

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2018

**PRESENT**

CARL J. RICHKO	)	CHAIR
KURT ALSTED	)	VICE CHAIR
TRACY CARLUCCIO	)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY	)	
ROBERT HOLTAWAY	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	

**VIA TELECONFERENCE**

MICHAEL FRANCIS	)
MICHAEL R. DRESSLER	)
BRUCE JAMES	)

**ABSENT**

MICHAEL SEBETICH	)
ROBERT G. WALTON	)

**CALL TO ORDER** 164<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council called to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Members Sebetich and Walton were absent. Members Dressler, Francis and James were present via teleconference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, John Maher, James Humphries, Corey Piasecki, Herb August, Ranji Persaud, Keri Green, Drew Siglin, Christina Petagna, Carole Ann Diction, and Tom Tagliareni. Also present were Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit (via teleconference), and Jennifer Moriarty, Deputy Attorney General.*

**OPEN PUBLIC MEETINGS ACT**

Ms. Tagliareni announced that the meeting was 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.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 27, 2018**

Chair Richko asked for a motion on the Minutes of September 27, 2018.

*Member Holtaway made a motion to approve the Minutes of September 27, 2018. Member Vohden seconded it.*

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*A roll call vote was taken. The Minutes of September 27, 2018 were APPROVED 9-0, with one abstention by Member Carluccio.*

## **CHAIRMAN'S REPORT**

There was no Chairman's report.

## **EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following staff activities:

### **Plan Conformance Update**

#### Outreach Activities

To date, 24 meetings have been held/scheduled. Since the last meeting, staff met with:

- Wanaque Borough, Passaic County
- West Milford Environmental Commission, Passaic County
- West Milford Lakes Committee, Passaic County
- Holland Township, Hunterdon County
- Greenwood Lake Commission
- Hanover Township, Morris County
- Union Township, Hunterdon County
- Warren County
- Pompton Lakes Borough, Passaic County
- Washington Borough, Warren County, Council Meeting
- Somerset County

And are scheduled to meet with:

- Victory Gardens, 10/19/18
- Parsippany-Troy Hills, 10/22/18
- Sussex County, 10/23/18
- Franklin Borough Council Meeting, 10/23/18
- Hamburg Borough, 10/30/18
- Town of Dover, 10/31/18
- Bergen County, 11/26/18

#### Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- High Bridge Borough, Hunterdon County issued 1 Exemption # 4.
- Hopatcong Borough, Sussex County issued 1 Exemption # 4

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*Training Update* – A certification training session was held on October 4, 2018 at the Council office. Eight individuals attended, representing 9 municipalities, including 4 municipalities that are not yet certified to make exemption determinations.

### **Project Review Update**

- Capital Project Review (Planning Area) for Warren County District Landfill in White Township, Warren County
  - The applicant is proposing to expand the existing landfill.
  - Highlands Council staff made a determination that the project was consistent with Regional Master Plan w/ recommendations.
  - An Exemption 11 review in the Preservation Area for Uniti Fiber in Sparta Township
  - The applicant’s project consists of the installation of eight (8) utility poles along the right-of-way adjacent to Milton Road.
  - Highlands Council staff made a determination that the project was consistent with goals of the Highlands Act.

### **Open Space Partnership Funding Program Update**

Transaction Closings. On October 1, 2018, we closed on Kellogg Property/Hudson Farm - Byram Township, Hopatcong Borough and Sparta Township, Sussex County

- Project Type: Conservation Easement
- Preserving 2,200 acres
- Worked in partnership with Green Acres, with additional help from The Land Conservancy of New Jersey, and the William Penn Foundation.
- Total acquisition cost: \$5.1 million
- Highlands Council contribution: \$2 million
- Additional information:
  - A press release was issued by NJDEP Wednesday, October 10 and a copy of a press clip from NJ Spotlight in Council’s packets.
  - From a resource point of view, almost 2,000 of the 2,200 acres is “core forest” – exceptional habitat for plant and animal species. Very little core forest left in New Jersey.
  - Property will remain privately owned, but 11-mile section is open to the public via the Highlands Trail.

