

# Township of West Milford



Office of the Township Administrator  
1480 Union Valley Road  
West Milford, NJ 07480-1303  
(973) 728-2710  
Fax: (973) 728-2884

August 16, 2017

New Jersey Highlands Council  
Attn: MPRR Comments  
100 North Road  
Chester, NJ 07930

**RE: MONITORING PROGRAM RECOMMENDATION REPORT (MPRR)  
COMMENTS**

To Whom It May Concern:

The Highlands Council has been engaged in a multiple year process of reviewing the Highlands Regional Master Plan (RMP). This has resulted in the promulgation of a *Monitoring Program Recommendation Report* (MPRR) which has a comment period until September 10, 2017. The elected officials of the Township of West Milford, County of Passaic, State of New Jersey have general comments to submit and share with the legislature on behalf of their constituents. To place these comments in perspective, it should be noted that West Milford is the largest municipality in the State which is located entirely in the preservation zone.

There are 565 municipalities in the State of New Jersey. Of those 565 municipalities, 5 are located entirely in the Highlands Preservation Area. Those are Bloomsbury Borough, Califon Borough, Glen Gardner Borough, Ringwood Borough and West Milford Township. Furthermore, of the 565 municipalities in the State, 300 receive their water from the Highlands Area. In effect, 70% of the population of the State of New Jersey receives water from the Highlands Area. Primarily, the 5 preservation zone municipalities protect that water supply.

The brakes must be applied before any further recommendations, restrictions, rules and requirements are adopted. When the Highlands Council first began the process of reviewing the RMP, a commitment was made that West Milford would be included in the conversation and process. No such inclusion has occurred. A significant document has been created with deference to many State and Federal agencies. But, quite simply stated, none of these "experts" have communicated in the most

basic way with the State residents who serve as the stewards of the water which supplies over 7 million people, who pay the lion's share of the cost for preservation and who struggle to comply with oppressive rules & regulations currently in place.

West Milford submits the following comments with regard to the MPRR promulgated by the Highlands Council on July 11, 2017:

1. Before one new rule or regulation is imposed or recommended for any municipality in the preservation zone, each of those five municipalities should be provided an opportunity to have their voices heard. This should be done in an informal, public venue where the legislative and enforcement officials involved in the Highlands Act are charged with hearing, from the source, the advantages and disadvantages that have been realized during the past ten years.
2. State and legislative officials must recognize that any land acquisition results in the taking of these lands off the tax rolls for the subject municipality. The Highlands Act places significant emphasis on land acquisition. Funding has been given to non-profit and/or government agencies for the purposes of acquisition. These land owners cease to pay property taxes on those lands and the municipality has no mechanism to substitute for those lost revenues other than taxing the already over-burdened taxpayers in these communities. In West Milford, approximately 25% of the landowners pay for 100% of the land in property taxes. The State of New Jersey must find a sustainable mechanism to compensate host municipalities for land acquisition initiatives and the resulting loss of taxes.
3. Municipalities located entirely in the preservation zone cannot realize much, if any, development because of the stringent development restrictions that limit any growth in these zones. The State legislature should appropriate sustainable funding to compensate these municipalities for this lost revenue. Alternately, State officials should identify mechanisms to minimize the restrictive rules so that any development that could be realized is realized. For example, public schools in the preservation zone have fewer restrictions that are not enjoyed by other government agencies, businesses and residential property owners.
4. Under the current rules, municipal government especially in the preservation zone, is charged with complying with increasingly more stringent rules and regulations that require the investment of resources (money, manpower, time and equipment). There is no funding in place for these expenses and, if a municipality does not comply despite the fact that it is fiscally impossible to do so, the DEP can impose fines of up to \$5,000 per day. The powers that be

- must recognize that municipal government cannot sustain these costs without any means to offset them. Funding must be forthcoming to offset these costs.
5. West Milford is an 80-plus square mile municipality with over 190 miles of roads located entirely in the preservation zone. This equates to over 50,000 acres of land with approximately 2/3rds (or 30,000 acres) identified as either open space or watershed lands. Municipal services such as police, emergency services, search & rescue, road maintenance, zoning & health enforcement, etc. must be provided throughout the municipality despite the fact that approximately 25% of the landowners fund the cost of these services which are provided to 100% of the property owners in West Milford. The State must identify and provide funding to offset this inequity.
  6. The MPRR identifies the need for forest resource management and sustainability. In West Milford much of the open space and watershed land experienced significant deforestation as a result of Super Storm Sandy. In addition to the negative impact to the environment, this has left an aesthetic blight on West Milford. Many of these lands are owned by the State, were either funded by the State for acquisition to non-profit groups or are owned by the Newark Watershed who enjoys significant assessment and conservation concessions because of the actions of the State. Nonetheless, no effort has been made by these same State officials to have these properties restored.
  7. The MPRR recommends that the State identify and fund dedicated sources of funding for land preservation and stewardship. This has been a recurring comment in all Highlands Act reports and even in the legislation itself. Nonetheless, this funding has not been identified or appropriated. This continued failure to provide the funding coupled with the demand to abide by the rules & regulations and the imposition of costly fines make the loss of funding a triple threat to preservation zone municipalities.
  8. Throughout the MPRR, the Highlands Council seeks to engage in even more intrusive efforts to coordinate with State and Federal agencies to the detriment of the local governments in the preservation zone. Without first partnering with these municipalities, this approach is divisive and counterproductive.
  9. The MPRR recommends that the State undertake a lake management study to focus on Lake Hopatcong and Greenwood Lake. Greenwood Lake is partially located in West Milford New Jersey. It is also located in New York State. West Milford residents and elected officials have grave concerns about such a study that, in all likelihood based on past experience, result in West Milford being subject to restrictions, rules and regulations that we cannot sustain because half of that lake is not within our jurisdiction nor is it in the jurisdiction of New Jersey State agencies.

