

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

**PRESENT**

CARL J. RICHKO )  
KURT ALSTEDE ) CHAIR  
VICE CHAIR

MICHAEL R. DRESSLER )  
MICHAEL FRANCIS ) COUNCIL MEMBERS  
ROBERT HOLTAWAY )  
BRUCE JAMES )  
JAMES VISIOLI )  
MICHAEL SEBETICH )

**VIA TELE-CONFERENCE**

TRACY CARLUCCIO )  
TIMOTHY P. DOUGHERTY )  
RICHARD VOHDEN )

**ABSENT**

ROBERT G. WALTON )

**CALL TO ORDER** 171<sup>ST</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Members Alstede, Dougherty, Dressler, and Walton were absent. Members Carluccio, and Vohden were present via tele-conference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, Christine LaRocca, James Humphries, Annette Tagliareni, Maryjude Haddock-Weiler, Keri Green, Herbert August, Ranji Persaud, Owen Selles, Carole Ann Dicton, and Tom Tagliareni. Also present via tele-conference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jennifer Moriarty, Deputy Attorney General (DAG).*

**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 19, 2019**

Chair Richko asked for a motion on the Highlands Council Minutes of September 19, 2019.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

*Member Visioli made a motion to approve the Highlands Council Minutes of September 19, 2019. Member Holtaway seconded it.*

*Vice Chair Alstede was present at 4:04pm.*

*Member Dougherty was present via tele-conference at 4:04pm.*

*A roll call vote was taken. The Highlands Council Minutes of September 19, 2019 were APPROVED 10-0.*

## **CHAIRMAN'S REPORT**

Chair Richko announced that he will need to leave early and Vice Chair Alstede will take over the meeting in his absence.

## **EXECUTIVE DIRECTOR'S REPORT**

*Member Dressler was present at 4:09pm.*

Ms. Plevin highlighted the following updates and staff activities:

### **Harmful Algal Bloom (HAB) Update**

Since the last report in September, improvements to conditions at Lake Hopatcong have continued; 87% of the lake is reopened. Water advisories have recently been lifted for the northern portion of the NJ side of Greenwood Lake, which is approximately 41% of the lake, and recent sampling indicates that trend will continue south. Lake Musconetcong in Stanhope has reopened to water contact, but Budd Lake in Mount Olive continues to be closed to water contact.

Staff met with representatives of the two lake commissions to discuss possible grant funding for lake projects, both near-term and long-term planning initiatives that could be funded through municipalities and/or counties and their Plan Conformance grants. Staff continues to coordinate with NJDEP on lake grants and funding opportunities. A regularly scheduled HAB coordination call between staff and NJDEP occurs each month.

On Tuesday, the Draft Upper Musconetcong River Watershed Implementation Plan was presented to the Lake Hopatcong Commission at the Commission's public meeting. The draft WIP focuses on projects which, when implemented, can reduce total phosphorus loading in both Lake Hopatcong and Lake Musconetcong and in the Musconetcong River. The Highlands Council awarded Lake Hopatcong Commission a grant of \$109,000 to develop the WIP, and this was recognized at the presentation.

### **Plan Conformance Updates**

#### Outreach Activities

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

Since the prior report, staff met with Harmony Township (Warren County) and Mountain Lakes Borough (Morris County) and just last night with Union Township's (Hunterdon County) Township Committee and Planning Board. Upcoming meetings are scheduled with Warren County, Morris County, and Greenwich Township (Warren County).

Hunterdon County Economic Sustainability Planning

Ms. Plevin announced that the Highlands Council has been working with Hunterdon County for a few years now to support their 3-phase county-wide tourism study. We recently attended a Hunterdon County Economic Development Summit where we received a lot of positive recognition. They announced that the county had just completed the last phase of the 3-phase study, which was paid for by the Highlands Council, and as a result of that study – they launched a Hunterdon Co. Tourism Partnership with the goal of marketing Hunterdon County and its many attractions as tourism destinations.

Municipally Issued Exemptions

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

- Mahwah Township, Bergen County issued one exemption #4.
- Washington Township, Morris County issued six exemption #5s.
- Montville Township, Morris County issued one exemption #5.