### **TDR/HDC Update**

Since the prior report, two new HDC allocation applications have been received and are pending.

### **Meetings and events**

Since the last Executive Director’s Report dated September 21, 2018, some noteworthy meetings and events that staff attended include:

10/1/18 NY/NJ Trail Conference Meeting  
10/10/18 Highlands Coalition Annual Meeting  
10/12/18 ANJEC 2018 Environmental Congress - This is the first time in recent past (maybe ever) that the Highlands Council has participated in this event. It was a great opportunity to meet and speak

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with a wide range of individuals whose work overlaps or connects with ours. Spoke with more than 30 individuals at table, plus others at sessions.

10/13/18      Sussex County Harvest, Honey and Garlic Festival - 9<sup>th</sup> year we have been invited by Sussex County to attend this event, which draws visitors from several Highlands municipalities and counties, and this year we hit a record number of visitors to our table interacting with more than 60 individuals.

10/16/18      Musconetcong River Management Council

Upcoming Meetings and Events

11/13-15/18    New Jersey League of Municipalities

12/7/18        Jersey Water Works Conference

The next Council Meeting is scheduled for December 6, 2018.

**Regional Master Plan (RMP) Amendment Committee**

Committee Chair Alstede reported that at Council's last meeting we succeeded in approving the Procedures for amending the Regional Master Plan (RMP). Before the Council today is the Monitoring Program Recommendation Report (the report). The report is culmination of years of work on staff/consultants and public outreach including 27 stakeholder, technical advisory committee, and public outreach sessions. The report was presented to the Council nearly a year ago where a few remaining issues were discussed. Since that time staff has refined the document to remedy any remaining issues. The report was posted to the Highlands Council website on September 10 and an e-mail blast was sent to our list serve advising that it is available for review along with two "revision logs" that detail any changes that have been made to the document since the original draft was completed. This report does not create any amendments to the RMP. It prepares a pathway for amendments moving forward.

*Member Alstede made a motion. Member Visioli second it.*

**Resolution –Authorization for Highlands Council Executive Director to Release the “Monitoring Program Recommendation Report” to the Public**

There was no Council discussion.

Public Comment

**David Shope, Lebanon Township, NJ** – Mr. Shope commented that Council presumes everyone has access to the internet. Mr. Shope would like to have a hard copy. A hard copy of the report was handed to Mr. Shope.

**Deborah Post, Chester Township** – Ms. Post commented that she has 80+ proxies from other property owners and speaks on their behalf. It is Ms. Post's opinion that the comments submitted from property

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owners will not be considered or included by the Council. Ms. Post submitted her comments for the record.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that the report had good language on forestry, but currently there is no language regarding forestry in the Highlands. Ms. Somers requests that the Council do something about forestry management and work with stakeholders and New Jersey Department of Environmental Protection (NJDEP).

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented that Council should consider forestry in the Highlands. Mr. Klumpp also reiterated Ms. Post's comments and added that Council needs funding to support the landowners.

Council Comment

Member Carluccio reiterated that she does not support committee meetings being closed to the public.

*A roll call vote was taken. The resolution was APPROVED 9-1.*

**Budget & Finance Committee**

Committee Chair Holtaway reported that the committee met on October 5, 2018 and the FY2019 General Operating budget had three line item adjustments:

- Reduction of funds for mobile phone services and equipment expenses
- An increase added to conference and training for staff to increase participation in Highlands outreach, workshop, and educational forums
- Salary expenses were increased to budget for actual sick and vacation benefits time payout to Highlands retirees

Committee Chair Holtaway also reported that the unexpended balance in salary account held by DEP/Treasury due to staff separation, hiring delays and freeze on salary was released back to Highlands Council to fund the RMP Account. In closing, Committee Chair Holtaway reported that the Council continues to receive \$2,315,000 in State appropriations to fund its day-to-day operations.

