlands Act exemption determination, review and issue exemption determinations where direct Council action is recommended by the Executive Director". Ms. Millsaps noted that the Council has already determined which exemptions should be handled on the municipal level and delegate to another authority for

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review and that the remaining exemptions all relate to larger projects i.e., railroad line, linear development and these projects should be reviewed by the full Council. Ms. Millsaps would like some clarification on the exemptions in this resolution before Council moves forward.

Council Discussion

Ms. Carluccio expressed concern that before Council moves on this resolution that Council needs to settle Council's personnel issues and reconsider this resolution at the next meeting.

Chairman Rilee responded that by not taking action this resolution stays in effect and he has no issue on this.

Mr. Francis commented that what Council has in place now works fine so whether we pass it for three months or six months Council has to charge our staff and Executive Director with this authority because it works.

Mr. Richko commented that the resolution works with this Executive Director. Mr. Richko also commented that as our next resolution is on the position of the Executive Director, Mr. Richko would like to know who the new Executive Director would be so he would not support it until he knows. Mr. Richko feels Council is putting "the cart before the horse."

Mr. Walton commented that if Council passes this resolution then nothing changes.

Ms. Carluccio asked how this resolution would be put back on the agenda. Chairman Rilee responded that he has full authority. Mr. Borden clarified that the Chair has full authority to set the agenda.

Mr. Alstede commented that traditionally he has always voted against these resolutions because it is important for Council to retain certain actions it was empowered with by the Legislature. Mr. Alstede welcomes the opportunity to review the various specific items that Council delegates to the Executive Director and would be prepared to be in favor of this resolution with the understanding that it would be in place for 90 days so that we are assured a review period that is well overdue. Either way the resolution will stay in place, whether we table it or take action. Mr. Alstede suggested that Council supports the 90 day resolution. Mr. Alstede also commented that Council has a Deputy Executive Director who has been here a long time should there be a change in personnel and who is very familiar with these delegations. Chairman Rilee agreed with Mr. Alstede's comments.

Mr. Richko commented that if the Chair does not want to remove this resolution then it would stay as is. Chairman Rilee concurred. Mr. Dougherty respectively asked Chairman Rilee to remove this resolution.

There was further Council discussions on the resolution.

Mr. Dougherty made a motion to table the Resolution. Mr. Dressler seconded it.

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Chairman Rilee called for a roll call vote. Council Members Carluccio, Dougherty, Dressler, Richko, Sebetich and Visioli approved to table the Resolution and Council Members Alstede, Francis, James, Mengucci, Tfank, Vohden, Walton and Chairman Rilee voted against tabling the Resolution.

The roll call to table the Resolution was REJECTED by a vote of 6-8.

Chairman Rilee then called for a roll call vote on the original motion to carry the Resolution for 90 days. Council Members Alstede, Francis, James, Mengucci, Sebetich, Tfank, Vohden, Walton and Chairman Rilee approved to carry the resolution for 90 days, and Council Members Carluccio, Dougherty, Dressler, Richko and Visioli voted against carrying the resolution for 90 days.

The roll call to carry the Resolution for 90 days was APPROVED by a vote of 9-5.

*Chairman Rilee suggested that a short break be taken at 4:29pm.
The meeting reconvened at 4:35pm.*

CONSIDERATION OF RESOLUTION – POSITION OF EXECUTIVE DIRECTOR

Chairman Rilee introduced the Resolution and asked for a motion.

Mr. Alstede made a motion on the Resolution. Mr. Vohden seconded it.

Chairman Rilee opened the meeting to the public for comments on this Resolution and reminded the public of the three-minute limit and to be respectful of other members of the audience so you do not cut into their time.

Public Comments

Julia Somers, Executive Director of the New Jersey Highlands Coalition – Ms. Somers spoke on behalf of the 67 affiliate members of the New Jersey Highlands Coalition and their many members to thank Ms. Swan for her dedication and focused work on behalf of this state and the 5.4 million people who depend on Highlands water. Ms. Somers stated that New Jersey has rarely had a leader who has worked as hard, been as talented, as informative and as articulate as Ms. Swan. Ms. Somers added that although she and Ms. Swan did not agree on a number of issues in the Highlands, the Coalition is extremely distressed of the actions of the Christie Administration being put into action by this Council in replacing her. Ms. Somers also commented that Ms. Swan inspired and led a disciplined and effective staff and a staff who knew that she fought for them and their hard work at every turn. Ms. Somers is assured that most of the Council Members are unhappy that this is happening today as this is a shameful day and that for most of the Council nearly all of you have been positive about Eileen's leadership and have given her glowing reports. Ms. Somers further commented that Council has depended on Ms. Swan too heavily and now is the time to reacquaint themselves with the Highlands Protection and Water Act and the Regional Master Plan. Chairman Rilee informed Ms. Somers that her time was up. Ms. Somers submitted her complete comments for the record.