**Project Review Updates**

Preservation Area Consistency Review

The Land Conservancy of New Jersey is proposing a project in West Milford to do stream restoration work in the West Brook Preserve. Highlands Council staff reviewed the project for consistency with the Regional Master Plan and found it consistent.

Planning Area Consistency Review

Stryker Road Associates submitted plans for a proposed warehouse in Lopatcong Township, Warren County. Staff review for consistency with the RMP is in progress.

TDR/HDC Update

Since the prior report, we've had one HDC closing on a residential property in Tewksbury Township, Hunterdon County. The 46-acre property was allocated 44 HDCs, which were sold to the HDC Bank for a consideration of \$708,000.

In addition, staff completed HDC Allocation determinations in two municipalities:

- Ringwood Borough – 3 lots totaling almost 16 acres with a determination of 30 HDCs total
- Tewksbury Township, Hunterdon County – 2 lots totaling over 57 acres with a determination of almost 28 HDCs

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

## **Training**

### Stormwater Management

The Highlands Council hosted a training session on stormwater management compliance for Highlands municipalities and counties. Our colleagues from NJDEP were onsite to lead a hands-on session, highlighting their ArcGIS-based mapping and inventory application. The event was very well attended, with 42 individuals representing 34 Highlands municipalities and counties present.

### Highlands Interactive Mapping/ANJEC event

The Highlands Council led a training session for Environmental Commissioners on the use of the Highlands Interactive Map, at the Association of New Jersey Environmental Commissions (ANJEC) annual Congress. Attendees provided significant positive feedback on the usefulness of our mapping and its application to municipal work.

### Complete Streets

On October 24 the New Jersey Highlands Council is partnering with the North Jersey Transportation Planning Authority (NJTPA), the Voorhees Transportation Center (VTC) at Rutgers University, the New Jersey Department of Transportation, and Sustainable Jersey to bring a free Complete Streets training to the Highlands.

Complete Streets are roads designed for all users, all modes of transportation, and all ability levels. This training will provide an overview of complete streets and the many resources available to assist local officials and community members in advancing complete streets initiatives.

Council members welcome/encouraged to attend. We believe if Highlands municipalities/counties are interested in pursuing plan conformance dollars to implement the planning side of this – would be eligible.

## **General Public Outreach**

Last Saturday, the Council had an information table at the Sussex Harvest, Honey, and Garlic Festival. This is the 9th year the Council has participated in this event. The event has grown in size tremendously and now draws several thousand visitors. Our table was very well visited this year, with about 100 people stopping to speak with staff.

On September 28th, staff attended the 7th Annual Warren County Preservation Day, which was an excellent opportunity to meet with Warren County residents to share our maps and literature and discuss Highlands issues. Continuing to make inroads into Warren Co.

### Interagency Coordination

NJDOT Resiliency 3rd Party Stakeholder Meeting – Highlands staff participated on an advisory committee, convened by NJDOT, for a new climate-change initiative. With catastrophic storm-events on the rise, DOT is looking for stakeholder input to better define a state-wide resiliency plan that takes into account not only DOT assets (roadways and travel corridors), but also looks for a more holistic approach to resource preservation in instances of natural and man-made disaster scenarios.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for December 5, 2019.

### **Budget & Finance Committee**

Committee Chair Holtaway reported that Council will consider five resolutions. Two require member recusals:

#### **Resolution – Approval of Fiscal Year 2020 General Operating Budget**

Committee Chair Holtaway explained that the Highlands Council received the same state appropriation of \$2,315,000 as in previous years. Carryover bank balance of \$165,614 from FY19 to FY20. Unexpended salary balance of \$148,125 due to staff separation and hiring delays; returned to Council and used to fund the RMP account. Salary line item increased to address rising cost of salary expenses and to ensure available funds for future salary adjustments. There was some movement between budget line items for this increase (mobile phone, travel expense, legal expenses, and vehicular maintenance).

Chairman Richko asked for a motion on the resolution.

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

Vice Chair Alstede asked for clarification that it has been a long time staff received raises without promotion. Ms. Plevin responded that staff received a slight raise last year.

#### **Public Comment**

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of all budgets since there is no dedicated funding source for landowners in the Highlands.

