

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS  
COUNCIL MEETING ON OCTOBER 16, 2014

**Comment to Highlands Council regarding executive director resolution**  
**October 16, 2014**

**My name is Deborah Post, harmed property owner, Chester Township.**

**The appointment of Margaret Nordstrom for the position of Executive Director is ill-advised and not recommended by the harmed Highlands landowners. I speak for more than just myself.**

**I will be specific.**

**First, Freeholder Nordstrom stood on the platform of a grassroots landowner meeting seven or eight years ago and pledged her support for property rights and the harmed landowners' cause, as well as her opposition to the Highlands Act. Her subsequent actions were in direct contradiction to her words that evening. Politicians who speak in one direction and act in the opposite represent everything that is wrong with our country and our state. Nordstrom showed herself to be untrustworthy.**

**Second, an analysis of selected farmland preservation transactions promoted by Ms. Nordstrom in her freeholder capacity reveal extreme underpayment of easement values to the elderly. We need an executive director who cares fervently that property owners be justly compensated at fair value, not cheated in whatever way the government can find to do so. Ms. Nordstrom is clearly not that person.**

**The lobbyists to my left here today do not support Nordstrom either. She has no ones support.**

Comment to Highlands Council regarding the Highlands Capital Fund resolution.  
October 16, 2014

My name is Deborah Post, harmed property owner.

The Highlands Council is to establish grant funding utilizing the Highlands Protection Fund reimburse expenses associated with implementation of the Highlands Act. The Council has established a myriad of grant programs, many of which read like a full employment guarantee for professional planners, and, for clever municipalities, a real property tax relief opportunity.

Planners have spun hours and been paid for their purported services without providing invoices in generally accepted hourly increments. One page block format planner invoices without hourly detail have been accepted by municipalities and paid with Highlands grants. This Council must pass a resolution requiring all professional payments from the Highlands Protection Fund to be pursuant to voucher invoices prepared in quarter hour increments and properly reviewed by the CFO of the municipality pursuant to municipal land use law N.J.S.A. 40:55D-53.2(c)

This Council has downstreamed its responsibility and authority to determine Highlands exemptions to the municipalities. In so doing, it has created an extra expense for harmed landowners. As if we have not been ~~bled~~ <sup>bled</sup> enough, the downstreaming of exemption determinations ~~provides~~ <sup>allows</sup> the municipalities to charge the landowners for professional services in connection with their consideration of the exemption requests. This is outrageous.

This Council must pass a resolution requiring all municipalities to file for a municipal grant to reimburse any professionals retained by the municipality in connection with exemption <sup>Highlands</sup> determination and to relieve the landowner of any liability for professional fees under ~~N.J.S.A. 40:55D-53.2~~ <sup>the RLUL</sup> in connection with exemption determinations or any efforts at implementing a just compensation plan for their property losses.

**Comment to Highlands Council regarding plan conformance/project review authority resolution.**  
**October 16, 2014**

My name is Deborah Post, harmed property owner, Chester Township.

This resolution regarding the Council's implementation of plan conformance and project review includes the TDR deed restriction. The resolution appears to state the Council's intent to implement a TDR program and execute an associated deed restriction and then immediately delegates this role to staff. We adamantly object to the staff having any say or authority in the drafting and execution of deed restrictions.

I remind this Council for the umpteenth time that it has never formally adopted a deed restriction. The TDR deed restriction in use was prepared by Tom Borden and never presented to the Council for its approval. With a sly wink, Borden described the deed restriction document as a draft subject to negotiation...and then he put an onerous over-reaching document before the hardship cases desperate to take hardly more than a dime on the dollar for their property losses. This is unconscionable. Yet this Council continues the Borden practice, if only by its inaction.

The TDR deed restriction must not restrict beyond what has been paid for, and that is the development value of the property. It must not overreach and it must not read as a waiver of the Fourth Amendment. The deed restriction should simply refer back to provisions and requirements of the Highlands Act itself, nothing more.

I again attach to my comments a copy of the Pitkin County Colorado TDR deed restriction demarcated for the Highlands. Please consider a deed restriction as simple and straightforward as that used in one of the most successful TDR programs in the country.

I'm Hank Klumpp. I own 150 acres in the Highlands Preservation Area.

① I know questions raised here are not responded to now - but where feasible will be followed up by the Council and its staff. Well- I guess you find nothing I'm concerned about feasible because you have yet to reply.

Recently, I saw Senator Bob Smith on TV speaking with Luke Margolis. He was criticising Gov. Christie for making promises and not keeping them.

This is ridiculous - coming from him of all people. Senator Bob Smith has no conscience. He wants to replenish the state's open-space funding resources

②

with 6% of annual corporate taxes -

about 150 million dollars a year - for

land preservation. Perhaps Senator

Smith should refresh his memory and

remember promises he made: The year

is 2004. The place is Skylands Manor,

Ringwood, N.J. The subject is committee

meeting of the Senate Environment

Committee Assembly Environment and

Solid Waste Committee regarding the

Highlands Water Protection and

Planning Act. Senator Smith said:

If there was one lesson tonight, it

was the voice in the background

③ From Tom Cruise, "Show me the money." And Chairman McKeon and I pledge to you that we will show you the money. We're currently working with the Governor's Office to put together the dedicated and guaranteed source of funding so that the Highlands, which is making a sacrifice for the rest of the state, is properly compensated. We will show you the money.

Now, it is going on eleven years. Many bond issues have been put in place over the years, however, not

④

one penny has been dedicated to in any way compensate landowners in the Highlands who have had their property values stolen and their equity lost.

Perhaps Senator Smith has just moved on and forgotten about his pledge, but all of us who have not been compensated have been living without equity every day for going on eleven years. The Highlands act was to hurt no one and never should have been signed with no funding in place for landowners. Everyone on this council should



⑤ Know how unjust this Act has been for hurt landowners and I don't understand how you can justify the theft of our land values.

Perhaps Senator Smith should concern himself with finding funding for the Highlands with the 6% annual corporate tax money. About 150 million dollars a year would be a good start in compensation for the billions stolen. Was "I'll show you the money" a falsehood? Or, is Senator Bob Smith still

⑥ planning to "show me the money?"

Maybe Bob Smith will show us  
the money - But look quickly  
because I doubt if he will ever  
give it to us - he will use it  
for something else.

Council - Do you think my  
concerns are FEASIBLE??!

Hank Klumpp

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**October 16, 2014**

**Highlands Council**  
**100 North Road**  
**Chester, NJ 07930**

**My name is Andrew Drysdale. My wife Lois and I reside at 32 East Fox Chase Road, Chester NJ. Although we are part of a large group of harmed land owners located within the Highlands Preservation Area who have had their property rights taken away over 10 years ago, we have not been properly compensated for our losses.**

**Although we are members of a large group, the US Constitution gives individuals property rights and the size of the group has nothing to do with whether it is right or wrong. Theft is still a crime.**

**We were shocked to hear that large groups such as the Sierra Club were considered stakeholders. We had always considered the harmed land owners as the stakeholders and the groups speaking against us as accomplices to the crime of grand theft.**

**Please reconsider this matter very carefully and very soon.**

**Sincerely,**

**Andy and Lois Drysdale**