

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

**PRESENT**

CARL J. RICHKO ) CHAIR  
KURT ALSTED ) VICE CHAIR  
TRACY CARLUCCIO ) COUNCIL MEMBERS  
MICHAEL FRANCIS )  
BRUCE JAMES )  
MICHAEL SEBETICH )  
RICHARD VOHDEN )  
ROBERT G. WALTON )

**VIA TELE-CONFERENCE**

MICHAEL R. DRESSLER )  
JAMES VISIOLI )

**ABSENT**

TIMOTHY P. DOUGHERTY )  
ROBERT HOLTAWAY )

**CALL TO ORDER** 173<sup>RD</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm.

**ROLL CALL**

Roll call was taken. Members Dougherty and Holtaway were absent. Members Dressler and Visioli were present via tele-conference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, Annette Tagliareni, Christine LaRocca, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Keri Green, Ranji Persaud, Carole Ann Diction, Drew Siglin, Christina Petagna, Alex Hascha, Karen Castanbas, and Tom Tagliareni. Also present were Stephanie Brown, Associate Counsel, Governor's Authorities Unit; and Jason Kane, 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 JANUARY 16, 2020**

Chair Richko asked for a motion on the Highlands Council Minutes of January 16, 2020.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

*Member James made a motion to approve the Highlands Council Minutes of January 16, 2020. Member Vobden seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of January 16, 2020 were APPROVED 10-0.*

**APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF JANUARY 16, 2020**

Chair Richko asked for a motion on the Highlands Council Executive Session Minutes of January 16, 2020.

*Member Walton made a motion to approve the Highlands Council Executive Session Minutes of January 16, 2020. Member Francis seconded it.*

*A roll call vote was taken. The Highlands Council Executive Session Minutes of January 16, 2020 were APPROVED 10-0.*

**CHAIRMAN'S REPORT**

Chair Richko announced that the Highlands Council will be receiving \$937,000 in grant funding for land preservation, through the Highlands Conservation Act. Chair Richko thanked staff members Drew Siglin and Carole Ann Diction who worked directly on this effort and Keri Green and Alex Hascha who assisted. Chair Richko also announced that Drew Siglin will be leaving the Highlands Council staff as Open Space & TDR Coordinator. Drew accepted a position at the Alliance for the Chesapeake Bay as their Chief Operating Officer. Chair Richko thanked Drew for his service with the Council and wished him all the best.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following updates and staff activities:

**Climate Initiative Update**

Ms. Plevin noted that in coordination with the release of New Jersey's new Energy Master Plan, the New Jersey Department of Environmental Protection (NJDEP) was directed to identify and update their regulations to integrate climate change considerations through an Administrative Order creating an entity called NJ PACT (Protecting Against Climate Threats). The Highlands Council is included as a stakeholder in this process and attended an interagency meeting earlier this week related to this topic, where the Highlands Council reminded the group that climate concerns are not just coastal.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

Highlands staff attended a Harmful Algal Bloom (HAB) Summit, hosted by NJDEP, on January 28, 2020 where staff had an opportunity to provide literature and information regarding Highlands Council grant programs available to municipalities to assist with planning for HAB prevention. Member Francis was also in attendance.

### **Plan Conformance Updates**

Ms. Plevin announced that the Borough of Netcong voted last week to apply for an initial assessment grant to explore the possibility of conforming with the Regional Master Plan (RMP). Netcong is 100% in the Planning Area and Council staff is looking forward to working with the Borough.

### **Municipal and County Implementation Activities**

- High Bridge Borough – Affordable housing ordinances certified as conforming to the RMP
- Lebanon Township – Stormwater Management Planning Scope of Work approved
- Lebanon Borough – Stream Corridor Restoration Plan Scope of Work approved
- Tewksbury Township – Wastewater Management Plan deemed consistent with the RMP.

### **Municipally Issued Exemptions**

Council staff received notification of some municipally issued exemptions:

- Washington Township, Morris County issued six exemption #5s.
- Chester Township, Morris County issued 38 exemption #5s, and one exemption 4

### **Project Review Updates**

Highlands Council staff completed two (2) Water Quality Management Plan Amendment Reviews:

- West Milford Township, Passaic County - Expansion of existing strip mall
- Denville Township, Morris County - Construction of an industrial building for office, manufacturing and warehouse use.

### **TDR/HDC Update**

Since the prior report, one (1) HDC easement has been recorded, and one (1) allocation reconsideration has been completed.

