

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

PRESENT

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
DANIEL BUSH)	COUNCIL MEMBERS
TIMOTHY DOUGHERTY)	
MICHAEL FRANCIS)	
MICHAEL SEBETICH, PhD)	
DANIEL J. VAN ABS, PhD)	
JAMES VISIOLI)	
RICHARD VOHDEN)	

VIA TELECONFERENCE:

MICHAEL DRESSLER)

ABSENT:

BRUCE JAMES)

CALL TO ORDER 204TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. Member James was absent. All other Council Members were present. Member Dressler was present via teleconference. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Jocelyn van den Akker, Kelley Curran, Ranji Persaud, Sarah Friend, Casey Ezyyske, Neda Hartman, Annette Tagliareni, Carole Ann Dicton, Tom Tagliareni, and Karen Castanbas. Others present: Via teleconference – Bruce Velzy, Deputy Attorney General’s (DAG’s) office; and Alexis Franklin, Associate Counsel, Governor’s Authorities Unit (GAU).*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN’S REPORT

Chair Richko appointed new Councilmember Daniel Bush to be a member of the Budget & Finance Committee.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spinelli provided several updates:

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

1. Proposed Highlands Redevelopment Area Designation - Lopatcong/Pohatcong Townships, Warren County is off the agenda. Pohatcong Township Council decided to withdraw their application. It was noted that the application would need to be re-noticed by the Township and Highlands Council.
2. Affordable Housing Bill A4/S50 was signed by the Governor. The final version recognizes the Highlands Act and Regional Master Plan. Next steps are:
 - a. Affordable Housing Committee – to discuss proposed Highlands Affordable Housing Guidelines (RMP Amendment).
 - b. RMP Amendment Committee to discuss proposed Highlands Affordable Housing Guidelines and recommend release for 60-day public comment and 6 public hearings.
 - c. Highlands Affordable Housing Implementation Report (not an RMP Amendment).
 - d. Highlands Affordable Housing Grant Program and Build Out Instructions (not an RMP Amendment).
3. Agricultural Advisory Committee met on the 13th. Presentations were provided by:
 - a. Northwest Jersey Food Processing and Innovation Center, Warren County.
 - b. New Jersey Board of Public Utilities - New Jersey's Clean Energy Program™ regarding solar farms.
 - c. New Jersey Water Supply Authority regarding partnering with the Council on a USDA-NRCS grant that includes the use of agroforestry and green stormwater infrastructure projects on agricultural lands.
4. Met with SADC regarding new valuation for farmland in Preservation Area and municipal average value project.
5. Quarterly meeting w/USDA – regarding stormwater projects for farmers and rural community wastewater funding.
6. City of Newark – continue to work on building a relationship with largest landowner and single user of Highlands water.
7. Department of Interior – came to an agreement regarding dual appraisal with federal funding methodology.
8. Quarterly NJDEP meeting regarding amendments to Highlands DEP Rules and failing septics in the Highlands region.
9. Kean University – collaborating with their science team.
10. Highlands Protection Fund Capital (Grant) Budget – MS4 requirements and Affordable Housing plans will put a strain on budget.
11. Highlands General Operating Budget – received an increase to match salary obligations.
12. Mr. Spinelli spoke at the Watershed Institute's Annual Conference about stormwater management. Member Van Abs was the keynote speaker.
13. Meeting w/DEP to discuss Highlands role in the Statewide Water Supply Plan.
14. Members of science staff working towards Floodplain Managers certification.
15. Initiatives:
 - a. Open Space & Recreation Plan – Council awarded contract to Trust for Public Land (TPL).
 - b. Branding & Marketing Plan for Highlands Region – Council to consider recommendation.
16. Regional Master Plan (RMP) Amendments - Public hearings were held and 60-day comment period ends April 1, 2024 for the proposed Amendments:
 - a. Standards for Warehousing in the NJ Highlands Region
 - b. Land Use Capability Zone Map and Technical Report Update
17. Provided comments on updated State Plan.
18. Outreach discussions with Harding Township, Boonton Town, Netcong Borough, Mountain Lakes Borough, and Roxbury Township.
19. Continue to support MS4 permitting work and have issued grants to several municipalities.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

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

Council Comments

Member Francis commented on affordable housing and that it is important to have municipalities understand that they are part of this solution. Mr. Spinelli responded that our non-competitive grants could potentially become competitive due to increased interest in this support.

Member Van Abs suggested part-time staff or contracting arrangements to assist staff. Mr. Spinelli responded that we currently have part-time staff, but there is only about \$15,000 available in the budget for additional contract arrangements.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF FEBRUARY 15, 2024

Chairman Richko asked for a motion on the Council Minutes of February 15, 2024.

