

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTEDE)	VICE CHAIR
TRACY CARLUCCIO)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
ROBERT HOLTAWAY)	
MICHAEL FRANCIS)	
BRUCE JAMES)	
CARL RICHKO)	
ROBERT G. WALTON)	

VIA-TELECONFERENCE

TIMOTHY P. DOUGHERTY)
MICHAEL TFANK)
JAMES VISIOLI)
RICHARD VOHDEN)

ABSENT

MICHAEL SEBETICH)
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CALL TO ORDER 153rd meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:01pm.

ROLL CALL

Roll call was taken. Members Dougherty, Tfank, Visioli, and Vohden were present via tele-conference. Member Dressler was absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Dicton, Maryjude Haddock-Weiler, Judy Thornton, Keri Green, Drew Siglin, Casey Ezyyske, Kelley Curran, Herbert August, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

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

PLEDGE OF ALLEGIANCE was then recited.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

COUNCIL WORK SESSION

On behalf of the Regional Master Plan (RMP) Amendment Committee, Committee Chair Kurt Alstede complimented the Highlands staff on the Monitoring Program Recommendation Report (MPRR) process. Committee Chair Alstede emphasized that the draft MPRR before Council does *not* contain proposed amendments to the RMP. Rather, it contains recommendations for Council to consider and put out for public comment prior to crafting proposed amendments to the RMP.

Ms. Nordstrom provided a brief overview of the work session. Ms. Nordstrom noted that the MPRR is a baseline document, setting the stage not only for potential improvement to the RMP, but also future iterations. It is a supplement to the original RMP in that:

- it presents the first indicators and milestones;
- it is a summary of RMP implementation issues; and
- it is an analysis of possible solutions to these implementation issues and resulting recommendations.

Ms. Nordstrom also noted that the MPRR is not and does not, in itself, propose amendments. It contains recommendations, some of which, if implemented would require changes to the language of the RMP and would therefore be amendments. These are not the bulk of the recommendations. Others are possible solutions to implementation issues and topics for the Science and Research agenda.

Today, Council staff will review the structure of the draft MPRR and provide a closer look at one of the topic areas, Future Land Use. There will be discussion on the flow of information in the topic areas, to illustrate how recommendations were developed.

Ms. Nordstrom also reported that there will be no further revisions to the draft MPRR at this time. Final revisions will take place after the close of the public comment period in consultation with the Council, and following a sequence of steps spelled out in the draft Amendment Procedures adopted by Council in January for use during this process.

Council's next step is to release the draft MPRR for a 60-day public comment period. Staff will make themselves available to meet with members of the public, either individually or in groups, to discuss the draft MPRR. This comment period also gives the Council another opportunity to submit their comments and recommendations. At the end of the comment period, a public response document will be prepared and Highlands Council staff will go over any possible changes to the MPRR with Council. When the final MPRR is ready, Council will authorize its release to the public and it will serve at the Council's work plan for the next six (6) years.

At this time, staff member Corey Piasecki gave a presentation. The presentation may be found on the Highlands Council website at the link below:

www.nj.gov/njhighlands/about/calend/2017_meetings/may18/meeting_preso_may18.pdf

Member Dressler was present at 4:15pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

Council Comment/Discussion

Chairman Rilee thanked Highlands staff and the committee for its work.

Member Holtaway also complimented Highlands staff and the organization of the MPRR.

Member Dressler asked staff to go through the recommendations. Mr. Piasecki referred Council to page 195 of the draft MPRR, which provides a summary of all recommendations contained in the report. Mr. Humphries reiterated that these are summaries, and Council members can refer back to individual chapters for the full analysis that led to the recommendations.

Member Visioli asked about staff reasoning (pros and cons) regarding why some recommendations should or should not move forward. Ms. Nordstrom clarified that the report only provides recommendations; it will be up to Council to determine which recommendations move forward, not staff. Mr. Piasecki added that the draft MPRR includes analysis that explains the justification for including each recommendation, but Highlands staff may need to conduct additional research and analysis when Council decides which recommendations move forward.

Chairman Rilee reiterated that Highlands staff would need to provide more rationale if the Council wants to move forward on a recommendation.

Member Dressler commented that he has not had a chance to go over this report in its entirety and is uncomfortable putting it before the public without having gone through it. Chairman Rilee responded that the vote is not on moving forward any recommendations in the report; it is to release it so the public can see and comment on it.

Council Member and Committee Chair Alstede noted that the committee met and voted unanimously to release the report to the Council for consideration of release to the public.

Member Walton commented that the document is ready to be released to the public and he would not want to withhold it.

Member Carluccio commented that she needs more time to go over it and recommends that Council takes time to review it.

Member Francis commented that getting the report out to the public is more important than Council understanding the document completely.

Member Dressler asked for 30 days to review the MPRR in its entirety so he is able to give an intelligent response on proposed recommendations should he get questions.

Member Walton noted that Council should give the public the same time to review the document as Council will have. Member Walton noted that all Council concerns should be concurrent with the public.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

Member Richko commented that if we do release it today how about we change the public comment period from 60 to 90 days.

At this time a roll call vote was taken:

Member Walton made a motion to release the MPRR for a period of 60 days. Member Holtaway seconded it.

A roll call vote was taken. The vote was 7 in favor, 6 opposed. 8 votes are required for Council action under N.J.S.A. 13:20-5.f. Accordingly, the motion failed to pass.

