

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 19, 2023

PRESENT

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

VIA TELECONFERENCE:

MICHAEL DRESSLER)
MICHAEL FRANCIS)

ABSENT:

TIMOTHY DOUGHERTY)

CALL TO ORDER 200TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00 pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. Member Dougherty was absent. All other Council Members were present. Members Dressler and Francis were present via teleconference. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Kelley Curran, Sarah Friend, Neda Hartman, Ranji Persaud, Herb August, Tom Tagliareni, Carole Ann Dicton, Allison Bittner, Casey Ezyyske, and Karen Castanbas. Others present via teleconference: Jason Kane, Deputy Attorney General (DAG) and Thomas F. Holl, Associate Counsel, Governor's Authorities Unit (GAU).*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 21, 2023

Chairman Richko asked for a motion on the Council Minutes of September 21, 2023.

Member James made a motion to approve the Highlands Council Minutes of September 21, 2023. Member Holtaway seconded it.

A roll call vote was taken. The Highlands Council Minutes of September 21, 2023 were APPROVED 9-0.

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**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF THE EXECUTIVE SESSION
OF SEPTEMBER 21, 2023**

Chairman Richko asked for a motion on the Council Minutes of the Executive Session of September 21, 2023.

Member Visioli made a motion to approve the Highlands Council Executive Session Minutes of September 21, 2023. Member Holtaway seconded it.

A roll call vote was taken. The Highlands Council Executive Session Minutes of September 21, 2023 were APPROVED 9-0.

Member Dressler joined the meeting via teleconference at 4:10pm.

BUDGET & FINANCE COMMITTEE

Committee Chair Holtaway reported that the Budget and Finance Committee is recommending the approval of four resolutions.

Resolution – Approval of Fiscal Year 2024 General Operating Budget

Committee Chair Holtaway reported that the first resolution is approval of the Fiscal Year 2024 (FY24) Highlands General Operating Budget. The Highlands Council's proposed budget is projected to be at \$2,988,092. The Highlands Council received \$2,429,000 in State Appropriation with a carryover bank balance of \$554,092, and miscellaneous revenues projected at \$5,000. It is unlikely that the Highlands Council will have any significant carryover funds at close of FY24. All unexpended FY23 salary funds held by Department of the Treasury were returned to the Highlands Council. The IT budget was increased by about \$25,000 due to increased costs for required Microsoft licensing. There is an urgent need for the Highlands Council to request an increase in State Appropriation for day-to-day operations in FY2025, as well as funding for four (4) additional full-time positions.

Chairman Richko asked for a motion on the resolution.

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

Council Comment

There was no Council Comment.

Public Comment

There was no public comment.

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

Resolution – Approval of Fiscal Year 2024 Highlands Protection Fund Capital Budget

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Committee Chair Holtaway reported on the second resolution for the approval of the Highlands Council FY24 Protection Fund Capital Budget. Highlands FY24 Protection Fund Capital Budget is an estimate of potential grant expenditures between the dates of July 1, 2023 and June 30, 2024 based on the need to facilitate Highlands municipal and county conformance with the Regional Master Plan (RMP). Highlands Council staff estimated a budget using re-appropriations funds totaling \$2,182,352 for new Plan Conformance initiatives. The total estimated need is \$1,877,352 for grants ranging from \$15,000-\$150,000, to address a variety of issues such as providing funding to supplement DEP grants for MS4 Stormwater Permit compliance assistance.

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member James seconded it.

Council Comment

There was no Council Comment.

Public Comment

There was no public comment.

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

Resolution – Approval of FY2024 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants

Committee Chair Holtaway reported on the next resolution which included recommendations for six (6) grants totaling \$475,000. All grants are reimbursement-based with final budgeted amounts determined by approved scopes of work.

- Vernon Township, Sussex County is requesting a grant to update their Master Plan Land Use Element in the amount of \$65,000. The Township completed a Comprehensive Master Plan in 1995, with reexamination reports taking place several times between 2012-2022. This Master Plan update will include a climate change hazard vulnerability assessment referencing Highlands Council and NJDEP guidance and resources.
- Jefferson Township, Morris County is requesting a grant to develop a Sustainable Economic Development Plan in the amount of \$60,000. Jefferson Township plans to explore methods for promoting economic development in the Township which is mostly in the Highlands Preservation Area. The Plan will focus on the Township's existing commercial and developed areas and its historic communities. The Plan will include a market analysis and an implementation schedule.
- Rockaway Township, Morris County is requesting a Local Zoning Local Control Grant in the amount of \$10,000 to determine the potential impacts of warehouse development. The Township is requesting additional funding over the standard \$5,000 due to the size and scale of the Township's current industrial districts, as well as the presence of the regional mall.