**Resolution – Approval of the Fiscal Year 2019 General Operating Budget**

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Visioli second it.*

There was no Council discussion.

Public Comment

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**Deborah Post, Chester Township** – Ms. Post urged Council when they are considering pension benefits to consider the landowners whose savings are locked in their lands.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

Committee Chair Holtaway reported on the Fiscal Year 2019 Highlands Protection Fund Capital Budget. Committee Chair Holtaway commented that the budget is driven by applications. In the current first year (2019) budget, the Highlands Council plans to allocate funding for:

- Plan Conformance Initial Assessments Grants (municipalities not currently participating in the process)
- Plan Conformance Grants (municipalities participating in the process)
- Plan Conformance Amended Grant Programs (municipalities implementing additional regulatory documents)
- Water Use and Conservation Management Plans
- County Plan Conformance Grants
- Plan Conformance Environmental and Economic Sustainability Grant (Municipalities & Counties)
  - Agri-, Eco-, Heritage Tourism Grants
  - Historic Preservation & Scenic Resource Planning Grants
  - Educational Grants
  - Sustainable Economic Development Grants
  - Water Quality Restoration and Monitoring Grants

**Resolution – Approval of the Fiscal Year 2019 Highlands Protection Fund Capital Budget**

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Visioli second it.*

There was no Council discussion.

**Public Comment**

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that she is interested and excited about the Plan Conformance Environmental and Economic Sustainability Grant and look forward to hearing more.

**David Shope, Lebanon Township, NJ** – Mr. Shope suggests that Council change the name of this program to grants for municipal land use attorneys and planners. Mr. Shope objected to the program.

**Deborah Post, Chester Township** – Ms. Post asked what the statute is for the Highlands Protection Fund grants. Mr. August responded that it is dictated by the Highlands Act that municipalities and counties are entitled to reimbursement for the reasonable expenses of Plan Conformance. Ms. Post asked for the citation in the Highlands Act that refers to Highlands Protection Fund grants. Ms. Post suggested that there should be a landowner advocate and grant funding available to landowners.

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**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford commented that he has been visiting municipalities to understand the economy of the Highlands presently and in the future.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

**Other Business:**

**Resolution – Annual Meeting Schedule for 2019**

Vice Chair Alstede noted that the proposed meeting date of April 18, 2019 is the day before Good Friday. A date change was discussed amongst Council members and it was decided by members to change the proposed April 18, 2019 meeting date to April 11, 2019.

Chairman Richko asked for a motion on the resolution as amended to change the April 18, 2019 meeting date to April 11, 2019.

*Member Vobden made a motion on the resolution as amended. Member Holtaway second it.*

There was no Council discussion.

**Public Comment**

**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford suggested that the time of the Council meetings to be moved to 5:00pm for public consideration.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp suggested that Council change the time for public comments from three to five minutes.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

*Member Francis left the meeting at 4:43pm.*

Chair Richko opened the meeting to the public for any other comments.

**Public Comment**

**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford commented that he was on WRNJ radio with the Mayor of Independence Township. Mr. Stafford added that the Mayor of Independence Township spoke favorably regarding the outreach meeting he had with Highland staff.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on an article he saw in the Daily Record for a development of 38 units on less than an acre. Mr. Klumpp asked how many Transfer of Development Rights (TDR) are there.

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**Deborah Post, Chester Township** – Ms. Post urged Council to pass a resolution providing landowners with just compensation by using the option to have the municipal averages used. . Ms. Post submitted her comments for the record.

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on the TDR program and the Kellogg property which was sold.

*Member Holtaway made a motion to adjourn the meeting. Member Vohden seconded it. All were in favor. The meeting was adjourned at 4:52pm.*

**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: 12-6-18

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

**Vote on the Approval of  
The Minutes**

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