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Bill Wolfe, resident of West Amwell Township, Hunterdon County – Mr. Wolfe commented that he was involved with the team that drafted the Highlands Act and part of the Act was laying out an institutional framework on the powers of the Governor, the Council and the NJDEP and the relationship between the various parties. Mr. Wolfe was here today to talk about how this decision is volatile of the institutional structure of the Highlands Act and how it creates a serious problem with public perception and undermines the integrity of government and professionalism and the Council's integrity, independence, and professional standards going forward for an Executive Director's removal. Mr. Wolfe commented that the politics acting here are not transparent but a soviet-style of governance. Mr. Wolfe requests that the fourth "whereas" provision in the resolution, which cites Section 5g of the Act be amended to reflect the full statutory language, which is very important going forward. That language being that the Executive Director "shall be a person qualified by training and experience to perform the duties of the office." Mr. Wolfe concluded that that language should be added to the resolution and if not, Council is opening itself up for patronage and political appointments that undermine the integrity of the Act and Council.

Chairman Rilee responded that the language was drawn up by our Counsel and any amendments are in the later part on substantive issues.

Wayne Najduch, resident of Independence Township – Mr. Najduch thanked Ms. Swan for her efforts and what she has done for the people and for Council. Mr. Najduch echoes all the comments of those who have spoken before him about how much of an effort Ms. Swan has made. Mr. Najduch realizes her efforts and thinks Council is making a very large mistake.

Mimi Letts, former Mayor of Parsippany and former Highlands Council Member – Ms. Letts commented that she was fortunate to be on this Council when Ms. Swan did a remarkable job with a diverse Council when completing the RMP. She and her terrific staff who she developed and nurtured always provided Council with the information needed to make decisions. The fact that that Council was able to compromise to agree on a RMP is truly remarkable. Ms Letts assured the current Council that none of the members at that time agreed on every aspect of that plan. Nevertheless they were able to come to an agreement on the essential purpose and the essence of that RMP thanks to the guidance of Ms. Swan and when it was all said and done the Council at that time was able to shake hands on it all. Ms. Letts is impressed by the number of towns both in Preservation and Planning Areas that have been coming before Council to seek conformance to that plan, especially when the Planning Areas come before Council. Ms. Letts feels Ms. Swan has had a very balanced approach to protect the environmental assets of the Highlands while also supporting important economic interests of the region and has been very sensitive to the issue of equity. Ms. Letts feels Ms. Swan and her staff always supported the efforts that the Council made to ask and to get the Legislature to help resolve that issue and even suggested in letters to the Legislature that they enact a water fee that would have brought significant amounts of revenue and would have allowed Council to compensate the landowners in the Preservation Area. Ms. Swan deserves the Council's respect, admiration, to keep her job and the efforts of this Council moving forward for many years.

Michael Keady, Chairman of Environmental Commission and Vice Chairman of the Planning Board, Holland Township - Mr. Keady commented on his perspective on the Highlands Act as Holland Township was suspicious at first. Mr. Keady commented that the reason for the Township's conformance in the Preservation and Planning Areas was due to Ms. Swan's efforts. Ms. Swan showed

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great respect for people and made it clear that it would be the Township's choice and opened people's eyes as to how the Holland Township Master Plan was going to be helped and effectuated to move forward by buying into the Highlands RMP. Ms. Swan was characterized with an enormous amount of knowledge. She was tremendously knowledgeable and persuasive in a very gentle way. Mr. Keady concluded that to most people Ms. Swan has been as important to the Highlands RMP and Conformance process as Steve Jobs was to Apple. Mr. Keady hopes Council makes the right decision to retain Ms. Swan.

Jerry Kern, property owner in Pohatcong Township – Mr. Kern commented that his picture is not as rosy. Mr. Kern commented how the Highlands Act ruined his business in construction and plans for his children. Mr. Kern commented that he does not believe Ms. Swan has helped anything in the Highlands. Mr. Kern commented how his property was included in the Preservation Area and felt the process was out of control. Mr. Kern does not feel Ms. Swan's mind is in the right place.

Ben Spenelli, former mayor of Chester Township and former Highlands Council Member – Mr. Spenelli commented that he has deep admiration for Ms. Swan. Mr. Spenelli explained how the Highlands staff was before Ms. Swan became Executive Director and how she has transformed the Council. Mr. Spenelli further stated that success does not come easy and it came because the skills and talents of Ms. Swan and how she speaks to municipal people in their own language and works through the problems they have. Mr. Spenelli commented that Ms. Swan's success makes the members of the Council look good. Mr. Spenelli urged Council to look at the history of the work that has been done and the Council has achieved under Ms. Swan's leadership. Mr. Spenelli commented that Council will have to live with their decision so make it independently and do the right thing.

Hank Klumpp, owns property in Tewksbury Township – Mr. Klumpp commented that he understands the Highlands Coalition is concerned that Governor Christie may be pressuring Council Members to oust Ms. Swan. Mr. Klumpp has been standing before the Council for eight years asking to see the scientific study that put his property in the Preservation Area and where the compensation is for loss of property values. Mr. Klumpp commented that neither Ms. Swan nor directors before her had any intention of helping him. Mr. Klumpp concluded that he is in favor of change and hopes the next one is the charm. Mr. Klumpp submitted his handwritten comments for the record.

Barbara Cochran – Ms. Cochran commented that Ms. Swan's focus was always on water for our children, grandchildren and millions of people downstream from the Highlands Region. Ms. Cochran asked the Council what their focus is.