Member Dougherty made a motion to approve the Highlands Council Minutes of February 15, 2024. Member Van Abs seconded it.

A roll call vote was taken. The Highlands Council Minutes of February 15, 2024, were APPROVED 9-0.

AUDIT COMMITTEE

Resolution – Acceptance of Audit

Committee Chair Visioli reported that the Audit Committee met with representatives from Mercadien and the committee recommends Council accept the audit report for 2023.

Member Visioli moved the resolution. Member Bush 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 9-0.

BUDGET & FINANCE COMMITTEE

Committee Chair Visioli provided his Budget & Finance Committee report.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

Committee Chair Visioli reported that the committee met on March 7, 2024, to discuss Town of Clinton's request for a \$10,000 grant to create a redevelopment plan.

Resolution – Approval of Fiscal Year 2024 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member Francis 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 9-0.

Committee Chair Visioli reported that the committee recommends awarding a contract for a Branding and Marketing Plan for the Highlands Region, as well as three GIS Services contracts to assist the Council's GIS department.

Resolution – Approval of Contract to Develop a Branding and Marketing Plan for the New Jersey Highlands Region

At this time Highlands Council Planning Manager, Maryjude Haddock-Weiler, gave a summary and presentation on the Branding and Marketing Plan. Ms. Haddock-Weiler noted that eight proposals were received, and Council staff interviewed four of the respondents. Ms. Haddock-Weiler recommended the Council award this contract to North Star for a budget up to \$200,000. Ms. Haddock-Weiler's presentation may be found on the Highlands Council website:

www.nj.gov/njhighlands/about/calend/2024/mar21/HC_Mtg_ppt_032124.pdf.

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member Sebetich seconded it.

Council Comment

Member Sebetich asked what branding is. Ms. Haddock-Weiler responded that branding is developing an image for the Highlands Region that comes to mind and that will prompt people to gravitate towards the region.

Member Vohden asked if we are changing the name of the Highlands Council. Ms. Haddock-Weiler responded that this branding is for the Highlands Region, not the Council.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

Ms. Haddock-Weiler noted that this branding plan is a recommendation from our Highlands Economic Sustainability Plan.

Public Comment

Dylan Medici, NJ Highlands Coalition – Mr. Medici was in favor of the Branding and Marketing Plan for the Highlands Region that puts the Highlands on the map and hopefully sees a return on investment.

Bill Kibler, Raritan Headwaters – Mr. Kibler commented that in order for regional planning to be successful you need a constituency that is there to defend the region, a constituency that benefits the region, and a constituency that understands the value of the region, and this step towards a Branding and Marketing Plan is well overdue and a great idea.

A roll call vote was taken. The resolution was APPROVED 9-0.

Resolution – Approval of Contract for GIS Services

At this time Highlands Council GIS Manager, Jocelyn van den Akker, gave a summary and presentation on the GIS Services contracts. Ms. Van den Akker mentioned that in the past we had three contractors and want to continue this partnership for on-call GIS services. Council staff received 13 proposals. Ms. Van den Akker recommended that the Council award the three-year GIS contract for a not-to-exceed amount of \$25,000 annually to Neglia Group, Remington & Vernick Engineers, and Verdantas, LLC. Ms. Van den Akker's presentation may be found on the Highlands Council website: www.nj.gov/njhighlands/about/calend/2024/mar21/HC_Mtg_ppt_032124.pdf

Chairman Richko asked for a motion on the resolution.

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

Council Comment

Member Van Abs asked how many GIS staff members we currently have. Mr. Spinelli responded that there are three staff members in GIS.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 9-0.

OTHER BUSINESS:

Resolution – Approval of Submission of 2023 Annual Report

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member Alstede seconded it.

Council Comment

Chair Richko urged the Council and public to read the annual report.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 9-0.

OLD/NEW BUSINESS:

There was no old/new business.

Chair Richko opened the meeting for any public comment. Chair Richko noted that during this public portion of the meeting, the Council wants to hear comments/suggestions but is not a question-and-answer period. Chair Richko added that if a public member has any questions, they should please call the Highlands Council office at any time.

Public Comments

Robert Bruce, Lopatcong, NJ – Mr. Bruce wanted to thank the Highlands Council for their due diligence. Because of Pohatcong’s withdrawal, there will be a re-design. Mr. Bruce showed a map of several warehouses already located in the area. Mr. Bruce wanted to know the impact of the potential withdrawal of Lopatcong from the Highlands Council.

