

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 20, 2022

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
JAMES VISIOLI)	COUNCIL MEMBERS
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
RICHARD VOHDEN)	

ABSENT:

MICHAEL R. DRESSLER)
TIMOTHY DOUGHERTY)

CALL TO ORDER 187TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:02pm via Zoom videoconference.

ROLL CALL

Roll call was taken. Member Dressler and Member Dougherty were absent. All other Council Members were present via video conference. *The following staff members were present via videoconference: Lisa J. Plevin, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Judy Thornton, Jocelyn van den Akker, Izzzy Castiglioni, Herb August, Annette Tagliareni, Carole Ann Dicton, and Karen Castanbas. Also present via teleconference were Jeffrey Nielsen, Associate Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

OPEN PUBLIC MEETINGS ACT was then recited.

PLEDGE OF ALLEGIANCE was then recited.

CHAIRMAN'S REPORT

Chair Richko wished everyone a Happy New Year and advised that today's meeting will include the annual election of the Vice Chair and Treasurer positions. Chair Richko congratulated Member James on his new appointed position as Director of Board of County Commissioners for Passaic County.

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Resolution – Election of Vice Chair

Chair Richko asked for a nomination and motion on the Election of Vice Chair.

Member James nominated Kurt Alstede as Vice Chair. Member James made the motion and Member Holtaway seconded the motion.

There was no public comment.

There was no Council discussion.

Member Visioli left the meeting at 4:11pm due to connection issues.

A roll call vote was taken. The resolution was APPROVED 8-0.

Resolution – Election of Treasurer

Chair Richko asked for a nomination and motion on the Election of Treasurer.

Member Alstede nominated Robert Holtaway as Treasurer. Member Alstede made the motion and Member James seconded the motion.

There was no public comment.

There was no Council comment.

A roll call vote was taken. The resolution was APPROVED 8-0.

Member Visioli returned to the meeting at 4:16pm.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following updates and staff activities:

Return to Office/Remote Work /Operations Update (COVID-19)

Ms. Plevin reported, as per guidance from the Governor's office, staff returned to a staggered in-office schedule in December and is now scheduled to return to office full-time on January 31st.

Highlands Council Office Space Update

Ms. Plevin was happy to report the Highlands Council has renewed the office space lease with Chester Township. The lease will be for 7 years, and it does include numerous upgrades, including renovations to all the bathrooms and the kitchen area.

Meeting Agenda Information for January 20, 2022, Council Meeting

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Ms. Plevin advised during this Council Meeting there will be consideration of a resolution to approve a contract for a project that will provide Highlands municipalities with critical guidance about how best to incorporate climate considerations into local planning documents. Also, the Council will receive an update regarding a project funded in 2019 to develop an Interactive Environmental Resource Inventory.

Plan Conformance Implementation Activities

Ms. Plevin advised that Union Township in Hunterdon County has completed an initial assessment report update and a Plan Conformance Petition for the Preservation Area is being prepared for future Council review.

Municipally Issued Exemptions

Ms. Plevin advised that since the date of her prior report, the Highlands Council has been notified of the following municipally issued exemptions:

- Chester Township: thirteen (13) exemption #5s; one (1) exemption #2.

Project Review Updates

Ms. Plevin reported the following review updates on three (3) Highlands Applicability Determination (HAD) Exemption #11 reviews:

1. Butler Water Treatment Plant Upgrades project, for Council to vote on later in the meeting.
2. T-Mobile Northeast has applied to NJDEP for a HAD #11 in the Preservation Area of West Milford, Passaic County to complete a modification to an existing wireless communications facility. Highlands Council staff is currently reviewing.
3. Hackettstown MUA has applied to NJDEP for a HAD #11 in the Preservation Area of Independence Township, Warren County for a proposed project that includes the demolition and replacement of a 1-million-gallon water storage tank; replacement of approximately 1,800 feet of 10-inch water main; and replacement of 6-inch water main on Old Allamuchy Road. Highlands Council staff is reviewing.

Planning Area Consistency Review

Ms. Plevin explained that the Township of Rockaway, Morris County proposes to upgrade existing athletic fields at a recreational facility with synthetic turf. This is a Planning Area non-binding capital project review. Highlands Council staff is reviewing.