David Shope, owns property in Lebanon Township – Mr. Shope commented that in the beginning Ms. Swan was one of the original Highlands Task Force members. Mr. Shope further commented that the Highlands Task Force asked a series of questions on water quality and quantity, environmental protection, open space and farmland, regional planning, but what was never asked was what they would be willing to pay for all of it. Mr. Shope comments back to Senator Smith's quote on March 30, 2004 when he was challenged many times about where is the funding, and he used the words "...show me the money..." and "...we are currently working with the Governor's office..." Mr. Shope commented that Ms. Swan has done little to address the equity issue. Mr. Shope concluded that it is time for a change and to consider the landowner equity issues and not the toads and salamanders. Mr. Shope submitted materials for the record.

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Elliot Ruga, Senior Policy Analyst for the New Jersey Highlands Coalition – Mr. Ruga noted to Ms. Swan that back in March 2010 the Governor at a town hall meeting announced his hostilities towards the Highlands Act and that he was going to see that people who felt the way he did, who were against the Highlands Act, were appointed to the Highlands Council and the Governor has achieved exactly that. Mr. Ruga went on to say that it is unfortunate that the people who will be left holding the bag are the citizens of New Jersey because there is a singular lack of vision because if the people who support the Highlands Act and understand the resource that is at risk and the people who are so against the Highlands Act would get together and demand from its elected officials that there be a way to compensate those who are aggrieved we would not be here today with the Council who was ready to fire a very competent servant of New Jersey. Mr. Ruga hopes this can change.

Janice Kovach, Town of Clinton, former Highlands Council member – Ms. Kovach commented that she served on this Council with several current members and although they did not always agree, they did not let politics rule how they made decisions. Ms. Kovach commented that the Council based its decisions on the facts and the information given by Ms. Swan and the Highlands staff. Ms. Kovach is sorely disappointed to hear the rumors that this Council will now allow politics to drive how this Council and the Executive Director's position will be held. Ms. Kovach concluded that when she was on Council, she and her colleagues worked hard, sometimes disagreed but ultimately the end goal was always kept in mind. Ms. Kovach feels Ms. Swan was a dedicated, committed individual to this cause both on the task force, the Council as a member and as the Executive Director. Ms. Kovach is proud to call her friend and is proud of the work she has done along with her staff on this Council.

Mary Nucci, Lebanon Township – Ms. Nucci commented that the Highlands Act is not uncontroversial, but what Ms. Nucci sees in front of her is not a Council that will carry it forward, but a Council that is bowing to political pressure and deciding to create a whipping post in the form of Ms. Swan. Ms. Nucci commented that Ms. Swan listens and does not listen to only one side. Ms. Nucci commented that she will remember how un-transparent we have become in this state. Ms. Nucci urged Council not to bow to this kind of pressure and hopes someday Council will be able to forget how they decided to vote against their conscience. Ms. Nucci concluded by commending Ms. Swan and noting that it is a loss to the Council and state if Council votes to remove her.

Andrea Bonette, East Amwell Township – Ms. Bonette commented that she has been following the Highlands in the paper and this meeting with a great deal of interest. Ms. Bonette's conclusion is that if Council gets rid of Ms. Swan they can trash the Highlands Council and if they keep her they will have a strong Highlands Council. Ms. Bonette concluded that how Council votes today will determine if the Council wants to keep or trash the Highlands Council.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer commended Ms. Swan as a skilled negotiator with human values. Mr. Peifer urges Council to not allow the functioning decisions of this Council to be dictated by short-term political interests. Mr. Peifer further stated that what Council has in front of them is protecting the water supply of six million people or more and it is not a short-term effort. Mr. Peifer closed with a comment to Mr. Drewniak at the Governor's office that he is neither hysterical nor overwrought and what he is here to do on a daily basis is preserve and protect the heritage that the people of New Jersey share in the New Jersey Highlands.

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Basil Hone, Oldwick, Hunterdon County – Mr. Hone commented that the descendant of past Presidents and man of letters Henry Brooks Adams wrote in 1907 “practical politics consists in ignoring facts.” Mr. Hone commented that the facts are that Ms. Swan has done an outstanding job of motivating the Highlands Staff and being instantly responsive to the concerns and questions of the region’s local authorities, in producing and efficiently administrating the RMP and in being an outstanding professional in her dealings with bureaucrats, landowners, and the public. Mr. Hone concluded by saying that if practical politics dictates that Ms. Swan must go her legacy certainly will not. Ms. Swan has built a structure that the practical politicians will not be able to tear down without transgressing the law. Mr. Hone added that, to demonstrate its regard for Ms. Swan’s legacy, the environmental community will be watching closely.

Jon Holt, Tewksbury Township – Mr. Holt commented that many of the members are aware of an issue in Tewksbury Township regarding the JCP&L substation. NJDEP asked the Highlands Council to make the consistency determination on the project. Mr. Holt commented that at first he was put off a little bit by the process, but added that Ms. Swan said Council needs to balance the economy and the preservation of the area. Mr. Holt continued to say that in going through the process it was upsetting to hear, but Ms. Swan set up a very transparent process, attended a public meeting, public comment period was available, unlike the NJDEP process, was very supportive of the Township’s concerns, and explained that this really didn’t meet the consistency requirements of Exemption 11 and should not be approved. NJDEP decided to overlook the Highlands Council determination and approved the project. Mr. Holt further commented that next week the Township will be in Court with their briefs and defend the Highlands Act and that balance between economic growth and preservation of the important natural resources and that is what Mr. Holt wants the Council to think about. Should Council vote to replace Ms. Swan, Mr. Holt hopes the Personnel Committee does a thorough search. Mr. Holt is afraid the Highlands Council will lose their professional staff if Ms. Swan goes.

