

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 19, 2019

**PRESENT**

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

**ABSENT**

ROBERT G. WALTON )

**CALL TO ORDER** 170<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:06pm.

**ROLL CALL**

Roll call was taken. Member Walton was absent. 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, Casey Ezyzke, 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 JULY 18, 2019**

Chair Richko asked for a motion on the Highlands Council Minutes of July 18, 2019.

*Member Holtaway made a motion to approve the Highlands Council Minutes of July 18, 2019. Member Francis seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of July 18, 2019 were APPROVED 11-0.*

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## **CHAIRMAN'S REPORT**

Chair Richko expressed his condolences to family and friends on the passing of Mimi Letts, one of the original members of the Highlands Council. Chair Richko, Vice Chair Alstede, and Member Carluccio shared their stories about Mimi on her years as a Council member and public servant.

Chair Richko also announced some upcoming forums being held by the New Jersey Highlands Coalition regarding Harmful Algal Blooms (HABs) on:

- October 8 – Mountain Lakes High School
- October 9 – Almond Branch Church and Research Center

## **EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following updates and staff activities:

### **HAB Update**

Since the last report in August, there have been some significant changes to the condition of Highlands Region lakes that are being affected by HABs. The situation for Lake Hopatcong has remained basically the same, with several beaches reopened on the lake. Unfortunately, for the NJ side of Greenwood Lake, the water advisories remain in place. The advisory in place for Lake Musconetcong in Stanhope has just been lifted as of today, but Budd Lake in Mount Olive continues to be closed to water contact.

The advisory for Spruce Run Reservoir was lifted a few days ago, however, just recently an additional HAB has been identified at the boat ramp.

Staff continues to coordinate with municipalities and the NJDEP to advance lake management planning efforts that will contribute to improved lake health and could assist in the reduction of future algal blooms. In addition, staff organized a meeting later this month with the Lake Hopatcong and Greenwood Lake Commissions to discuss additional ways that we may be helpful in addressing HABs and their causes.

### **Plan Conformance Updates**

#### Outreach Activities

Highlands Council staff continues to reach out to initiate and reinvigorate plan conformance activities with municipalities and counties. Since the prior report, staff met with:

- Morris Township (Morris County).
- Warren County Met with representatives of Warren County last week, prior to a public meeting of the Warren County Board of Chosen Freeholders. At the public meeting, the Freeholders passed a resolution to apply to the Highlands Council for funding for a Transportation Analysis of Existing Light Industrial Zoning. The study will analyze the amount of light industrial/warehouse development that is currently zoned in Warren County municipalities and determine the potential impacts on the County road system.

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Additional outreach meetings are scheduled with:

- Harmony and Greenwich Townships (Warren County)
- Mountain Lakes (Morris County)
- Union Township (Hunterdon County)

Ms. Plevin announced that Council staff will be leading a workshop at ANJEC's (Association of New Jersey Environmental Commissions) annual Congress in October. This is the first time council staff has submitted a workshop proposal for this event. The workshop will focus on available grant funding and an overview of our interactive mapping tool.

#### Project update – Regional Economic Sustainability Plan

Ms. Plevin explained that the Highlands Council issued a Request For Proposal (RFP) on September 10 for a Highlands Region Economic Sustainability Plan. The goal is to develop a plan that includes an economic profile, analysis of growth potential, development of growth strategies and an implementation action plan. The Steering Committee, which includes economic development and planning professionals, helped write the RFP. Member Holtaway reported out on this committee at Council's last meeting. Next steps will be to select an awardee, develop a stakeholder outreach plan, and create a Technical Advisory Committee (TAC). The TAC will include individuals with expertise in business, ecotourism, recreation, etc. Intent is to develop a plan that includes all relevant perspectives.

#### Municipal and County Grants

Ringwood Borough submitted a scope of work to perform a Watershed-Based Assessment of Borough Lakes. This regional approach to watershed management will seek to identify water quality impairments and suggest local improvements to increase lake resiliency. The scope totals \$91,555 and approval to begin work was authorized in July.

### **Project Review Updates**

#### Planning Area Exemption Review

Highlands staff completed one Planning Area Exemption review for New Jersey Water Supply Authority who is seeking an exemption 11 to rehabilitate earthen dams at Round Valley Reservoir, Clinton Township. Highlands Council staff finding: Exempt

#### WQMP Amendment Reviews

Highlands staff completed two WQMP Amendment reviews:

- 1) Warehouse in Roxbury Township - Highlands Council staff finding: Consistent with RMP; and
- 2) Townhouse Development in Denville - Highlands Council staff finding: Consistent with RMP.

### **TDR/HDC Update**

Since the prior report, three (3) HDC allocation applications have been received.

#### HDC Allocations

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There were three HDC Allocation determinations made on 3 separate lots (totaling almost 16 acres) in Ringwood Borough, Passaic County.

