

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF APRIL 15, 2021

**PRESENT**

**VIA TELECONFERENCE:**

CARL J. RICHKO	)	CHAIR
KURT ALSTED	)	VICE CHAIR
TIMOTHY P. DOUGHERTY	)	COUNCIL MEMBERS
MICHAEL R. DRESSLER	)	
MICHAEL FRANCIS	)	
ROBERT HOLTAWAY	)	
BRUCE JAMES	)	
MICHAEL SEBETICH	)	
DAN VAN ABS	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	

**CALL TO ORDER** 181<sup>st</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:01pm via Zoom videoconference due to COVID-19.

**ROLL CALL**

Roll call was taken. Members Dougherty and Visioli were absent. All other Council Members were present via videoconference. *The following staff members were present via videoconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Ranji Persaud, Herbert August, Annette Tagliareni, Carole Ann Diction, Steve Simone, Karen Castanbas, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

**OPEN PUBLIC MEETINGS ACT** was then recited.

*Member Dougherty was present via videoconference at 4:05pm.*

**PLEDGE OF ALLEGIANCE** was then recited.

**CHAIRMAN'S REPORT**

Chair Richko acknowledged the resignation of Member Walton effective March 31, 2021. Chair Richko noted Member Walton's almost 10 years of public service to the Highlands Council as a member, Chair of the Audit and Landowner Equity and Land Preservation Committees, and also as Chairman of the HDC Bank.

Chair Richko announced that Member Van Abs will serve on the Regional Master Plan (RMP) Amendment Committee.

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Chair Richko announced that Hunterdon County's Petition for Plan Conformance will likely come before the Council next month. This will be the 3<sup>rd</sup> County Petition coming before the Council.

Lastly, Chair Richko acknowledged the retirement of Jeff Tittel, Director of the New Jersey Sierra Club. Chair Richko noted that Jeff Tittel was instrumental in passing the Highlands Act. Chair Richko thanked Mr. Tittel for all he has done for New Jersey and the Highlands region.

At this time, Chair Richko asked members if they had any comments regarding his report.

Member Sebetich acknowledged Jeff Tittel's retirement. Member Sebetich commented that Jeff Tittel is a bulldog on environmental issues, but sometimes these extremes need to be stated. Member Sebetich added that he hopes Jeff Tittel doesn't go away completely.

Member Dressler expressed his sadness regarding Member Walton's resignation. Member Dressler added that Member Walton was an excellent member and it was a pleasure to work with him. Member Dressler concluded that the Council is a little less today because he is gone.

## **EXECUTIVE DIRECTOR'S (ED) REPORT**

Ms. Plevin highlighted the following updates and staff activities:

### **COVID-19 Response**

#### Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work remotely and are fully functional.

### **Project Highlights**

#### **Plan Conformance Updates**

As Chairman Richko mentioned, Ms. Plevin reported that the Hunterdon County Petition for plan conformance was released for public comment on March 29 and comments are being accepted through April 29. Ms. Plevin also noted that as a result of the Council's MOU with the Office of Planning Advocacy (OPA), OPA completed a review of the petition prior to its release for public comment.

Ms. Plevin then reported on some exciting news regarding Climate Change. Ms. Plevin noted that the entire Interagency Council on Climate Resilience met earlier this week to review the draft Climate Change Resilience Strategy. They expect to release this document for public comment in less than 2 weeks. Once released, Council staff plans to do an outreach announcement to all Highlands municipalities and counties and to our listserv, urging their review and comment. Ms. Plevin was very pleased that key Highlands issues and concerns are focused on this strategy.

#### Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of five (5) municipally issued exemptions.

- Montville Township issued two (2) exemption #5s.
- Mahwah Township issued two (2) exemption #4s.
- Jefferson Township issued one (1) exemption #2.

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**Project Review Updates**

Ms. Plevin reported that staff is currently reviewing three (3) new projects that have come in since her prior report.

- Hudson Farm in Hopatcong Borough, Sussex County is seeking a site-specific Water Quality Management Plan amendment related to the construction of a pavilion with maximum seating capacity of 150, and a pro shop with a kitchen.
- Hunterdon County is seeking a Preservation Area Exemption #9 for a resurfacing and safety improvement project on County Route 517 in Tewksbury Township.
- The North Jersey District Water Supply Commission is seeking a Preservation Area Exemption #11 for the installation of a floating solar array on Wanaque reservoir in Wanaque Borough to provide power for the Commission's headquarters and water filtration plant.

**Personnel Updates**

Ms. Plevin reported that the Highlands Council staff completed interviews with candidates to fill the vacant Resource Management Specialist position and anticipates extending an offer this week.

**Audit Service RFP**

Ms. Plevin reported that the audit services contract with our current vendor recently expired and the Highlands Council issued a Request for Proposals (RFP) for audit services last Thursday (April 8) so we can identify a vendor and enter a new contract before the next audit cycle begins.

**Project Update – Functional Ecosystem Valuation (FEV)**

At this time, Ms. Plevin updated Council on one of the projects Council approved a little over a year ago. The FEV project is designed to create a methodology for evaluating and assigning a numeric value to natural resource assets in the Highlands. The intent is to have a system in place that can aid our project review process so that when a proposed project involves natural resource disturbance, the impact and appropriate mitigation can be measured and identified.

Ms. Plevin noted that the draft methodology was completed in late 2019 and in February last year the Council approved a contract to field test it. Nine (9) sites have been identified for that field testing – three (3) in the Preservation Area, three (3) in the Planning Area, and three (3) sites with land in both. Field testing is currently underway and will continue throughout the growing season. A desktop analysis of the draft methodology has been prepared and is under staff review. The project should be completed late this year or early next year.