Mr. Richko left the meeting temporarily at 5:54pm.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey thanked Ms. Swan for her many years of exemplary public service. Ms. Frey added as Council has heard in other testimony, Ms. Swan has provided enormously competent, capable, experienced and courageous leadership to this Council and this Council itself has expressed these opinions rather recently in the discussion about the authority of the Executive Director. Ms. Frey commented that this proposed resolution is not about the performance of the executive director, this resolution is about the integrity of the members of the Council and of the process of selecting and managing staff by the Council. Ms. Frey commented that Council took an oath of office to uphold the Highlands Act and Ms. Swan has enabled and made possible Council’s ability to do that. Ms. Frey urged the Council to vote with integrity and with the vision and mission of the Highlands Act first and foremost in mind. Ms. Frey submitted her comments for the record.

Mr. Richko returned to the meeting at 5:58pm.

Ed Potosnak, Executive Director New Jersey League of Conservation Voters – Mr. Potosnak commented that today’s vote is highly consequential as Council’s independence is at stake. Mr. Potosnak added that the precedent that Council sets today may affect the Highlands for generations.

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This Council was established as an independent executive agency with the specific goals of insulating Council by being told by either the Legislature or the Governor how to vote and carry out Council's sworn duties. The people in the Highlands and the millions of families and business that depend on the Highlands for their water, Council must bring consistency over time to the policies and procedures and provide certainty and foster confidence that the Regional Master Plan is stable and will not shift with each change in political leadership in our state. Mr. Potosnak commented that there is no question that Ms. Swan has done her job extremely well even though the League may have not agreed with every decision that she has made or the Council has made. Mr. Potosnak commented that voting yes to remove Ms. Swan will send a message that the Highlands RMP is up for grabs with each election cycle. Mr. Potosnak urged the Council to retain Ms. Swan and preserve this Council's independence.

Kate Millsaps, New Jersey Sierra Club – Ms. Millsaps commented that it is a sad day for the Highlands and it sets a dangerous precedent in the future. Ms. Millsaps commented that Ms. Swan is a professional with unparalleled expertise in a broad range of issues impacting the Highlands Region and Council will be hard-pressed to find someone as qualified and the Sierra Club fears this will become a political appointment. Ms. Millsaps further comments that the Legislature's intent was to keep this from being such an appointment as the Executive Director is to serve at the pleasure of the Council, not the pleasure of the Governor. Ms. Millsaps feels this body is now putting politics before the protection of our drinking water. Ms. Millsaps also commented that she is disappointed to find out that there was going to be a narrow range of opinions on the Personnel Committee. Ms. Millsaps urges Council to include Ms. Carluccio or somebody to bring a more broad range of diverse opinions to the Personnel Committee.

Scott Olsen, Deputy Mayor of Byram Township – Mr. Olsen commented that Mayor Oscovitch and Councilwoman Raffay send their respect and regrets for not being available today. Mr. Olsen echoed the same concerns of Mayor Kovach on Ms. Swan's performance. Mr. Olsen commented on the history of Byram Township's plan conformance process. Mr. Olsen commented that anyone who says this Act does not provide economic growth is lying. Ms. Swan and staff have brought that to the forefront. Byram Township had a unanimous vote to conform by the Planning Board and governing bodies and be designated the first Highlands Center and it is all attributable to Ms. Swan's work ethic. Mr. Olsen is disappointed that this resolution is being considered at today's hearing for public comment without hearing from Council. Chairman Rilee responded that the Council, if they wish, will speak after the public comments. Mr. Olsen urged Council to vote from their hearts and not be pressured.

Michele Byers, New Jersey Conservation Foundation – Ms. Byers commented that New Jersey has had over 30 years' history of independent agencies and the Pinelands Commission is a good example. In the 30 years she has worked in this area (over six Governors) nothing like this has ever happened. Ms. Byers commented that this is not the way to go and that Council has been working with Ms. Swan for a long time. Ms. Swan is pragmatic and takes direction and works well with local government and if there is a serious issue with the Highlands, Ms. Swan is not the problem. Ms. Byers suggests that Council should sit down and have an honest discussion with the staff to see what needs to be changed in the Highlands and does not think that removing a highly effective leader is an honest approach and Council should think about the legacy and history being carried on year-to-year, decade-to-decade and the efforts it takes to preserve resources and to promote economic development in a thoughtful way as it is clear in the Highlands economic development is a big part of the puzzle. Ms. Byers urges Council

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to take a very hard look at the situation today and to retain the independence of the Highlands Council, vote to keep Ms. Swan as Executive Director, set up a Personnel Committee to see what you want to do differently and go through a transparent process as Council's current process is setting a bad precedent for New Jersey.

Ken Hetrick, observer of the Highlands Act – Mr. Hetrick commented that from what he has heard today Ms. Swan has done an outstanding job and this also confirms what he has read in the newspapers. Mr. Hetrick commented that it seems the only objections voiced so far are based on policy issues, either compensation to landowners or the regulations themselves. Mr. Hetrick further commented that if regulations are too strict or landowner compensation too little, the entire Council should petition the State Legislature to take appropriate action to amend the law. The primary responsibility for policy matters rests not with the Executive Director who administers and executes the policy but with the Council. Mr. Hetrick concluded to say that unless Council provides performance related reason for Ms. Swan's removal, Council will appear to be bowing to outside pressures and it proves that Ms. Somers is correct when she said that Ms. Swan is being terminated for her success.