Member Walton made a motion to release the MPRR for a period of 90 days. Member Alstede seconded it.

A roll call vote was taken. The vote was 7 in favor, 6 opposed. 8 votes are required for Council action under N.J.S.A. 13:20-5.f. Accordingly, the motion failed to pass.

Vice Chair Alstede noted that the report is “confidential and privileged” and should not be shared at this time.

Member Dressler left the meeting temporarily at 4:50pm.

REGULAR BUSINESS ITEMS:

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF MARCH 16, 2017

Chairman Rilee asked for a motion on the Minutes of March 16, 2017.

Member Alstede made a motion to approve the Minutes of March 16, 2017. Member Walton seconded it.

A roll call vote was taken. The Minutes of March 16, 2017 were APPROVED 12-0.

APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF MARCH 16, 2017

Chairman Rilee asked for a motion on the Executive Session Minutes of March 16, 2017.

Member Walton made a motion to approve the Executive Session Minutes of March 16, 2017. Member Francis seconded it.

A roll call vote was taken. The Executive Session Minutes of March 16, 2017 were APPROVED 12-0.

APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT (HDC) BANK MINUTES OF APRIL 5, 2017

Chairman Rilee asked for a motion on the HDC Bank Minutes of April 5, 2017.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

Member Alstede made a motion to approve the HDC Bank Minutes of April 5, 2017. Member Holtaway seconded it.

A roll call vote was taken. The HDC Bank Minutes of April 5, 2017 were APPROVED 12-0.

Member Dressler returned to the meeting at 4:53pm.

CHAIRMAN'S REPORT

There was no Chairman's report.

EXECUTIVE DIRECTOR'S (ED) REPORT

On behalf of the Landowner Equity & Land Preservation Committee, Ms. Nordstrom noted that the Council had previously decided to hold available funding in anticipation of using it as match for the 2017 Highlands Conservation Act (HCA) Grant application. The 2017 HCA Grant has been authorized, and the Council expects to apply for the maximum award of \$2.42M. This funding would directly support the HDC Purchase Program and/or the Open Space Partnership Funding Program. Ms. Nordstrom also noted that the Highlands Council is the lead agency for applying the HCA Grant for New Jersey (originally held by Green Acres).

Member Dressler asked if the resolution regarding the water fee was sent to the Legislature. Ms. Nordstrom noted that it was. Member Dressler asked if there had been any response. Ms. Nordstrom noted that four (4) representatives responded to the resolution expressing their support should the matter come before them.

Member James temporarily left the meeting at 4:55pm.

Ms. Nordstrom then reported on some Council staff activities.

Plan Conformance Implementation

- Bedminster Township, Somerset County
 - Highlands Referral Ordinance: Deemed consistent and municipal adoption
 - Highlands Exemption Determination Authorization: Municipal adoption and certification issued.

HDC Bank Credit Allocation & Purchase Update

- HDC Allocation:
 - Mount Olive Township. Block 7600, Lots 4-6, 8-11 and 13-18.
 - 7.6 acres, residential
 - Determination: 10 HDCs

Municipal-Issued Exemptions

- Byram Township, Sussex County: Exemption 4 – 1 issued.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

- Montville Township, Morris County: Exemption 5 – 1 issued.

In conclusion, Ms. Nordstrom reported that Dan Kennedy, Assistant Commissioner, Water Resource Management, New Jersey Department of Environmental Protection (NJDEP) is tentatively scheduled to attend Council's June meeting to discuss and answer any questions Council may have regarding the New Jersey Statewide Water Supply Plan.

Member Dressler asked about the Bellemead case with NJDEP. Ms. Nordstrom responded that the Plan Conformance Committee will discuss this case at its next committee meeting scheduled for May 23, 2017.

Chairman Rilee opened the meeting to the general public for comments.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on the Appellate decision that Member Dressler referred to regarding Bellemead and encouraged Council to read it.

Tom Wagner – Mr. Wagner commented on the potential additional source of funding and asked how the funding will be distributed and what will it be based on. Member Walton responded that the funding of applications will be based on the same criteria used for funding 2016 applications. He also noted, however, that Council will need to determine how the funding gets allocated between the HDC Purchase Program and Open Space Program when/if additional grant money is awarded.

Pat Moffit, Peapack, NJ – Mr. Moffitt commented on alleged ethics violations of consultants hired by Council, Council members, Highlands staff members and/or family members.

Doug Ruccione, Ringwood, NJ – Mr. Ruccione commented on Ringwood's superfund site and the threat to the reservoir and upholding the Highlands standards in Ringwood.

Hal Danielson, Hampton Borough property owner – Mr. Danielson commented that an independent advisory committee should be formed to give recommendations for this new Regional Master Plan process.

David Shope, Lebanon Township, NJ – Mr. Shope commented on the Highlands Development Credit of \$16K and asked Council to provide a fact sheet on how it was derived. Mr. Shope also commented on the MPRR discussed today during the work session and that no changes should be made to it prior to releasing to the public.

Jerry Kern, Pohatcong, NJ – Mr. Kern encouraged the Council to be honest with themselves. Mr. Kern noticed that it appears that nothing has changed since the last time he attended a meeting.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented on the funding landowners were promised for the land.

Member Holtaway made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 5:19pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 18, 2017

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: 6/15/17

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant



**Vote on the Approval of
These Minutes**

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