**Personnel Update**

On September 4, we welcomed Owen Selles to our GIS team.

**Training**

On September 26, the Highlands Council, in partnership with DEP, will be hosting a training session about stormwater management compliance for Highlands municipalities and counties. The DEP will highlight their mapping and inventory application and participants will learn how to use it to collect new infrastructure data, integrate existing data from other sources, and monitor compliance with MS4 permitting requirements.

Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for October 17, 2019.

**Budget & Finance Committee**

Committee Chair Holtaway reported that a Request for Qualifications (RFQ) for GIS Services was issued by the Council. The Committee recommended that Council pre-qualify 3 vendors for GIS services. At this time, James Humphries, Planning & Science Director, gave a brief presentation on the RFQ.

Presentation may be found on Council's website:

[www.nj.gov/njhighlands/about/calend/2019/sept19/pptsept.pdf](http://www.nj.gov/njhighlands/about/calend/2019/sept19/pptsept.pdf)

Chairman Richko asked for a motion on the resolution.

**Resolution – Prequalification of Vendors to Provide Geographic Information Systems (GIS) Services**

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

**Council Comment**

Member Dressler asked what the cost is to hire another GIS specialist. Mr. Humphries responded that salary would be approximately \$70K with additional costs for benefits, space, hardware, license for software (more than what is contracted).

Member Holtaway commented that this is a great step for the Council.

Member Dougherty asked for clarification that two of the prequalified vendors are former employees, not one as mentioned in the presentation. Mr. Humphries clarified that two of the prequalified vendors (Carto Concepts, LLC and Ziggy Spatial, LLC) are entities formed by former employees.

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Member Dougherty also asked what the timing is to end the contract, with GIS changing rapidly, given that the contracts awarded may be up to three years. Chief Counsel LaRocca responded that we can terminate at any time under our standard terms and conditions.

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers salutes the Council for thinking outside the box.

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on Council's past resolution/contract with Ziggy Spatial. Mr. Humphries responded that the existing contract will be terminated before Council enters into a new contract. In Mr. Shope's opinion, Ziggy Spatial should be disqualified because the work product was created on State time.

**Harold Danielson** - Mr. Danielson commented on the complexities of programs and the importance of the interface used by both the vendors and the Council. Mr. Humphries responded that the same interface in most cases is being utilized.

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

*At this time, Member James recused himself on the next resolution and left the meeting at 4:30pm.*

Committee Chair Holtaway reported that a Request for Proposals (RFP) for the development of an Interactive Environmental Resource Inventory (ERI) was issued by Council. The Committee recommended that the Council award a contract to T&M Associates for the project. At this time, James Humphries, Planning & Science Director, gave a brief presentation on the RFP.

Presentation may be found on Council's website at the link noted above.

Chairman Richko asked for a motion on the resolution.

**Resolution – Approval of Contract to Develop a Regional Interactive Environmental Resource Inventory**

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

Council Comment

Member Dougherty asked why Council staff recommends T&M Associates versus the other vendors. Mr. Humphries responded that a few of the other vendors didn't have the staff capacity to complete the project in a timely manner or to take on a project of this size and complexity. In the case of one other vendor, the cost was too high. T&M was the only vendor that understood exactly what the Highlands Council needed and had a global view of the project. Additionally, T&M included an end user outreach component in its proposal and has performed a similar project for the State (for which Council staff received good references), thus making T&M the most qualified respondent to the RFP.

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Member Holtaway commended staff on this proposal and an excellent project/demonstration moving forward to share with other state agencies.

Member Dressler asked if there are any grants for this purpose or if shared services for this project was considered. Mr. Humphries responded that there are no grants and that entering into shared services could be an administrative burden for both the Council and the municipalities.

Member Carluccio asked if there will be training needed. Mr. Humphries responded that the plan is to make it more intuitive than Council's current interactive map.

Ms. Plevin reiterated that this project will include a stakeholder outreach component during development, which will be another way to capture the needs of the municipalities.

Public Comment

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented that it would cost approximately \$3,000/municipality. Mr. Klumpp asked who inputs the data. Mr. Humphries responded that data will be pulled into the Interactive ERI from original sources automatically.

**Zachary Cole, New Jersey Highlands Coalition** – Mr. Cole asked how the ERI data will differ from the current interactive map. Mr. Humphries responded it could ultimately replace the interactive map and will provide additional resource information (will not know for sure until it is fully developed).

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that this will be a gift to the Highlands region for protecting the environment, but will also be great for the development community (engineers, etc.).

**David Shope, Lebanon Township, NJ** – Mr. Shope asked how you guarantee the veracity of data and impacts of this resolution. Mr. Shope sees no checks or balances in this project/resolution and what happened to the study of landowner equity/land viability.