WQMP Amendment Reviews

Ms. Plevin reported that the applicant, Schwanewede/Hals Engineering is seeking a Water Quality Management Plan Amendment for the development of a single-family home on a vacant lot in the Preservation Area of Montville Township, Morris County. The property is located in an area that was designated as an approved sewer service area prior to the Highlands Act and, as such, may be permitted to be connect to the public sanitary sewer system.

HDC Program Update

Ms. Plevin shared that staff has recently completed site inspections of all 73 HDC properties. Inspections were conducted to ensure compliance with easement terms. The Highlands Council has protected natural,

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scenic, cultural, and historic resources on more than 2,500 acres, providing more than \$27 million to individual property owners through the HDC program.

Personnel Update

Ms. Plevin was pleased to announce the position of Senior Counsel, which was vacated by Gabrielle Gallagher's promotion, has been filled. The new Senior Counsel, Neda Hartman, will start on February 14th.

Interviews are currently being conducted to fill the Senior Resource Management Specialist position, which was vacated by Kelley Curran.

Land Preservation Coordinator and Regional Planner, Steve Simone, announced that he is leaving the Highlands Council. This position will be posted soon.

Lastly, Ms. Plevin noted the next Council Meeting is scheduled for February 17, 2022.

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

Member James asked if the February meeting would be in person or virtual.

Ms. Plevin replied that the February 17, 2022, Highlands Council will be held virtually.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 9, 2021

Chairman Richko asked for a motion on the Council Minutes of December 9, 2021.

Member Holtaway made a motion to approve the Highlands Council Minutes of December 9, 2021. Member James seconded it.

Member Visioli was experiencing connection issues at this time.

A roll call vote was taken. The Highlands Council Minutes of December 9, 2021, were APPROVED 8-0

Presentation Interactive Environmental Resource Inventory by T&M Associates

Ms. Plevin gave a brief description of the project and introduced Ms. Jocelyn van den Akker of the Highlands Council GIS team, who has been leading this project.

Ms. van den Akker reported that in September 2019 the Council awarded a contract for the development of an Interactive Environmental Resource Inventory, or "ERI", to T&M Associates. As many are aware, an ERI is a catalog of all the environmental features – natural and built – within a municipality. ERIs are used by municipalities in a variety of ways, but mainly to assist in their review of proposed development projects and to provide the basis for regulation of environmental resources within the municipality, particularly during master plan development and land use ordinance development.

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The interactive ERI project involved not only compiling data from a variety of state, federal and other authoritative sources, and the development of the application itself, but also importantly included stakeholder outreach and input both prior to development and as part of a beta testing program.

From March to June 2020, stakeholder feedback was sought from various entities, ranging from municipal users to non-profits and state agencies.

In early November 2021, beta-testing was conducted with individuals to solicit feedback about the final application. Most of this feedback was incorporated into the application and resulted in a much more robust, clear, and user-friendly final product.

Today, T&M Associates is here to present to the Council with the resulting application that we are confident will be a useful resource for all municipalities, counties, and residents of the Highlands Region. Ms. van den Akker then introduced Stan Slachetka, Project Manager of T&M Associates.

At this time T&M Associates provided a demonstration of the live ERI application.

Ms. van den Akker thanked Stan and the rest of the T&M team for all their work on this project and added we plan to release the Highlands Region Interactive ERI over the next month.

Ms. Plevin added this was a great presentation and we are looking forward to everyone using it.

Chairman Richko stated this is going to be a great aid and asked how this project will reach all 88 municipalities and 7 counties and will it be available to residents.

Ms. van den Akker explained the Highlands Council will have an outreach to all 88 municipalities and 7 counties and each municipality will receive an email with their own custom municipal URL link, as well as future training.

Ms. Dicton added the main link will be located on the Highlands Council website.

Council Comment

Member Sebetich asked who collected this data, how did it get inputted into the ERI program, and how does the Highlands Council staff know this data is accurate.