Winifred Hines, Newark Water Group – Ms. Hines personally does not have any experience with Ms. Swan, but from what she has heard so eloquently stated Ms. Swan is extremely competent. Ms. Hines commented that what concerns the environmentalists from Newark are the allegations that Council is buckling under pressure from the Governor and this will set a dangerous precedent that can set the Highlands back and it also undermines Council's integrity and dedication to the Highlands. Ms. Hines implores the Council to vote with integrity noting that the Council's independence is at stake.

Council Comments

Mr. Dressler commented that since August, 2011 he has attended Highlands Council meetings and there has not been any mention of Ms. Swan's position as Executive Director so Mr. Dressler asked Chairman Rilee when this idea originated. Chairman Rilee responded on his own behalf that he had an inclination of Ms. Swan's position before he was on the Council as he had previous dealings with Ms. Swan. Mr. Dressler asked if those issues were ever announced at a Council meeting. Chairman Rilee responded no. Mr. Dressler asked if Chairman Rilee spoke to any other members outside of the meetings. Chairman Rilee responded that he spoke to two members of Council outside of the meeting. Mr. Dressler commented that he read about Ms. Swan's position in the newspapers and he had no idea why, how it came about and who decided this and what the grounds for dismissal are. Mr. Dressler commented that he also read that the Council wants to go into a different direction with businesses and property owners. Mr. Dressler suggested that an Executive Session be held within the next two months so Council can have a discussion about how to compensate the landowners. Mr. Dressler questioned how other Council Members became aware of Ms. Swan's position. Mr. Dressler questioned if the Open Public Meetings Act had been violated and if so, Council Members may be personally responsible. Mr. Dressler commented that there will be an inquiry to see if there has been a violation of the Sunshine Act – Open Public Meetings Act. Mr. Dressler commented that what is going on is one of the most gutless moves he has ever seen. Mr. Dressler also mentioned the word compromise and that the only issue tonight is the compromise of integrity, ethics and conscience. Mr. Dressler concluded by saying that what was happening at the meeting was unconscionable.

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Mr. Visioli commented that he takes his appointment seriously. Mr. Visioli was disappointed and discouraged that no one from the Highlands Council contacted him relative to this highly sensitive personnel issue on Council's agenda today concerning a potential dismissal of Council's Executive Director. Mr. Visioli said it was frustrating to be contacted by several newspapers who asked questions that he was unable to answer and he does not like to be put in that position. Mr. Visioli commented that Ms. Swan is a highly regarded, highly talented, articulate team player who is respected by her peers and subordinates alike. Ms. Swan has earned and gained the respect from the municipalities and towns, townships and counties Council has reviewed. Ms. Swan has earned Mr. Visioli's respect. Mr. Visioli further added that being a multi-decade elected official he understands the politics of the Executive Director's position as well as the potential ramifications and it must be understood that his comments are in no way negative toward any potential executive director replacement and his comments are as objective as he can be.

Ms. Carluccio commented that one thing is very clear from the public and Council Members and that is that Ms. Swan has done an exemplary job as Executive Director of the Highlands Council. Ms. Carluccio questioned why Council is considering getting rid of Ms. Swan, what is the cause, the goal? Ms. Carluccio added that what the Council has read in the newspapers makes it very clear that the firing of Ms. Swan is about one thing and that is to stop the progress of the RMP and the faithful implementation of the Highlands Act. Ms. Carluccio referred Council back to the progress report presented earlier on Plan Conformance in the Preservation and Planning Areas. Ms. Carluccio commented that from the moment this Council started to get Governor Christie's appointments, the Council heard complaints from members about Planning Area towns opting in. Ms. Carluccio believes it to be a move because these members do not want Planning Area towns to opt into the RMP as these members want to gut the RMP that this public, this Council and Ms. Swan put together. Ms. Carluccio commented that a huge public effort was put underway since 2004 to put together what has become a national model. Ms. Carluccio is embarrassed as a New Jerseyan and feels that the degraded stereotype of a New Jerseyan is coming true with strong-armed politics, and feels the Council is trading a national model of planning and protection, resource and community for half of the people in New Jersey's water supply into a degrading national disgrace. Ms. Carluccio urged her fellow Council Members to come to their senses and not to fire Ms. Swan, as newly appointed members have been put on record that they want to gut the RMP and stop the implementation. Ms. Carluccio mentioned that she was going to bring up the Open Public Meetings Act, but was glad that Council Member Dressler did. Ms. Carluccio wonders how many Council Members received phone calls.

Chairman Rilee asked Ms. Carluccio if she had any conversations with Mr. Dressler prior to the meeting. Ms. Carluccio responded that she did not.

Mr. Francis commented that Ms. Swan is his hero. Mr. Francis commented that to question the integrity of this Council is not fair. Mr. Francis commented that when an independent Council decides to make a proposal for a change he does not agree with the criticism, because it is the right of this Council to make this resolution on its merits and Council has to vote on their conscience. Mr. Francis commented on the integrity of the Council and members who support the change have to get the same amount of respect. Mr. Francis concluded that the Council's decisions are made based on the evidence at hand and sometimes the process matures to a point when there needs to be a change.