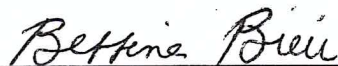
10. The MPRR delineates the goals of the Highlands Act. While this all sounds wonderful to all residents and primarily reflects the ideals of the majority of West Milford residents, the reality is that it takes money to achieve each and every one of these goals. Currently this burden is being borne by the taxpaying residents of West Milford. A lone municipality cannot continue to sustain such a burden and sources of funding must be dedicated to meet these goals.
11. It is important to recognize that taxpayers in the preservation zone protect the water supply to over 7 million residents in New Jersey. This means that whenever one of these 7 million New Jersey residents turns the faucet to pour a glass of water, take a bath, wash the dishes, run a load of laundry or even water the lawn that water is readily available to them at no cost because of the stewardship provided by the small percentage of New Jersey citizens living in the Highlands preservation zone.

While we could submit comments to each and every component of the 215-page MPRR document, that level of specificity could be counterproductive for the following reasons:

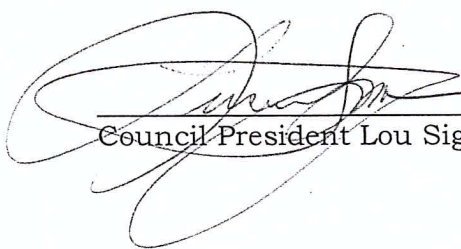
- Each and every section of the MPRR begs for comments about the funding and lack thereof.
- Comments get lost when State officials who produce a cumbersome bureaucratic document are guiding the conversation by way of having volumes of commentary impede the dialogue just as the production of the unwieldy document itself serves as an impediment to constructive understanding of the core concerns.
- The proposed remedy to many of the findings of the report constitute intrusive regulations on the very sector of the State who cannot grapple with the burdensome regulations that currently exist never mind seeking to mandate more rules.
- The State continuously insists that participation in these practices is voluntarily. This, in fact, is a fallacy. If the State of New Jersey Department of Environmental Protection (NJDEP) engages in a process of issuing fines for non-compliance (which they do), these are not optional rules. The “option” is to pay to enact and abide by these expensive, labor-intensive, and cumbersome rules OR pay a fine which can amount to up to \$5,000 per day in some circumstances for each “infraction”. As such, to label participation as optional is disingenuous to the residents of New Jersey and the taxpayers who are saddled with the costs.

We, the elected officials of the Township of West Milford, submit this letter, not only as comments on the Highlands Council's MPRR, but also as a plea on behalf of our constituents. We implore the Governor, the members of the State Senate, the members of the State Assembly, the appointees to the Highlands Council, the staff at the Highlands Council and the staff at the NJDEP to hear our voices. It appears that we are Samson facing Goliath and that is not a good relationship to foster when we are all supposed to be working to achieve the same goals. We are entreating you to hear our voices, learn from our "on the ground" experience and respect our involvement in the process. This small community of approximately 26,000 serves as stewards of the water that serves over 70% of the residents of New Jersey. Recognizing our voices ultimately protects the entire state.

Respectfully submitted,



Mayor Bettina Bieri



Council President Lou Signorino



Councilwoman Ada Erik



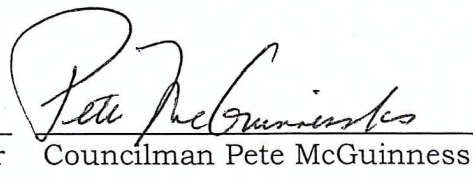
Councilman Michael Hensley



Councilwoman Marilyn Lichtenberg



Councilman Tim Wagner



Councilman Pete McGuinness

:ab

- c: Executive Director Margaret Nordstrom
- Chairman Jim Rilee
- Vice Chairman Kurt Alstede
- Highlands Council members Carluccio, Dougherty, Dressler, Francis, Holtaway, James, Richko, Sebetch, Tfank, Visioli, Vohden, Walton
- Senator Joe Pennacchio
- Assemblywoman Betty Lou De Croce
- Assemblyman Jay Webber
- Members of the State Senate
- Members of the State Assembly
- Administrator, Bloomsbury Borough
- Administrator, Califon Borough
- Administrator, Glen Gardner Borough
- Administrator, Ringwood Borough