

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

PRESENT

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

CALL TO ORDER 192ND meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. All Council Members were present in person. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Neda Hartman, Herb August, Ranji Persaud, Annette Tagliareni, Carole Ann Dicton, and Tom Tagliareni. Others present: Jeffrey Nielsen, Associate Counsel, Governor's Authorities Unit. Deputy Attorney General's (DAG's) office: Jason Kane via teleconference.*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN'S REPORT

Chair Richko acknowledged that this is Ben Spinelli's first Council meeting as Executive Director and welcomed him on behalf of Council.

Chair Richko also acknowledged an issue regarding invasive plant species. Chair Richko noted that there are two Bills being considered: NJ Senate Bill S2186 and Assembly Bill A3677 prohibiting the sale, distribution, or propagation of certain invasive plant species without permit from the Department of Agriculture. Chair Richko also noted that Highlands Staff sent a memorandum to Members of the Senate Environmental & Energy and Assembly Agriculture & Food Security Committees highlighting five (5) negative impacts that invasive, non-native plant species have on our natural resources:

1. Increased Water Consumption and Decreased Water Quality
2. Root Systems and Erosion
3. Risk to Agriculture
4. Increased Risk of Wildfire, and

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5. Disruption to Natural Ecosystems.

Chairman Richko thanked Highlands staff for preparing this memorandum.

EXECUTIVE DIRECTOR'S REPORT

Mr. Spinelli first thanked the Council for the opportunity to serve the Council. Mr. Spinelli added that the ability to work on issues close to his heart, as well as issues that are important to the State of New Jersey and that can make a positive future for our State, is a privilege. Mr. Spinelli also thanked all Council Members for taking time from their schedules to meet with him to discuss their priorities and how we can bring the Council forward.

At this time, Mr. Spinelli shared with the public his evaluation on the state of the Highlands and his short-term and long-term priorities to include:

1. Highlands Council Staff salary increases
2. Highlands Council Appointments
3. NJSWP Highlands Rules
4. Additional Staffing
5. Open Space/Transfer of Development Rights (TDR)/Farmland/Corporate Business Tax (CBT) Funding
6. Resource Restoration/Land Stewardship/Forest Management, and
7. Affordable Housing Policy.

Mr. Spinelli also added that all state agencies need to respect the Highlands Regional Master Plan (RMP) in everything that they do that impacts the Highlands.

Mr. Spinelli then gave an overview of some of the meetings he had with state agencies regarding funding for the Highlands preservation programs and funding for implementation of projects, including meetings with New Jersey Infrastructure Bank (iBank), SADC and Green Acres. Mr. Spinelli also met with Clinton Town, Harding Township, Tewksbury, Independence Township, attended the Northwest Rivers Conference, Highlands Coalition Annual meeting and had staff presence at the ANJEC Conference.

Mr. Spinelli then highlighted a few additional important topics for the Highlands:

- Forest Management
- Warehouse Guidance for Highlands Region (referred Council to the State Guidelines in their packets)
- Economic Sustainability Plan and moving it forward

Personnel

Mr. Spinelli noted that we are currently advertising/interviewing for two positions (GIS Specialist 2 and Environmental Scientist 2).

Upcoming Meetings

Mr. Spinelli noted that staff will meet with/have a presence at the following meetings:

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- NJ Division of Travel & Tourism
- Rutgers Climate Scientist regarding policies related to Highlands
- Rutgers Agricultural Extension to promote the agricultural economy within the Highlands
- New Jersey Farm Bureau
- Mendham Township for potential Plan Conformance
- Sussex Harvest Festival

Lastly, Mr. Spinelli noted that Council's agenda will focus on the Highlands budgets.

Council Comments

Chair Richko commented that he is glad that we are looking into getting more involved and making sure we know what is going on in the Highlands and how to protect it.

Member Sebetich commented on forest management and preserving forests and that this Council should object to logging public lands.

Mr. Spinelli responded that staff attends the New Jersey Forest Task Force meetings. Mr. Spinelli added that there should be Highlands-specific guidance for forest management.

Member Francis commented that he is appreciative of the memo regarding invasive species i.e., harmful algae blooms. Member Francis added that the more awareness on solutions and efforts we can take to mitigate them or prevent them is all good as it is all about the water.

Member James appreciated Council staff reaching out to West Milford in Passaic County regarding preserved land. The mayor is very excited to work with the Highlands.

Vice Chair Alstede asked, procedurally, do we need to review or reauthorize the resolution to delegate authority of certain items to the Executive Director. Ms. Gallagher responded that it is a general directive that stays in place from one Executive Director to the next, so no need to re-authorize it.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 21, 2022

Chairman Richko asked for a motion on the Council Minutes of July 21, 2022

Member Van Abs made a motion to approve the Highlands Council Minutes of July 21, 2022. Member Dougherty seconded it.

A roll call vote was taken. The Highlands Council Minutes of July 21, 2022 were APPROVED 11-0.

APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF JULY 21, 2022

Chairman Richko asked for a motion on the Council Executive Session Minutes of July 21, 2022

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*Member Visioli made a motion to approve the Highlands Council Executive Session Minutes of July 21, 2022.
Member Holtaway seconded it.*

A roll call vote was taken. The Highlands Council Executive Session Minutes of July 21, 2022 were APPROVED 11-0.