**Deborah Post, Chester Township** – Ms. Post reiterated Mr. Klumpp's comments.

There was no Council comment.

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

#### **Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Capital Budget**

Committee Chair Holtaway explained that the Highlands Protection Fund Capital Budget received the same appropriation as previous years: \$2.2 million. Funds will be used for:

- Plan Conformance and Petition Implementation
- Lake Management Plans
- Watershed Management Plans
- County Plan Conformance

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

Estimate \$200,000 of grant closures, and approximately \$1 million in grant expenditures over the course of the fiscal year.

Chairman Richko asked for a motion on the resolution.

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

There was no Public comment.

#### Council Comment

Vice Chair Alstede asked if reallocating funding from one grant program to another grant program within this budget would require Council approval, or if that could be done with the executive director's authority. Herb August, Grants Manager, responded that staff would ask the Council to pass a resolution for any changes or increases within this budget.

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

#### **Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Budget for Plan Conformance Funding**

Committee Chair Holtaway explained that staff have been working with municipalities and counties to develop Scopes of Work that satisfy Plan Conformance requirements. With those approved Scopes of Work, staff believes it's appropriate to direct Treasury to encumber \$580,000 of the budgeted Plan Conformance dollars for specific projects that include two counties and up to 14 municipalities. Range of awards is between \$5,000 and \$150,000 based on service area and the scope of the projects. Projects may include:

- Wastewater Plans
- Lake Management Plans
- Habitat Plans
- Center/Economic Development Plans
- Transportation/Trails Plans
- Open Space Plans

Figures in the resolution are not-to-exceed amounts.

Chairman Richko asked for a motion on the resolution.

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

#### Public Comment

**David Shope, Lebanon Township, NJ** – Mr. Shope noted that one of the items in the resolution was related to trails. Mr. Shope spoke in opposition of this resolution since there is no adequate study for impact of trails.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

Council Comment

Member James commented that trails encourage economic activity in towns.

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

**Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Budget for Plan Conformance for Passaic County**

*Member James recused himself regarding this resolution for Passaic County funding and left the meeting temporarily at 4:29pm.*

Chairman Richko asked for a motion on the resolution.

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

There was no Public comment.

There was no Council comment.

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

*Member James returned to the meeting at 4:30pm.*

**Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Budget for Plan Conformance for Hopatcong Borough**

*Member Francis recused himself regarding this resolution for Hopatcong Borough funding and left the meeting temporarily at 4:30pm.*

Chairman Richko asked for a motion on the resolution.

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

There was no Public comment.

There was no Council comment.

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

*Member Francis returned to the meeting at 4:32pm.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

**OTHER BUSINESS**

**Resolution – Highlands Council Annual Meeting Schedule for 2020**

Chairman Richko asked for a motion on the resolution.

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

**Public Comment**

**Hank Klumpp, Tewksbury, NJ** - Mr. Klumpp requested that Council increase the public comment speaking time from 3 to 5 minutes.

**George Stafford, New Jersey Highlands Coalition** - Mr. Stafford commented he has attended many public meetings and has observed that the timeframe for public comment at most is 3 minutes.

**Deborah Post, Chester Township** - Ms. Post urged Council that there needs to be a landowner advocate for landowner compensation. Ms. Post also commented on paid lobbyists who attend meetings.

There was no Council comment.

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

**Resolution – Highlands Development Credit (HDC) Bank Meeting Schedule for 2020**

Chairman Richko asked for a motion on the resolution.

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

There was no Public comment.

There was no Council comment.

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

**Staff Presentation – Highlands Region Ecosystem Valuation Model and Forest Conservation (FEV) Guidance**

At this time Keri Green, Highlands Council Science Manager, gave a presentation regarding Highlands Region Ecosystem Valuation Model and Forest Conservation (FEV) Guidance. The presentation may be found on Council's website at the link below:

[www.nj.gov/njhighlands/about/calend/2019/oct17/octmtgpreso.pdf](http://www.nj.gov/njhighlands/about/calend/2019/oct17/octmtgpreso.pdf)



NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

Council Comment

Member Sebetich asked who was on the consultant team who drafted the methodology. Ms. Green responded that they were consultants, not scientists from universities. Member Sebetich asked who staff expects to respond to this RFP. Ms. Green noted that we cannot allow any of the previous consultant team to respond to this RFP. Member Sebetich asked if universities would be made aware of this RFP. Ms. Green responded that the RFP will be posted on Council's website and staff can extend that reach to universities.