**RFP – Municipal Average – HDC Bank Board**

Ms. Plevin reported some updates regarding the RFP for Municipal Average research and determination. Two firms responded and the Review Committee is reviewing. As a result, the May 6th HDC Bank Board meeting will be cancelled. Ms. Plevin also added that the Bank will likely reschedule this meeting when ready to discuss awarding a contract regarding Municipal Average.

Lastly, the next Council Meeting is scheduled for May 20, 2021.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

Member Sebetich ask if he could review the draft FEV methodology. Mr. Humphries responded that it is

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still in draft form, but staff can provide the draft to Member Sebetich.

*Member Visioli was present via videoconference at 4:17pm.*

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF FEBRUARY 18, 2021**

Chairman Richko asked for a motion on the Council Minutes of February 18, 2021.

*Member Holtaway made a motion to approve the Highlands Council Minutes of February 18, 2021. Member Visioli seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of February 18, 2021 were APPROVED 11-0.*

**PRESENTATION – Rutgers Highlands Regional Stormwater Management Planning**

At this time Chair Richko reminded members that in July 2019 the Council awarded a contract to Rutgers University Cooperative Extension, Water Resources Program to develop regional stormwater management planning for a portion of the New Jersey Highlands. The project targets an area within the Raritan River watershed and involves 24 Highlands municipalities.

Chair Richko welcomed Dr. Chris Obropta of Rutgers who is an Extension Specialist in Water Resources and who was in attendance to provide an overview and update on the project.

At this time, Dr. Obropta gave a presentation. The presentation may be found on Council's website at the following link: [www.nj.gov/njhighlands/about/calend/2021/apr15/obropta.pdf](http://www.nj.gov/njhighlands/about/calend/2021/apr15/obropta.pdf)

Chair Richko thanked Dr. Obropta for his presentation and added that this is a project that will benefit many towns in the Highlands as well as the environment.

Member Sebetich thanked Dr. Obropta for his presentation. Member Sebetich inquired how new development can benefit, as well as retrofitting older development.

Dr. Obropta added that new stormwater regulations adopted by the NJDEP in 2020 now require all new major developments to manage stormwater using green infrastructure. New enabling legislation was also recently passed that will allow for the establishment of stormwater utilities. These utilities could potentially provide a funding mechanism for retrofitting older developments with green infrastructure. Dr. Obropta added that his outreach is about education as well to get towns thinking about improved stormwater management planning.

Member Francis asked if the definition has been changed regarding impervious coverage. Dr. Obropta added that DEP still needs to do more work to define impervious coverage.

Chair Richko thanked Council staff and added that this is a great partnership.

Ms. Plevin emphasized that Council staff is planning a follow up webinar with Dr. Obropta's team for

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early June to discuss next steps and funding available to implement projects identified in the plans. Ms. Plevin added that towns that we are working with are seeing this as a service that we are providing to them.

Dr. Obropta noted that the towns seem excited about it.

## **BUDGET & FINANCE COMMITTEE**

### **Resolution - Approval of Water Use and Conservation Management Plan Funding for the Township of Lopatcong, Warren County**

Committee Chair Holtaway reported that Lopatcong Township does not currently have an allocation in their contract for the development of a WUCMP. This request is being triggered by a proposed development project for which a Water Quality Management Plan Amendment is required to obtain sewer service and the associated subwatershed is in deficit of net water availability. The total cost for the development of a WUCMP for Lopatcong Township is estimated at \$60,000. All grants are reimbursement-based with final approvals determined by approved scopes of work.

*Member Visioli made a motion. Member James seconded it.*

### **Council Discussion**

There was no Council discussion.

### **Public Comment**

**David Shope, Lebanon Township** - Mr. Shope commented on Member Holtaway's report that Lopatcong Township will not be paid \$60,000 until work product is done which, in his opinion, means it won't be paid unless it is acceptable to Council.

There was no Council comment.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

## **OTHER BUSINESS**

### **Resolution - Approval of Submission of 2020 Annual Report**

At this time Chair Richko announced the next resolution to approve submission of the 2020 Annual Report. Chair Richko noted that this is a statutory requirement to provide an annual report of our activities to the Governor, Legislature, and the governing body and the chief executive officer of each municipality and county in the Highlands Region.

*Member James made a motion. Member Holtaway seconded it.*

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Council Discussion

There was no Council discussion.

Public Comment

There was no Public Comment.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**OLD/NEW BUSINESS:**

Member Vohden suggests that all Council members take a look at N.J.S.A. 40:55D-154 and 156.

Member Francis enjoyed the Stormwater presentation today and that the Council needs to pay attention to its importance to the region's lakes, rivers, the economy, and environment.

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

Public Comment

**Hank Klumpp, Tewksbury, NJ** - Mr. Klumpp asked for copies of the citations noted in the memorandum regarding the RMP Amendment Committee meeting held on March 30, 2021. Mr. Klumpp added that the TDR Program has not worked for 16 years and Council should send a letter to Governor Murphy to fund landowners. Mr. Klumpp also was saddened by Member Walton's resignation.

**David Shope, Lebanon Township** – Mr. Shope commented on the RMP Amendment Committee meeting memo where Member Vohden raised questions regarding the TDR Program and Chief Counsel LaRocca referred them as a policy question, not a legal question. Mr. Shope spoke in opposition to these comments.

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Chair Richko asked for a motion to adjourn the meeting.

*Member Holtaway made a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 5:08pm.*

**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: 05/20/2021

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty						√
Councilmember Dressler						√
Councilmember Francis			√			
Councilmember Holtaway		√	√			
Councilmember James			√			
Councilmember Sebetich						√
Councilmember Van Abs			√			
Councilmember Visioli	√		√			
Councilmember Vohden			√			
Chairman Richko			√			