Ms. van den Akker stated the data was compiled through a group effort of Highlands staff and T&M Associates based on what data is commonly presented in an ERI. The data is as accurate as the source data that we are compiling. The direct link is to the original link data of owners via online.

Mr. Slachetka added the data is from national and state recognized data sources. Additional information on the data sets themselves will be made available, and it will be full information with regards to the data being used and the sources of that data. Those sources can be cited, and information can be evaluated.

Member Van Abs shared this ERI looks really good and asked to what extent are the data sources different from what the Highlands Council staff have been using in the interactive map.

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Ms. van den Akker stated the data sources are an expanded list and this ERI application goes beyond what we present in the interactive map to give a bigger impact on the environmental resources that are located in each municipality.

Member Van Abs asked when municipalities are going through the Plan Conformance process, will the cost of the ERI component drop.

Mr. Humphries stated the cost right now is low because we only include Highlands specific resources. For the same cost this will allow the municipality to do a complete ERI including every environmental resource in their municipality. The Highlands Council will be able to reduce the cost to the municipality as they will no longer have to pay for a full ERI.

Chairman Richko asked if any Council member had comments.

Mr. Humphries wanted to add his thank you for the great work on this project to Jocelyn van den Akker and Christina Petagna as well as T&M Associates, and all the Highlands Council staff members.

Chairman Richko thanked the team for a great presentation.

BUDGET & FINANCE COMMITTEE

Resolution – Award Recommendation - Award of Contract to Develop a Guidance Document and Scope of Services for Municipal Land Use Plan and Environmental Sustainability Master Plan Elements, including a Municipal Climate Change Related Hazard Vulnerability Assessment

Committee Chair Holtaway reported that this project is going to be a major undertaking and it will be a critical application for municipalities and counties in preparing their master plans. Committee Chair Holtaway then introduced Ms. Plevin.

Ms. Plevin reported that there were several amendments to Municipal Land Use Law that now require municipalities to incorporate smart growth, storm resiliency, environmental sustainability, electric vehicle infrastructure planning and climate change hazard vulnerability assessments into their master plans. Additionally, two Executive Orders require that state agencies incorporate climate resiliency and environmental justice considerations into their actions and practices. Ms. Plevin then introduced Principal Planner Judy Thornton.

Ms. Thornton shared that the Highlands Council issued a Request for Proposal (RFP) in July 2021 and accepted proposals through September 20, 2021. Six (6) proposals were received, and the review team chose to conduct interviews with (3) firms. Highlands Council staff's recommendation is to award the contract to New Jersey Future. Ms. Thornton noted that New Jersey Future's proposal aimed at taking the project to a higher level and it will develop model guidance materials for applicability to municipalities, statewide. The five major project components, would be completed at a total cost of \$89,000:

- Task 1: Background Research
- Task 2: Stakeholder Engagement
- Task 3: Develop Guidance Document

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Task 4: Presentation to Highlands Council and Plan Conformance Committee

Task 5: Municipal Workshops

Chairman Richko stated this sounds like a great aid for the municipalities. Chairman Richko asked for a motion and second.

Member Holtaway moved the resolution. Member Sebetich seconded it.

Council Comment

Member Vohden shared his concern regarding the Governors Executive Order # 89 that amending and adopting municipal master plans is time consuming and expensive. Member Vohden believes the state should provide financial assistance for this process. Member Vohden added he will be voting “no” on this resolution.

Chairman Richko asked Chief Counsel Gabrielle Gallagher if this is the resolution that Member Van Abs needs to recuse himself from. Ms. Gallagher confirmed that it is.

Chairman Richko pulled this resolution without further Council action and indicated it would be held for the February Highlands Council meeting due to having (1) member that needs to recuse and (2) members absent.

PLAN CONFORMANCE COMMITTEE

Resolution - Approval of Public Health and Safety Waiver for the Butler Water Department

Chairman Richko stated that next on the agenda is a report and resolution from the Plan Conformance Committee. Chairman Richko gave a brief report in Committee Chair Dressler’s absence.

On November 30, 2021, the Plan Conformance Committee met to review an application for a Highlands Applicability Determination (HAD), Exemption #11 for required upgrades to the water treatment system at the Butler Reservoir located in Kinnelon Borough.