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Mr. Sebetich commented that as a new Council Member he has known Ms. Swan for just three months. Mr. Sebetich finds Ms. Swan to be a remarkable, efficient and hard worker given the accolades heard today. Mr. Sebetich commented that all he knew about this situation was what he read in the newspapers. Mr. Sebetich thinks this Council should be an independent Council, independent of the Governor's office. Mr. Sebetich commented that it appears that the Governor's office has asked Council Members to remove Ms. Swan, who has high credentials and has done a wonderful job in her five years. Mr. Sebetich also commented that it seems like a political thing and objects to the Governor's office forcing this vote and believes that is why Council is here today. Mr. Sebetich believes dirty politics are being played at the highest State level and this is something he does not like and it is not good for the people of the State of New Jersey. Mr. Sebetich commented if this vote to remove Ms. Swan carries through, the Governor's office may control the activities and decisions of the Highlands Council and Staff and that would be quite regrettable.

For the record, Mr. Richko read the editorial from the Star Ledger on March 15, 2012 for those Council Members who may have not had the chance to read it.

"Give Gov. Chris Christie this much: He has been clear from the start that he is hostile toward the Highlands Act. But he can't kill it outright, because Democrats in the Legislature won't let him. So he is doing it by stealth, appointing council members who have stated explicitly that they oppose the law they are charged to enforce. Now, the fight is taking an ugly new turn. Eileen Swan, a voice of reason in the battle between preservation and development, is likely to be fired today as the council's executive director — at the governor's request. The cover story is that Swan has stood in the way of efforts to compensate landowners in the Highlands when the law's restrictions on building cause the value of their property to drop. But the folks who are spreading that story haven't done their homework. Swan has been a sturdy advocate for more generous compensation. She has testified in the Senate and the Assembly in favor of more funds, and she successfully lobbied former Gov. Jon Corzine to provide \$10 million as a down payment in the effort. The real explanation is that Swan believes the council should enforce the law it is charged to enforce. She is no extremist for either side. A former Republican mayor, she infuriated environmentalists by urging approval of a gas pipeline and an electric transmission line through the Highlands region. Her reason was that law specifically allows for such utility upgrades. The Highlands Act is probably the single most important piece of environmental legislation to pass during the past decade. It limits development in nearly 1 million acres of land across the northern part of the state, protecting the water supply to 5 million people. If the governor doesn't like the law, he should propose changes. To sabotage its enforcement by firing someone with Swan's energy and integrity is simply wrong. Swan has waived her right to executive session, so today's discussion will likely be open. Let's hope the council members have the backbone to resist the governor's power play."

Mr. Richko commented that he hopes his fellow Council Members have the backbone to do the right thing. Mr. Richko asked his fellow Council Members why they were doing this; firing someone who has had such good success and done a good job. Mr. Richko commented that never has anything been drawn up about her bad work habits; there has been nothing, but praise. Mr. Richko also asked Council Members who are elected public officials for their towns if they have been advised that those towns may suffer consequences if they do not vote a certain way. Mr. Visioli responded that he had not. Mr. Richko commented that Ms. Swan should hold her head high because she has done a good job, extremely professional and her dedication was notable. He further stated that he felt Ms Swan had much more integrity than anyone sitting on the Council. Mr. Richko thanked Ms. Swan for giving him a good education on the water and the Highlands and expressed that if Ms. Swan does not have her job after the meeting it is because of nasty dirty politics.

Mr. Alstede gave his historical prospective and believes that it is naive to think there was no political interest in this process even before the Act occurred. Mr. Alstede commented on development of the Act, the changes and the speed with which this Legislation was passed. Mr. Alstede commented that

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through the process he watched the Highlands area turned into colonies, an area of land where resources are taken without being paid for. Mr. Alstede said he watched for eight years as the water resources have been taken from the Highlands and given to people because 6 million people are not paying money for it. We were promised and promised about compensation. What is this doing to Ms. Swan personally; what havoc has this Act wrecked on countless of people in the Highlands. Mr. Alstede was on the original Personnel Committee and explained that that committee was told who to hire, who the Governor wanted in the position. Mr. Alstede commented that Council members are here because of political appointments and that the Act specifies a certain number of Democrats and Republicans, so this process is political. Mr. Alstede comment that if the current Executive Director was pro development many audience members would be applauding the actions of the Council right now, but because it is the opposite way tonight Council is being accused of being spineless, horrible and inconsiderate and lacking integrity. Mr. Alstede looks forward to the opportunity to have a new chance to right some of these wrongs and to see things become more balanced and Council needs to seize that opportunity.