John Kecherson, Lopatcong, NJ – Mr. Kecherson commented on the 100% opposition to the Lopatcong/Pohatcong Center Designation application and wanted to know why the application was changed to a redevelopment area designation application. Mr. Kecherson feels that the public concerns made at the municipal meeting were dismissed when the application was changed to a redevelopment area designation application.

Richard Kelsky, Stillwater, NJ – Mr. Kelsky expressed his concerns regarding the amendment of the Highlands Council Bylaws to increase the Executive Director’s contract authority and bid threshold to \$44,000. Mr. Kelsky submitted his comments for the record.

Chairman Richko noted that Mr. Kelsky attended a number of Highlands Council meetings and asked Executive Director Spinelli if Mr. Kelsky has been invited to the Highlands Council offices to discuss his concerns. Mr. Spinelli confirmed that Mr. Kelsky has received an invitation, but it was in response to a separate, earlier matter, and that Mr. Kelsky declined.

Member Dressler was present via teleconference at 5:00pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

Guy Citron, Tewksbury, NJ – Mr. Citron stated that he was concerned about a proposed redevelopment plan and site plan for Block 2 Lot 8 in Belvidere for a warehouse. Mr. Citron feels the site plan was incomplete and the two Belvidere council meetings did not adequately address the noise and floodwater concerns.

Council Comment

Member Vohden commented that the Council is here to represent the public and should be involved in the discussions.

Chair Richko noted that any member of the Council can discuss with a member of the public after the meeting.

Member Francis commented on municipal sovereignty, emphasizing that the Council facilitates what municipalities need help with; the Council does not make decisions for municipalities.

Chair Richko asked for a motion to adjourn the meeting.

Member Van Abs made a motion to adjourn the meeting. Member Bush seconded it. All were in favor. The meeting was adjourned at 5:09pm.

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: 4/18/2024

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 21, 2024

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	√		√			
Councilmember Bush		√	√			
Councilmember Dougherty			√			
Councilmember Dressler			√			
Councilmember Francis			√			
Councilmember James					√	
Councilmember Sebetich						√
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			

PUBLIC COMMENTS SUBMITTED AT
HIGHLANDS COUNCIL MEETING
MARCH 21, 2024



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Highlands Water Protection and Planning Council
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Chester, New Jersey 07930-2322
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www.nj.gov/njhighlands



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

CARL J. RICHKO
Chairperson

BENJAMIN L. SPINELLI, ESQ.
Executive Director

MEMORANDUM

To: Budget & Finance Committee
From: Benjamin L. Spinelli, Esq., Executive Director
Subject: Committee Meeting Minutes – February 5, 2024
Date: February 6, 2024

A Budget and Finance (B&F) Committee meeting was held on Monday, February 5, 2024, at 9:00am via Zoom. The following participants were present:

Committee: Committee Chair Visioli and Council Chair Richko.

Governor's Authorities Unit (GAU): Alexis Franklin, Associate Counsel.

Highlands Staff: Ben Spinelli, Gabrielle Gallagher, Neda Hartman, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Herb August, Carole Diction, Allison Bittner, and Karen Castanhas.

Chair Visioli opened the meeting at 9:06am.

Amend Bylaws to Increase Executive Director Contract Amount

Mr. Spinelli reported the Highlands staff would like to increase the Executive Director's (ED) contract authority threshold in accordance with the bid authority thresholds of other state agencies. It would be indexed to an independent amount controlled at the state level. That level is currently \$44,000.00. The existing authority was set in 2008 at \$25,000.00. This authority is rarely used.

Committee Chair Visioli asked for a motion to move the resolution to amend the bylaws to the full Council for consideration. Council Chair Richko made a motion and Member Visioli seconded it. All were in favor.

Highlands Council FY2024 Highlands Protection Fund Grant Requests

Stormwater Management Planning

Kelley Curran, Science Manager, reported that the Council has two (2) municipalities that have requested funding to comply with the enhanced regulations of the NJDEP Municipal Separate Storm Sewer System (MS4) Permit. Highlands Council grant funding will be used to supplement NJDEP grant funding. Bedminster and Liberty Townships have requested funding for Stormwater Management Planning. Both Bedminster and Liberty Townships have applied for the NJDEP grant. Their grant request amounts are shown in the table below and tasks associated with the funding requests include some or all the following:

New Jersey is an Equal Opportunity Employer

APPROVAL OF NJ STATE TREASURER?

COMPARE TO RESOLUTION 2024-05

WHICH AGENCIES? COMPARABLE SIZE?

"CONTRACT" AUTHORITY

WHAT IS THE SCOPE OF THIS AUTHORITY?