### **HDC Easement Transactions**

- Independence Township, Warren County - 30.25 HDCs certified and purchased by HDC Bank for \$484,000

### **HDC Allocation Reconsideration**

- Bloomingdale Borough, Passaic County - 16.19 acres residential property – Revised from 12.50 HDCs to 19.75 HDCs

### **Personnel**

Ms. Plevin welcomed two new staff members and noted the departure of another:

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

- Gabrielle Gallagher joined Highlands Council staff recently as Senior Counsel. Gabrielle is a highly qualified attorney with extensive public sector experience. She has served as the Director of Legal and Regulatory Affairs at the NJ Department of Community Affairs, where she handled a multitude of litigation, contractual and personnel matters. Most recently, Gabrielle served as the Deputy Executive Director for the Department of Banking and Insurance, overseeing administrative and enforcement actions and also managing emergency planning/business continuity for the Department.
- Karen Castanhas joined Highlands Council staff on February 3rd as Administration Assistant. Karen is a great addition to Council's team. She has a very strong administrative background with extensive computer and excellent customer service skills.
- As noted by Chairman Richko, Drew Siglin, our Regional Planner and Open Space & TDR Coordinator, will be leaving. Drew has done tremendous work on land preservation in the Highlands and been instrumental in our preservation of over 5,000 acres. This position has been posted and applications are being accepted through February 28th.

Ms. Plevin noted that the next Council Meeting is scheduled for March 19, 2020.

### **AGRICULTURAL ADVISORY COMMITTEE**

Chairman Richko indicated that Vice-Chair Alstede would introduce the next resolution related to the creation of an agricultural advisory committee.

Vice-Chair Alstede noted that during the deliberations of the Highlands Act and a phone conversation with former Governor McGreevy, the then Governor promised that a public member with agriculture expertise would be appointed to the Highlands Council. It is also noted in the RMP that agriculture is a vital part of the Highlands Region's culture, landscape and economy. In 2018, the Monitoring Program Recommendations Report (MPRR) recommended that the Highlands Council establish an Agricultural Advisory Committee to identify the Council's role in supporting the agriculture economy to include:

- Protection and enhancement of agricultural sustainability and viability of the agricultural industry within the Region.
- Identify the status of farming in the Highlands Region, including trends in farming activity, total land under agricultural production, farm products produced by type and quantity, product destination.
- Identify opportunities to support farming process integration in the regional agricultural industry.
- Investigate the recommendations made in the Agricultural Resources and, where applicable, the Sustainable Economic Development chapters of the Recommendation Report.

Vice-Chair Alstede added that the establishment of the Agricultural Advisory Committee will allow the Highlands Council to seek opportunities to support the industry and ensure its continued survival.

Vice-Chair Alstede noted that the resolution being considered by Council outlines how this committee will be created. It was noted that the committee would be open to interested Highlands Council members and other members of the public with agricultural expertise that would be vetted/appointed. Vice-Chair Alstede introduced the resolution to the Council.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

**Resolution – Creation of Agricultural Advisory Committee**

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

**Council Comment**

There was no Council comment.

**Public Comment**

**Deborah Post, Chester Township** – Ms. Post nominated herself as a candidate for the committee.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented that he is 100% in favor of the committee, raised the issue of his loss of equity and perhaps the new committee can find some funding for landowners.

**David Shope, Lebanon Township, NJ** – Mr. Shope introduced again for the record a letter addressed to Robert A. Tucker from First Pioneer Farm Credit which addresses the impact of loss of equity. Mr. Shope submitted this letter for the record. Mr. Shope added that agriculture in New Jersey has declined over the decades.

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

**AUDIT COMMITTEE**

Committee Chair Walton reported that the committee had a meeting to discuss the audit with the auditors and again Council has a clean audit. Committee Chair Walton recommends that Council accepts the audit report.

**Resolution – Acceptance of Audit Report**

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

There was no Council or public comment.

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

At this time, Chair Richko recognized Stephanie Brown, Associate Counsel from the Governor's Authorities Unit, who will be working with Council staff for a couple months while Lauren Nathan-LaRusso is on parental leave.

**BUDGET & FINANCE COMMITTEE**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

In Committee Chair Holtaway's absence, Committee Member Visioli reported that the Budget & Finance Committee met on February 6, 2020 to review the award of a contract for Evaluation and Field Test of the draft Functional Ecosystem Valuation (FEV) methodology. The Committee unanimously voted to move it to Council for consideration. The RMP has a goal of "no net loss" of critical habitat value. One of the challenges is that without a means of valuing different resources, mitigation can be ineffective or inaccurate. Previously contracted consultants have a draft methodology, which now needs to be field tested to validate the methodology.

At this time, Highlands Council's Resource Management Specialist, Christina Petagna, gave a brief presentation on this project and Council will consider a resolution to award a contract for this project. The PowerPoint presentation may be found on Council's website:

[www.nj.gov/njhighlands/about/calend/2020/feb20/ppt\\_feb.pdf](http://www.nj.gov/njhighlands/about/calend/2020/feb20/ppt_feb.pdf)

#### Council Comment

Member Sebetich asked if the nine (9) sites have been determined. Ms. Petagna responded that the sites will be determined after the evaluation of the methodology has been completed and GIS will be used to model the best sites for the testing. Member Sebetich asked if the consultant will inform Council staff of the locations of these sites before they conduct their tests. Ms. Petagna responded that Council staff will be in constant contact with the consultant throughout the entire process. Member Sebetich also asked where Applied Ecological Services (AES) is located. Ms. Petagna responded AES is a team of professionals located throughout the country.