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- Holland Township, Hunterdon County is requesting a grant for an Open Space & Recreation Plan in the amount of \$40,000. The Township's last update was done in 2007. In Holland Township's 2020 Master Plan Re-Examination, it was recommended to update this plan so the Township can continue to qualify for NJDEP Green Acres Planning and Incentive grant funding.
- Hunterdon County is requesting a grant for Economic Sustainability Planning in the amount of \$150,000. This grant request will continue Hunterdon County's efforts to implement aspects of the Highlands Economic Sustainability Plan. The County will contract with a qualified and innovative marketing and promotional service provider to collaborate on promoting the 'Explore Hunterdon, The Other Side of Jersey' tourism brand. The funding will be used to develop a comprehensive package of services that includes traditional print media, online advertising, social media planning and implementation, press and influencer engagement, website updates, and design and creation of promotional materials.

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member Visioli seconded it.

Council Comment

Vice Chair Alstede reported that his family owns a business in Jefferson Township and he consulted with the ethics liaison officer and has no conflict with voting on this resolution.

Mr. Humphries noted that there is one more grant for consideration on this resolution.

At this time Committee Chair Holtaway introduced Corey Piasecki, Principal Planner. Mr. Piasecki gave a brief presentation about the Council's Sustainable Agricultural Grant Program. Mr. Piasecki focused on the application received for the Northwest Food Processing and Innovation Center in Oxford Township, Warren County (to support the conversion of the defunct Covanta Incinerator Plant into a regional food processing facility) as the project is being recommended for funding through this Plan Conformance Grant resolution.

Public Comment

There was no public comment.

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

Resolution – Approval of FY2024 Regional Master Plan Implementation Fund for Sustainable Agriculture Grants

At this time, Mr. Piasecki continued his presentation about the Sustainable Agricultural Grant Program and gave an overview of proposals received. Mr. Piasecki's presentation may be found on the Council's website at the following link: www.nj.gov/njhighlands/about/calend/2023/oct19/preso_oct19.pdf

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member Alstede seconded it.

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Council Comment

Vice Chair Alstede thanked Mr. Piasecki and the Highlands Council staff for all the effort and work that was put into establishing these grants and was very excited to see the number of applications received.

Councilmember Sebetich asked how the Wildlife Management Area (WMA) land that is the focus of the Ramapough Lunaape Nation proposal, which is typically used for hunting, could be used for agriculture also.

Vice Chair Alstede explained that the New Jersey Department of Environmental Protection (NJDEP) leases thousands of acres as WMAs, and portions can be available for both agriculture and hunting.

Public Comment

Ed Wengryn, New Jersey Farm Bureau – Mr. Wengryn echoed Vice Chair Alstede’s comments noting specifically the project focusing on farmers of grains for distilling/brewing would help the brewing community in the state.

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

Chairman Richko thanked Highlands staff for reviewing and making recommendations on all the grants.

CHAIRMAN’S REPORT

There was no Chairman’s report.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spinelli thanked the members for their continued support.

Mr. Spinelli provided several updates and items that Highlands staff continues to work on:

- Regional Master Plan (RMP) update/amendments:
 - a. Governor’s Office requested a meeting to review RMP updates
 - b. Forestry Management guidelines – conducted over 50 interviews
 - c. State Climate Action Plan comments
 - d. Stormwater Compliance
- Continue requests to the Governor’s office for assistance regarding:
 - a. Budget increase and Open Space Funding
 - b. Council appointments
 - c. DEP rule changes
- Upcoming events:
 - a. Sussex County Harvest, Honey and Garlic Festival – October 21
 - b. Musconetcong Watershed Association – October 24
 - c. Appraisal Institute Chapter's (Metro Chapter) Fall Conference – October 27
 - d. New Jersey League of Municipalities – November 14-16

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- Next meeting scheduled for December 14
 - a. Upcoming Plan Conformance & RMP Amendment Committee meetings
- Met with Natural Resources Conservation Service (NRCS) and United States Department of Agriculture (USDA)
- Upcoming meetings:
 - a. New Jersey Board of Public Utilities – October 26
 - b. North Jersey Transportation Authority Coordination – October 26
 - c. Highlands Conservation Federal Act Summit – November 6

Mr. Spinelli added there was a letter from Ringwood Borough Manager Scott Heck, added to the Councilmembers packet, to inquire about funding from the Watershed Moratorium Offset Act. Mr. Spinelli mentioned he sent a memo concerning the Watershed Moratorium Offset Act in July 2023. According to the Highlands Council calculations, there are 4,784 acres of watershed lands located in Ringwood which should provide \$224,848 in aid. Ringwood Borough does not benefit from this aid, but neighboring municipalities do receive the aid.

