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## **Christie transition team calls Highlands Council 'a disaster'**

*BY COLLEEN O'DEA • STAFF WRITER • January 23, 2010*

Calling the New Jersey Highlands Council "a disaster on many levels," a report released today by one of Gov. Chris Christie's transition teams said environmental protections would not be harmed if the governor were to eliminate the body.

Although less than a page in the authorities transition team report deals with the Highlands, it is highly critical of the law, the council and the state Department of Environmental Protection's rules for the 860,000-acre region that includes much of Morris County.

Supporters of the law complained that the team included no environmentalists and only a couple members have any connection to the issue, and said it seems the team's members did not understand all of its complexities.

**"Their biggest problem is really with the act, not with the master plan," said Julia Somers, head of the New Jersey Highlands Coalition. "It makes me wonder if they really have an understanding of the issues."**

In the first paragraph, referencing the council, the report states: "Rather than simply providing the intended environmental protection to a treasured part of our state, it has added extra layers of government bureaucracy that have punished individual landowners and inhibited the decision-making abilities of local governing bodies, causing economic distress to individuals and local governments alike."

To date, the only power the council has exercised over any specific properties has been to recommend to the DEP whether certain permits should be issued, and the council is required to do so by the Highlands law. It's the DEP's rules in that half of the region known as the preservation area that have severely limited new large-scale developments there.

But while the team report seeks to rein in the council, a different report -- on the DEP -- sought to give the body more power. It suggests letting the Highlands Council take over permitting authority for the region.

Christie's office released 19 transition reports and said the governor will be meeting with team members and considering the recommendations in the coming weeks.

Eileen Swan, executive director of the Highlands Council, said she is concerned over the effect

the report could have on the council's operations and the work it is doing with municipalities in the region. A total of 56 of the 88 affected municipalities are seeking to conform to the master plan.

"I look forward to speaking with the governor's office about this," Swan said.

"I've never seen anything this outrageous coming out of a transition team before," said Jeff Tittel, longtime head of the New Jersey Chapter of the Sierra Club, of the authorities report. "They picked up some right-wing agenda to go after environmental protections."

Many of the report's comments echo complaints that some landowners and municipal officials have been making since passage of the act in 2004.

"The Highlands Act's enabling legislation, as flawed as it is, has been hijacked by overreaching regulations by the DEP and by a Highlands Council which has strayed from both the law and the intention of the law in the Master Plan document," the transition team wrote. "The law is very clear as to the content within the Master Plan and the separation of the Planning versus Preservation Areas, requiring true economic analyses of the impact of Highlands' zoning, transportation needs, etc., none of which seems to have been done."

Property owners who have fought the law for years were cheered by the report.

"After five years of having the Highlands Council chortle at the Highlands landowner pain repeatedly communicated at Council meetings, it is indeed gratifying to read that the governor's transition team recognizes the powerlessness of the unrepresented landowner minority being asked to bear 100 percent of the cost of laudable environmental goals," said Deborah Post, a Chester Township farmer.

"The lack of ability for any ratable growth in most of the Highlands burdens the municipalities and chains their citizens to increasingly higher taxes to support school and local government contractual obligations, as well as inflationary increases of their operating costs," the team report added.

"Obviously, the transition team's priorities are sadly misplaced," countered Scott Olson, deputy mayor of Byram. "The ratables chase is a Republican pipe-dream. The real reform -- where taxpayers can be "unchained from their burdens" -- needs to take place at the schools and in contractual obligations which are being driven exponentially higher each year. Eliminate tenure, eliminate unfunded mandates to schools, fire non-performing teachers and government workers, and give municipalities equal footing during binding arbitration with unions."

The report does not outright call for the council's elimination but says if the council's powers were "changed or reduced, or even if it was eliminated outright," environmental protections for the region would remain in place. It also said that elimination of the council's annual budget, which it states has ranged as high as \$3.8 million, would present "an opportunity for considerable savings." For the last two years, the state has given the council \$2.4 million a year.

"I wouldn't call that a 'considerable savings,'" said Jack Schrier, acting chairman of the council. He said he was concerned that council members and staff were not questioned by the team.

"What distresses me most is that I have not been advised or consulted at all," said Schrier, who is also a Morris County freeholder and Mendham Township committee member.

The transition team called for changes to the council makeup. The 15-member council's membership is dictated by a complex formula written into the Highlands law. Currently, the council is missing four members and several other seats are filled by people whose terms have expired.

"At a bare minimum, changes should be brought to the representation on the Council," the team wrote. "Right now, there is too little voice given to the counties and constituents most affected by their actions."

That complaint was echoed by the agriculture transition report. Chester Township farmer Kurt Alstede, a member of the Highlands Council, sat on that transition team. But rather than call for abolishing the Highlands Council, that report was critical of the lack of compensation, through outright funding or a transfer of development rights program, for land owners affected by the Highlands Act. That is a criticism most Highlands council members shared as recently as Thursday.

"Farmland in the Highlands region has seen a reduction in value since 2004. Yet, the promised stream of funding has not come to fruition," the agriculture report states, adding, "Any discussion of a stable source of funding for open space and farmland preservation should include dedicated funding for the Highlands."

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