**Nick Homyak, Lake Hiawatha, NJ** – Mr. Homyak asked if this data will be available to a municipality that has not conformed. Mr. Humphries responded that this is not regulatory, it provides information to the general public/municipality, whether they are conforming or not.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey asked who is verifying the information and where is it coming from. Mr. Humphries responded that the intent is to access the original data and reference it so the end user can validate. If there is a site-specific change it would need to be logged.

**Member Dressler** asked who has the ability to input information into the system. Mr. Humphries responded that staff will direct what data sources are pulled into the system. Once we have established the data sources, the system itself will always look to see if it is updated and will be automated (for security).

**Harold Danielson, owns property in Hampton, NJ** - Mr. Danielson commented that there is a lot of data that can be incorporated into this system but in some cases you need "boots on the ground." Mr.

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Danielson asked if that is being addressed. Mr. Humphries responded that there are limitations with ERI data. The intent of this system is to provide a larger-scale ERI to help guide site-specific analysis, but does not negate the need for field check.

**Tim Crouse, Milford, NJ** – Mr. Crouse asked for clarification if this system will be the end rule. Mr. Humphries responded that it is not intended to replace field verification. It is a tool to know when you need to field verify.

*A roll call vote was taken. The resolution was APPROVED 9-1.*

### **OLD/NEW BUSINESS**

Member Dressler had two requests regarding protecting Highlands water: 1) have Council's Chief Counsel report out on what Council's parameters are for advocating for a water fee; and 2) scheduling a special meeting with Highlands local legislators to follow up on our requests from two years ago regarding reimbursement for landowner compensation (water use fee).

Chair Richko responded that we can discuss this and he will discuss this with Council's Chief Counsel.

Vice Chair Alstede added that Council was advised many years ago that the Council is part of the Executive Branch and therefore, is limited in its ability to lobby.

Member Dressler responded that he only wants to follow up on our request of two years ago and does not consider this lobbying.

Ms. Plevin commented that we would like to have an opportunity to find out what is permissible and what is not and will report back to Council.

Vice Chair Alstede asked if there is a procedure to follow for a conforming municipality with Preservation and Planning areas who wants to withdraw their petition in the Planning Area. Mr. Humphries responded that there is no specific procedure to withdraw from the Planning area, but withdrawal is always an option.

Member Dougherty expressed his condolences to family and friends on the passing of Senator Anthony R. Bucco who served the public for 40 years.

*Member Carluccio left the meeting at 5:15pm.*

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

### **Public Comment**

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that the Coalition has been talking about HABs in the Highlands region and throughout New Jersey. Ms. Somers assumes that any

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solution for the HABs will be statewide. Ms. Somers requested that the TAC meetings for Highlands Region Economic Sustainability Plan be open to the public.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of the Highlands Act that put his property in the Preservation Area. Mr. Klumpp also spoke about the nominated Highlands Council members who he hopes will honor the broken promises regarding landowner compensation, if approved. Mr. Klumpp submitted his comments for the record.

**George Stafford, Wharton, New Jersey** – Mr. Stafford spoke about towns who go back and forth regarding Plan Conformance. Mr. Stafford also commented on HABs past and present.

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on Lebanon Township's Plan Conformance history. Mr. Shope also spoke in opposition of the Highlands Act and the need for compensating landowners.

**Harold Danielson, lives in Massachusetts** - Mr. Danielson owns property in New Jersey Highlands. Mr. Danielson spoke about water issues in Boston, Massachusetts where a study was done to originally build another reservoir, but a plan was developed by engineers and foresters to do selective cutting around watersheds. This activity had the effect of increasing the amount of water in the reservoir and therefore, they didn't need to build another one. Mr. Danielson feels the Highlands should do the same for business sustainability.

**Nick Homyak, Lake Hiawatha, NJ** – Mr. Homyak commented on Pyramid Mountain and the treatment of easements with potential herbicides. Mr. Homyak is concerned about what is being used to treat these easements.

**Tim Crouse, Milford, NJ** – Mr. Crouse has a campground that is impacted by the Highlands Act and township regulations regarding expansion. Mr. Crouse commented that the environment needs to be protected but it is a burden for his business.

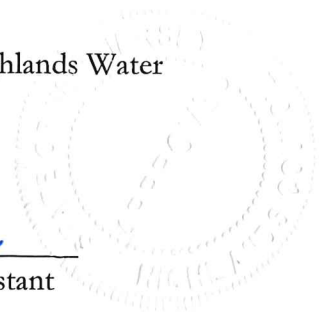
*Member Holtaway made a motion to adjourn the meeting. Member Visioli seconded it. All were in favor. The meeting was adjourned at 5:40pm.*

**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: 10-17-19

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant





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<b>Vote on the Approval of This Resolution</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede			√			
Councilmember Carluccio			√			
Councilmember Dougherty			√			
Councilmember Dressler						√
Councilmember Francis			√			
Councilmember Holtaway		√	√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Visioli	√		√			
Councilmember Vohden			√			
Councilmember Walton						√
Chairman Richko			√			