Member Vohden asked what will Council do with this information and will it turn into a mitigation program. Mr. Humphries explained how the methodology will be used for project reviews. He clarified that there are non-exempt projects in the Preservation and Planning Areas of the Highlands region that by statute have to come to the Highlands Council for review. The adopted RMP specifies a policy of "no net loss of habitat value" as a project review standard, but there is currently no definition of "no net loss." This means project reviews that result in a mitigation requirement lack clarity about how that mitigation will be achieved. This methodology will provide an objective, transparent method for an applicant to know what they need to do to address the "no net loss" requirements of the RMP when it comes to mitigation.

At this time, there was continued discussions regarding no net loss, exemptions, mitigation, and the RMP requirements. Chair Richko added that there is no change in the rules/regulations. This methodology provides guidance.

Ms. Petagna clarified that the objective of the FEV methodology is to make mitigation more fair for property owners. Whether or not the methodology is adopted or tested, the requirement for mitigation already exists. The FEV methodology has been devised to make sure the mitigation is fair for project applicants. Ms. Petagna also clarified that the methodology has already been created and the resolution before Council now is to field test that methodology.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

Member Vohden noted that he will be voting “yes” because of the fairness aspect and asked Council staff where “mitigation” is spelled out in the Highlands Act. Chair Richko responded that staff will provide this information.

Member Walton commented that “no net loss” is not in the Highlands Act, it is a choice the Council made in the RMP. Ms. Plevin reminded Council members that the Council just went through the re-examination process. Mr. Humphries added that the Monitoring Program Recommendations Report (MPRR) outlined the field testing of the FEV methodology as a recommendation. Member Walton expressed concern that one company came up with the draft methodology and another company is confirming its values. Staff explained that is the normal scientific process. Member Walton added that he has a hard time supporting this and is not sure it is a job worth doing.

Member Carluccio commented that she is very supportive of this field testing because when the Council decided to create a functional eco-system valuation method, we did not know how it would play out in the field. Member Carluccio added that this evaluation/field testing will not only confirm the methodology is usable and repeatable but will also demonstrate how it works. We need to have methods that are reliable, transparent, fair, and accurate. Member Carluccio was very impressed with the application and that in a few months we will have a better assessment.

Member Sebetich asked if the application is on our website. Ms. Plevin responded that this is about awarding a contract to a company to field test and the draft methodology is not currently on our website, but would be posted once it is field tested and finalized.

Member Sebetich also asked for the names of the professionals. Member Sebetich requested to receive a list of the professionals’ names for the project.

At this time, there were further discussions regarding non-disclosure of the draft methodology to the public until it has been tested and finalized.

**Resolution - Award of Contract to Conduct an Evaluation and Field Test of the Draft Highlands Region Functional Ecosystem Valuation Model and Forest Conservation Guidance**

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

At this time there was continued discussions regarding the draft methodology and its use once it is tested and finalized.

Vice-Chair Alstede commented that Council controls what is in the RMP. Vice-Chair Alstede noted that part of the most recent review of the RMP resulted in the adoption of Procedures to allow for amendments to the RMP. If Council finds that it needs to adjust a policy in the RMP, so long as it is consistent with the Act, the Council can do so.

**Public Comment**

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of this resolution regarding the evaluation of the land and Council’s knowledge of what land will be evaluated.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

**David Shope, Lebanon Township, NJ** – Mr. Shope spoke in opposition of this resolution regarding value judgements by Council. Mr. Shope urged Council to consider what you are doing as an entity.

**Deborah Post, Chester Township** – Ms. Post spoke in opposition of this resolution regarding the award of consultants who hate farmers and seek their demise.

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

*Member James left the meeting at 5:10pm*

*Vice-Chair Alstede left the meeting temporarily at 5:10pm.*

**OLD/NEW BUSINESS:**

There was no old/new business.

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

**Public Comment**

*Member Visioli left the meeting via tele-conference at 5:11pm.*

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of all Council's environmental suggestions and no help with farmer's landowner equity.

*Vice-Chair Alstede returned to the meeting at 5:13pm.*

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on no dedicated source of funding and, in his opinion, was never intended to compensate landowners and our return on equity.

**Deborah Post, Chester Township** – Ms. Post commented regarding the status of the Municipal Average Sub-Committee. Ms. Post also commented that she will re-submit the quiz she submitted at the last meeting.

Member Walton thanked staff member Drew Siglin for all his work on landowner compensation and wished him all the best.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

*Member Walton 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: *6/19/20*

Name: *Annette Tagliareni*

Annette Tagliareni, Executive Assistant

<b>Vote on the Approval of Minutes</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			√			