Mr. Dougherty commented that as a newer member he wanted to put on the record that the Chairman did not call him but he does respect the Chairman's position and his right to make appointments. Mr. Dougherty commented that he was appointed to the Highlands Council to balance legitimate environment concerns and property rights in the State of New Jersey, not an easy task but one he was eager to embrace. Mr. Dougherty commented that serving on the Council requires members to make decisions on various issues and recommendation and to make a final decision. Council needs to appreciate and respect the factors that are evident on virtually all the issues that Council must face, balancing potential jobs, protecting sensitive environments, and understanding and accepting the process. Mr. Dougherty commented that the responsibilities to subsequent achievements of the Highlands Council far outweigh each of individual Council Member and staff. He further commented that, to realize the goals of the Council the members need to put all the pieces together and sometimes decisions must be made that are not necessarily ideal or even desirable. One of these decisions is to replace the Executive Director, Ms. Swan, who is highly competent, wonderful to work with and has nothing but the purest interests of success for the Highlands Council. Mr. Dougherty added that no one individual is greater than the mission of the Highlands Act and the responsibilities of the Council to oversee its implementation and he believes Council needs as dedicated and qualified individual as Ms. Swan. Mr. Dougherty respects again the Chairman's position and his right to make appointments and greatly respects the responsibility he has been entrusted with on the Highlands Commission and wants to insure that the right people are put in place.

Mr. Walton commented that Ms. Swan is a wonderful lady. Mr. Walton commented that he plans to vote to remove her and Ms. Swan knows that. Mr. Walton commented that he has been accused of many things. Mr. Walton loves this state and commented that he wants to see the water and land protected but also wants to see the landowner made whole. There comes a time in every organization when a change is needed. Mr. Walton commented that it is ironic that the meeting took place on the ides of March, but also comes on the heels of the change on the Indianapolis Colts quarterback Peyton Manning. Mr. Walton adds that changes happen and sometimes change is necessary for an organization to move forward and to thrive. This Council needs to change some of the things it does and the change needs new leadership. Mr. Walton emphasized that in this case it is time for a change for this organization and no one is telling him how to vote. Mr. Walton respects the job that Ms. Swan has done, but the Council needs a new direction.

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Chairman Rilee commented that there have been a lot of comments tonight that assume Council is gutting the Highlands. There may be differences of opinion about how things are being carried out and if you look at the record of the appointees you will see a lot of conservation done under his watch. So to assume that Council will give up on the things that matter to the Highlands Area, northern New Jersey and the people that use the resources is insane and asinine. Chairman Rilee commented that this is not a venue to yell at the Governor and he feels it is improper and short changes this Council prior to seeing any actions of what Council may or may not do with the RMP. The Act is the Act. If the Legislature wants to get together to change the Act, that is up to the Legislature. Chairman Rilee commented that the Council members are sworn to uphold the Act as it is written and it has never been the intent to circumvent that. Chairman Rilee will be voting for change and had his discussion with Ms. Swan. Chairman Rilee respects Ms. Swan greatly and is thankful for the time he served with her. Chairman Rilee moved to roll call.

Mr. Alstede commented that Ms. Swan has served in her position for five years and has been loyal serving the citizens of New Jersey and commends her for that service. The resolution does not take away from Ms. Swan's service tenure, dedication and task. It is important to have an Executive Director who can work effectively with the Governor's office and other agencies of this state to insure a proper balance on even protection and landowner equity as well as reasonable promotion of economic activity. For this reason Mr. Alstede is in favor of the resolution. Mr. Alstede is prepared to be part of this new change and looks forward to enthusiastically embracing it. Mr. Alstede voted yes to remove Ms. Swan.

Ms. Carluccio voted no and said this is a travesty for the citizens of New Jersey, the resources and the water for now and future generations.

All members present voted on the Resolution. A roll call was taken. The Resolution was APPROVED by a vote of 9-5.

Ms. Swan gave the following statement to Chairman Rilee and Members of the Highlands Council:

Thank you for the opportunity today to address you and the public.

In April of 2007 I interviewed for and was hired by the Highlands Water Protection and Planning Council. To be hired to serve an agency charged with protecting the significant resources of the region was indeed an honor and, at the same time, a serious responsibility. This region, part of a larger critical federal region, is unique for its many natural resources, breathtaking beauty, geographic location in the densely populated north east coast and , above all, for the water resources upon which the state of New Jersey relies and its future depends upon.

I would like to thank past and present Highlands Council members who cared about the future and set aside politics to work together to protect irreplaceable resources. I thank the advocates whose mission is to protect resources for a sustainable future. I thank the public for participation in a continuing dialogue and I understand that there are many viewpoints but hope that we all understand that we have a responsibility to protect the water resources of the state.

I am proud to have served the State with a professional, talented and hard working staff. I am proud to have been part of a team that delivered a Regional Master Plan that complied with the law and, if implemented, would safeguard the resources of the region for the benefit of millions of residents. I am proud to have partnered successfully with municipalities across the region to implement that law and Plan. I believe it was the honesty and integrity of the people involved and the partnerships forged that has led to the successful early implementation of the plan. I am proud to have served the public as

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a state worker, and every moment I served I was conscious of the public trust and I know that I never betrayed that trust. Above all, as a mother, I am proud to have been part of a mission to protect the waters and natural resources of this great state for our children and their children. I applaud the Administration for their commitment to open and transparent government and know that I have done my part to uphold that commitment. I wish the Council continuing success in protecting the region and living up to their charge.

I leave today knowing that I have served the Highlands loyally, consistent with the state's laws and mindful of the great trust placed in those that are called upon to serve.

There was a standing ovation.

Mr. Borden announced with deepest regret he gives his resignation and will hand it in formally. Mr. Borden stated that he has been an attorney for the State of New Jersey for some time and dedicated his career to the advancement of environmental protections and property land use controls and has served this Council for seven years and it was quite a pleasure to do so. Mr. Borden further stated that it will run against his conscience to remain in his position. As Council knows the resolution that has been adopted states that Dr. Dan Van Abs can assume the position of Acting Executive Director. Chairman Rilee asked if Mr. Borden would resign immediately. Mr. Borden responded that he will be providing a letter.