Staff explained that the project is eligible for the Exemption 11, which would be issued by NJDEP, but first requires a review by the Highlands Council for consistency with the Highlands Act.

The committee approved the release of the consistency review for a 30-day public comment period. No comments were received.

Ms. Plevin stated Member Visioli is in the meeting but showing he is muted on his end.

Chairman Richko asked if Member Visioli was able to participate with a “thumbs up or thumb down” via Zoom.

Ms. Gallagher stated yes, we can accept a thumbs up or thumbs down on a voting matter.

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Chairman Richko asked if Ms. Tagliareni can see Member Visioli. Ms. Tagliareni confirmed she can see Member Visioli.

At this time James Humphries and Izzy Castiglioni gave a detailed background and presentation about the Butler Water Department. The link may be found on Council's website at the following link:

https://www.nj.gov/njhighlands/about/calend/2022/jan20/ButlerWD_preso_012022.pdf

Chairman Richko thanked Council staff for a great presentation and asked if either representative from the Borough of Butler, James Lampmann, Administrator and Keith Smith, Superintendent, would like to make any comments before we have questions from the Council.

Mr. Lampmann, Administrator of Butler thanked everyone for their time and stressed the importance of this project.

Council Comment

There was no Council comment.

Member Van Abs moved the resolution. Member James seconded it.

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented his concern that the mitigation for disturbance of the Highlands open water is to meet New Jersey stormwater management regulations which is already a standard requirement. He also asks that if a forest mitigation plan is a condition of approval, should the plan be completed prior to approval?

Julia Somers, New Jersey Highlands Coalition – Ms. Somers asked about the removal of the old access road, since it is not necessary.

David Shope, Lebanon Township – Mr. Shope commented that it should be asked what it costs the entity, in this case Butler Township, to take additional steps for approval? This cost summary should be a part of every exemption #11.

Council Comment

There was no Council comment.

Chairman Richko added that during the Plan Conformance Committee Meeting he brought up the same question as Ms. Somers and asked Mr. Humphries to remind us of why the old road cannot be removed. Mr. Humphries responded that the Butler Water Authority needs to keep the old road to service the water towers on the other side of the stream and to use as a secondary emergency access.

A roll call vote was taken. The resolution was APPROVED 9-0.

OLD/NEW BUSINESS:

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Member Sebetich commented that the songbird species will not go extinct in the forest on Sparta Mountain in Sussex County if the trees are not cut down.

Member Vohden asked if there was an update from his December meeting comment under New/Old Business, when it was requested that the staff and Council members take a look at the statute NJSA 41:C-49 The State Transfer of Development Rights Bank Act so we might discuss it at this meeting. Member Vohden made a motion to have staff research the statute and provide an interpretation on what it entails. Chairman Richko indicated that he was not going to allow the motion because it was not publicized and was not included on the agenda. Chairman Richko stated to Member Vohden that his comment will be discussed with Ms. Plevin, and they will get back to him.

Member Francis commented to add Member Vohden's comment on the agenda for the next meeting.

Chairman Richko mentioned that Edward Ng, from the Chester Borough Environmental & Open Space Committee, who was one of the ERI Beta testers, is in the meeting and would like to give feedback and provide some comments.

Edward Ng, Chester Borough Environmental & Open Space Committee– Mr. Ng commented that he is very thankful to the Highlands Council, T&M Associates, and Greener By Design for the software and design process of the ERI application. This system is great, very stable and looks forward to using the application when it becomes available.

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

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented on the concern of the logging on Sparta Mountain as the forest is public property.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that the Interactive ERI is the most exciting thing the Highlands Council has done and it sounds like a wonderful product and hopes it coordinates with the Conservation Blueprint and wondered if municipal zoning layers will be included.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in support of landowner compensation in the Highlands region.

David Shope, Lebanon Township – Mr. Shope commented on page 2 of Executive Order #23 and would like future information on economic health.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Visioli seconded it. All were in favor. The meeting was adjourned at 5:45pm.

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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: 4/21/2022

Name: *Karen Castanhas*

Karen Castanhas, Administrative 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			√			