Lastly, Mr. Spinelli thanked Highlands staff and Council members for their support and dedication.

Chair Richko asked if any Council members had any comments or questions on the Executive Director's report.

Member Alstede left the meeting at 4:35pm.

Council Comments

Councilmember James stated the Watershed Moratorium Offset Act is very critical for the Borough of Ringwood and asked the Council to support putting together a resolution to find out if the Council can influence the State to create a funding source for Ringwood and any other municipality that may meet the criteria.

Member Alstede rejoined the meeting via teleconference at 4:36pm.

At this time there was discussion amongst the Council regarding the Watershed Moratorium Offset Act and the Tax Stabilization Board. Member Vohden asked if the Tax Stabilization Board should be considered as well. Chair Richko responded that the Tax Stabilization Board is separate from the Watershed Moratorium Offset Act.

Councilmember Van Abs agreed that the Council should look into the aid as all municipalities should be treated the same way in regard to the Watershed Moratorium.

There was continued conversation amongst the Council.

Mr. Spinelli added that the Highlands GIS staff researched the watershed acres and the land owned by water utilities in the Highlands region. The number does represent North Jersey Water Supply land located in Ringwood, Wanaque, and Hardyston. Mr. Spinelli also noted that there are 15 Highlands municipalities with watershed land that are not receiving Watershed Moratorium aid and that we may be able to help the non-Highlands municipalities as well.

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At this time, Gabrielle Gallagher, Chief Counsel, explained the process to move forward with a vote to investigate the type of resolution to bring before the Council. At this time Chair Richko asked for a motion to investigate the type of resolution needed to bring before the Council on the Watershed Moratorium Offset Act.

A motion was made by Member James and Member Vohden seconded it.

A roll call vote was taken and all were in favor.

OLD/NEW BUSINESS:

Councilmember Holtaway announced his resignation. Councilmember Holtaway gave an overview of his appointment to the Council in December 2009, filling an expired term since 2012. Councilmember Holtaway added that over the years he feels the Governor's office had the Highlands Council on low priority. Councilmember Holtaway stated that the Highlands Council staff has been a pleasure to work with. Over his 14 years as a Councilmember, the current leadership and staff are the strongest and most productive, which bodes well for the Highlands Council's success. Councilmember Holtaway's resignation will be effective December 15, 2023.

Chair Richko added that they were appointed together 14 years ago. Chair Richko will make his goodbyes at the December 14th Highlands Council meeting.

Chair Richko opened the meeting for any public comment.

Public Comment

Brian Kirkpatrick, Past President of the NJ Chapter of Wildlife Society - Mr. Kirkpatrick commented that he supports active forest management; however, he feels forest management restrictions which inhibit a landowner's ability to manage the forest, would be inconsistent with the goals of the Highlands Act and the State of New Jersey's carbon sequestration goals. Mr. Kirkpatrick submitted his comments for the record.

Rich Kelsky, Vice President of the NJ Forestry Association - Mr. Kelsky stated that the NJ Forestry Association sent the Highlands Council a letter on October 16, 2023 objecting to the Council's Draft Forestry BMPs.

John Regalo, NJ Outdoor Alliance - Mr. Regalo commented, as per the biologist of the NJ Fish and Wildlife Service, threatened and endangered species heavily rely upon, or greatly benefit from, a young forest and that there is only 3% of young forest in the State.

Andy Bennett, Consulting Forester and Owner, Ridge and Valley Forest Management - Mr. Bennett commented that he feels the Highlands Council's Draft Forestry BMPs do not revolve around science, experience and facts, but is a political hijacking of natural resource management. Mr. Bennett recommends the Highlands Council leave Forestry BMPs up to the NJDEP.

Hank Klumpp, Tewksbury Township - Mr. Klumpp commented that he represents 80 farmers who want fair compensation for their properties and that the Highlands Council appears to only focus on grants and grant money, which he estimates to be around \$5M.

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Councilmember Vohden asked if all the speakers could submit their comments in writing so the Council may review them more thoroughly.

Mr. Spinelli commented that the Highlands staff has already asked for their written comments and has previously met with some of the speakers. Mr. Spinelli added that the Highlands Council doesn't have a final draft Forestry BMP document yet. It is still in the preliminary stage of being written and, when appropriate, it will be presented to the Highlands Council and then made available for public review and comment. Amendments can then be made based on public comment.

Councilmember Van Abs suggested the final draft of the Highlands Council's Draft Forestry BMPs be brought to the committee before public comment.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:10pm.

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: 12/14/2023

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			√			