Mr. Richko asked Chairman Rilee how he expects to proceed regarding the new Executive Director. Mr. Richko asked if there will be interviews and what is the process he perceives will happen. Chairman Rilee perceives the Personnel Committee will get together shortly.

Chairman Rilee opened the meeting for public comments.

Public Comments

Bill Wolfe, resident of West Amwell Township, Hunterdon County – Mr. Wolfe commented on Council Member Dressler's question to Chairman Rilee regarding Chairman Rilee comment that he had issues with and concerns about Ms. Swan before he underwent Senate confirmation. Mr. Wolfe added that during Chairman Rilee's Senate confirmation hearing, Mr. Wolfe questioned his voracity and integrity and Chairman Rilee did not disclose to the Senate Judiciary Committee any concern with Ms. Swan or any direction of this Council or with respect to the RMP. Chairman Rilee responded that Senator Smith asked him if he had dealt with Ms. Swan and he answered that he did and Senator Smith asked him if he ever got his answers to his questions from her and Chairman Rilee said he did not.

Jerry Kern, property owner in Pohatcong Township – Mr. Kern thanked the Council for their vote as the change is long overdue. Mr. Kern commented that there may be some light in the tunnel for the dreams he has had for his children and everyone else who has worked hard to buy their land and not to listen to environmentalists who want to control their land and not spend a nickel. Mr. Kern hopes this goes in the right direction and there is fairness in the Highlands.

Julia Somers, Executive Director of the New Jersey Highlands Coalition – Ms. Somers finished her comments from earlier. Ms. Somers commented that it will be Council's responsibility to make sure that the Act is followed diligently to show transparent leadership. Ms. Somers commented that

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Council needs to make sure the next Executive Director is fully qualified and experienced to do this task and not a political appointment. Ms. Somers thanked Ms. Swan and Mr. Borden for their service.

Mary Nucci, Lebanon Township – Ms. Nucci asked the Council if they ever had conversations with Ms. Swan on their issues to change the direction of the Council. Mr. Walton responded for himself that on numerous occasions he made comments on his concerns with the TDR program, receiving zones and landowner compensation.

David Shope, owns property in Lebanon Township – Mr. Shope commented on agricultural liability. Mr. Shope read an excerpt from Scientific American January 2012 that states it is typically less energy intensive to grow food in New Zealand where the animals graze grass that grows mostly without fertilizer and irrigation than to ship it to the UK than it is to grow land in the UK. Shipping cost regarding food products is very small. Mr. Shope also provided an editorial from the Wall Street Journal that talks about farming and where it ranks in terms of jobs (161 out of 200 unless you are a dairy farmer 198). Mr. Shope left for Council's review the Warren County Strategic Growth Plan. Mr. Shope also submitted a letter he sent to Henry Patterson regarding a rate increase for water a copy that he has previously given to Council.

Mr. Dressler suggested the Council set up within the next two months an emergency Executive Session meeting to discuss landowner equity issues. Mr. Richko responded that this meeting can be done at a regular meeting. Chairman Rilee agreed.

Hank Klumpp, owns property in Tewksbury Township – Mr. Klumpp asked where the scientific study is that put his farm in the Preservation Area which he has been asking for eight years and that no money has been put in place to compensate the landowners. Mr. Klumpp commented that prior to the passing of the Act he was offered as much as \$12 million for his farmland and the Highlands Council wants to give him \$700,000 for his land. Mr. Klumpp is disgusted with environmentalists and how his property values and equity are gone. Mr. Klumpp submitted his public comments for the record.

Mr. Dressler temporarily left the meeting at 7:09pm.

George Cassa, Califon – Mr. Cassa owns a fly fishing shop in Califon. Mr. Cassa commented on an economic interest in clean water. Mr. Cassa commented to Mr. Klumpp that he is not the only one that has problems with clean water. Mr. Cassa commented that he needs clean water for his business and Mr. Klumpp needs compensation for his land. Mr. Cassa does not believe Council will be able to find any one close to the services Ms. Swan has provided.

Ms. Carluccio commented on Mr. Borden's astounding resignation and that Council has lost the best of the best. Ms. Carluccio feels the Council has been left in total disarray as Dr. Van Abs is retiring in June. Ms. Carluccio asked Chairman Rilee what he plans to do. Ms. Carluccio thanked Mr. Borden for his service and all the accolades mentioned today go to him as well. Chairman Rilee responded that there is not time for this.

Mr. Dressler returned to the meeting at 7:12pm.

Mr. Richko would like to thank Mr. Borden for his service. Mr. Richko is saddened and shocked.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF MARCH 15, 2012

Mr. Vohden made a motion to adjourn the meeting. Mr. Mengucci seconded it. The meeting was adjourned at 7:13pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 4/20/12 Name: Annette Tagliarini
Annette Tagliarini, Executive Assistant

**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede						✓
Councilmember Carluccio			✓			
Councilmember Dougherty						✓
Councilmember Dressler			✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway					✓	
Councilmember James			✓			
Councilmember Mengucci			✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli	✓		✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			