Member Francis asked how will Council staff select their target areas. Ms. Green responded that this would be used under development scenarios for applicants to establish and give a value for habitat/habitat mitigation. Ms. Green added that it can also be used for conservation and restoration reasons as well.

Member James asked where this methodology had been used, as it is newly developed. Ms. Green responded that it has not yet been used, which is why it needs to be field tested.

Vice Chair Alstede asked if staff anticipates that one firm or multi-disciplinary firms will respond and adequately address the RFP. Ms. Green responded that she expects individual firms and also teams could respond to the RFP.

*Member Dressler left the meeting temporarily at 4:52pm.*

Member James asked if the RFP encourages responses from teams. Ms. Plevin responded that there is nothing prohibiting a team from responding. Ms. Plevin also added that the RFP hasn't been released so we can insert language to encourage teams to respond.

At this time, Ms. Green gave some examples of how the FEV methodology could be used.

*Member Dressler returned to the meeting at 4:55pm.*

**OLD/NEW BUSINESS:**

There was no old/new business

*Chairman Richko turned the meeting over to Vice Chair Alstede and left the meeting at 4:58pm.*

Vice Chair Alstede opened the meeting to the public for any other comments.

**Public Comment**

**Deborah Post, Chester Township** - Ms. Post urged Council to direct the HDC Bank to act on the municipal average approach. Ms. Post also commented on the New Jersey Preservation Act, which replaced the Green Acres Act, and which has set up funding to deed restrict valuation for critical habitat.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

*Member James left the meeting at 4:59pm.*

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on companies who had interest in buying his property until the Highlands Act. Mr. Klumpp asked if Council staff reached out to the Legislature to discuss funding for landowner compensation. Mr. Klumpp urged Council to make the HDC Bank do their job. Mr. Klumpp submitted his comments for the record.

**David Shope, Lebanon Township, NJ** – Mr. Shope objected to the way Chairman Richko runs his meetings, and in his opinion, ignores Robert's Rules of Order. Mr. Shope submitted New Jersey Farm Bureau's October 11, 2019 "This Week in Farm Bureau" for the record.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey had some questions regarding the RFP. Ms. Plevin responded that Ms. Frey can send her questions via email.

**George Stafford, Wharton, New Jersey** – Mr. Stafford commented on a reference earlier regarding his salary.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers was delighted to hear about Hunterdon and Warren Counties. Ms. Somers gave an overview on the Coalition's annual meeting. Ms. Somers lastly spoke about the FEV and encouraged staff to talk to the State of New Jersey.

**George Cassa, New Jersey Highlands Coalition**- Mr. Cassa added further to Ms. Post's comments as it is his opinion that there is more information that should be investigated on the availability of funding alternatives that Council has addressed, but Mr. Cassa added hearing from other organizations that an important federal source of funding is no longer willing to recognize the dual appraisal method. Mr. Cassa recommends that Council include in their evaluation the availability of funding partners for acquisition programs.

Council Comment

Member Holtaway complimented Ms. Plevin on her presentation at the New Jersey Highlands Coalition's annual meeting.

Vice Chair Alstede asked Highlands staff to provide an update at the next Council meeting on the municipal average discussions and a pathway/timeline as to where we are.

Member Francis added to the Executive Director's report regarding Lake Hopatcong and noted that there is a lot of work to be done regarding water, forests, and lake management issues throughout the State.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

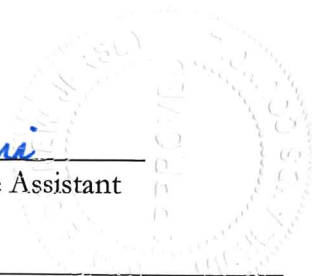
*Member Visioli made a motion to adjourn the meeting. Member Francis seconded it. All were in favor. The meeting was adjourned at 5:18pm.*

**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: 1-17-20

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant



Vote on the Approval of This Resolution	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			✓			