BUDGET & FINANCE COMMITTEE

Committee Chair Holtaway reported that Council will consider three (3) resolutions. The first resolution is the approval of Council's Fiscal Year 2023 General Operating Budget. Committee Chair Holtaway noted that the Council's budget is \$3,020,302.34, an increase of \$231,000 from last year's budget. Council received \$2,429,000 in State Appropriations, a carryover bank balance of \$590,302.24 and miscellaneous revenues projected at \$1,000. The carryover bank balance was unusually high due to staff separation/rehiring and delay in salary increases. Committee Chair Holtaway noted some significant items regarding the budget to include: unexpended FY22 funds returned to us, hiring 2 additional employees, reserve put aside for union and non-union employees, increase in insurance line item, legal fee (set aside) and rising cost/adjustments of miscellaneous materials/services.

Resolution –Approval of Fiscal Year 2023 General Operating Budget

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member James seconded it.

Council Discussion

Member Van Abs commented on the legal fees and how we never typically come close to the allocation and now it is doubled. Ms. Gallagher responded that we set aside additional legal fees for the Highlands Act requirement that we pay legal fees for municipalities who are sued under very specific circumstances under the Highlands Act. We never had to use it so the AG office advised us that we needed to put monies aside should those issues arise and that is why the line item was bumped up.

Member Van Abs asked if the money is not spent, is it carried over? Ms. Gallagher confirmed that the monies are carried over.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented on the grant budget which, in his opinion, is a superfund for the engineers, planners and lawyers and not for the landowners.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers was excited that Council is setting aside money for legal shield.

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

Resolution –Approval of Fiscal Year 2023 Highlands Protection Fund Capital Budget

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Committee Chair Holtaway reported that the Highlands Protection Fund Capital Budget makes an estimate of potential expenditures for this fiscal year on tasks required by the RMP. Committee Chair Holtaway added that we are approving the fact that we have this appropriation to spend on grants. The re-appropriation funds total \$2,182,352 with grants ranging from \$10,000 and \$150,000 to approximately 31 municipalities.

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member Visioli seconded it.

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.

Resolution –Approval of Fiscal Year 2023 Highlands Protection Fund Capital Budget For Plan Conformance Funding Grants

Committee Chair Holtaway reported that the Budget & Finance Committee is recommending the approval of grants to 7 Highlands municipalities totaling \$347,000. All grants are reimbursement-based with final budgeted amount determined by approved scopes of work.

1. Allamuchy Township is seeking a grant of \$8,000 to adopt a new ERI using the recently completed Highlands Interactive ERI. This will be the first municipality to utilize the Interactive ERI. Some adjustments and updates are expected as this initial plan is prepared.
2. Washington Borough, Warren County is seeking grant totaling \$75,000 to update their Master Plan Land Use Plan Element and to develop a Sustainable Economic Development Plan.
3. West Milford Township is seeking grants totaling \$139,000 to update their Master Plan, prepare a Trails/Open Space Plan, and prepare a Redevelopment Study and Ordinance. The Township aims to incorporate the findings and recommendations of its recently adopted, Highlands funded Sustainable Economic Development Plan.
4. Bethlehem Township is seeking grants totaling \$40,000 for a Master Plan Reexamination, a Farmland Preservation Plan, and an ERI Update based on the Interactive ERI.
5. Vernon Township is seeking grants totaling \$55,000 for a Master Plan Update and the development of a Sustainable Economic Development Plan.
6. Green Township is seeking a grant of \$15,000 to develop a Farmland Preservation Plan.
7. And finally, Mountain Lakes Borough is interested in plan conformance and is seeking an Initial Assessment Grant of \$15,000.

Chairman Richko asked for a motion on the resolution.

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

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented that all these grants are for conforming to the RMP. Mr. Klumpp is opposed to this resolution.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers spoke in support of Bethlehem and Allamuchy Townships using the ERI. Ms. Somers noted that it would be interesting to see how quickly they are able to do it and find out what their experience is, and hopefully they will come and do a presentation so other towns can learn.

Council Comment

Member Vohden stated that he is on the Green Township Agricultural Board and asked if he should recuse himself. Ms. Gallagher responded that he did not need to recuse.

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

OTHER BUSINESS:

Resolution – Highlands Council Annual Meeting Schedule for 2023

Chairman Richko asked for a motion on the resolution.

Member Alstede moved the resolution. Member Holtaway seconded it.

Council Comment

There was no Council comment.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp proposed that the public comment time be increased to six minutes, instead of three minutes.

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

Resolution – New Jersey Highlands Development Credit Bank Annual Meeting Schedule for 2023

Chairman Richko asked for a motion on the resolution.

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

Council Comment

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There was no Council comment.

Public Comment

There was no public comment.

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

OLD/NEW BUSINESS:

Member Francis reported on PFOS levels on 7 wells. Member Francis noted that the first carbon filter was installed on 1 of the 7 wells with the output of zero for PFOS. The second well will be on-line in the next two weeks and another one in December.

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

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers is excited to have Mr. Spinelli as the Highlands Council Executive Director and the public is excited also.

George Cassa, Tewksbury, NJ – Mr. Cassa noted that the Highlands interactive map is most useful, but he noticed that key information has been deleted, namely, the identification of property owners and asked if it would be restored. Ms. Gallagher responded there was a law passed in New Jersey called Daniel's Law and it required us to redact personal data.

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 4:50pm.

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: 12/1/2022

Name: Annette Tagliareni

Annette Tagliareni, Executive Assistant

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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			√			