"BID" AUTHORITY

February 6, 2024
Page 2

- MS4 stormwater facilities mapping update.
- Stormwater Pollution Prevention Plan development or update.
- Municipal Stormwater Management Plan update.
- Local public outreach.
- Preparation or revision of required community-wide ordinances.
- Inspection and maintenance of private stormwater facilities.
- Employee training.
- Storm drain inlet retrofitting assessment.
- Storm drainage, catch basin, and infrastructure inspection.
- Preparation of a Municipal Maintenance Yard BMP Manual.
- Stream scouring and illicit discharge outfall inspection.
- Development of a Watershed Improvement Plan (Phase I).

At this time there was a discussion about Liberty Township’s conformance status.

Bloomsbury Borough, Hunterdon County – Circulation Plan

James Humphries, Director of Planning, Science & GIS reported that Bloomsbury Borough is a 100% Preservation Area municipality and is requesting funding to prepare a Circulation Plan element as part of their municipal master plan.

Committee Chair Visioli asked for a motion to move the following grants to the full Council for consideration: Bedminster Township (Stormwater Planning); Liberty Township (Stormwater Planning); and Bloomsbury Borough (Circulation Plan.) Council Chair Richko made a motion and Member Visioli seconded it. All were in favor.

Municipality/County	Purpose	Amount
Bedminster Township	Stormwater Planning	\$34,500
Liberty Township	Stormwater Planning	\$50,000
Bloomsbury Borough	Circulation Plan	\$15,000
Total	FY 2024 Plan Conformance Grants	\$99,500.00

Open Space and Recreation Plan – Award Contract

Allison Bittner, Regional Planner/Land Preservation Coordinator reported that Highlands staff would like to award a contract in the amount of \$298,500 to the team of The Trust for Public Land (TPL) and TwentyTwenty Public Affairs to develop an Open Space and Recreation Plan for the Highlands Region. The anticipated project work is to be completed within 18 months. Funding for this contract will be through two funding mechanisms: \$126,500 will be funded through the Highlands Council RMP Implementation Account and \$172,000 of the contract will be funded through a Capacity Building Grant obtained under the U.S Fish and Wildlife Service (USFWS) Highlands Conservation Act Grant Program.

Mr. Spinelli explained that staff interviewed five (5) of the seven (7) respondents and The Trust for Public Land (TPL) and TwentyTwenty Public Affairs is the best choice.

Alexis Franklin left the meeting at 9:18am.

Committee Chair Visioli asked for a motion to move the contract award to Develop an Open Space and Recreation Plan for the New Jersey Highlands Region to the full Council for consideration. Council Chair Richko made a motion and Council member Visioli seconded it. All were in favor.

The meeting adjourned at 9:19 am.

RESOLUTION 2024-05
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF AMENDED BYLAWS

WHEREAS, the Highlands Water Protection and Planning Act (the "Highlands Act") has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (the "Highlands Council"); and

WHEREAS, Section 6 of the Highlands Act empowers the Highlands Council with powers, duties and responsibilities, in addition to others prescribed in the Highlands Act; and

WHEREAS, Section 6.a of the Highlands Act authorizes the Highlands Council to adopt and from time to time amend and repeal suitable bylaws for the management of its affairs; and

WHEREAS, Section 6.g of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Council adopted initial bylaws at its first meeting by Resolution 2004-01 dated December 16, 2004, revised the bylaws by Resolution 2005-01 dated January 6, 2005, by Resolution 2006-23 dated June 1, 2006 and by Resolution 2007-19 dated August 16, 2007; and

WHEREAS, the Budget and Finance Committee and Council staff considered and recommended amending the bylaws to increase the Executive Director's ("ED") authority threshold to contract for, issue purchase orders for and approve payments for goods and services up to \$44,000 in accordance with the ED authority thresholds for the New Jersey Water Supply Authority ("NJWSA") and the New Jersey Sports and Exposition Authority ("NJSEA").

COMMITTEE REFERRED TO "CONTRACT" AND "BID" AUTHORITY

WHEREAS, upon subsequent increases to the ED authority thresholds for the NJWSA and NJSEA, the Highlands Council ED authority threshold shall automatically increase to align with its sister agencies.

ARE THESE COMPARABLE SIZE TO HIGHLANDS COUNCIL?

WHEREAS, pursuant to the Highlands Council bylaws, the bylaws may be amended at any regularly scheduled meeting where, as it has here, ten days advance notice has been given to all Highlands Council members.

MUCH LARGER?

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby adopts the attached amended bylaws dated February 6, 2024.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of February 2024.

Carl J. Richko
Carl J. Richko, Chairman

SEE { NJSA 52:34-7
NJSA 58:18-22
NJSA 5:10-21.1

WHAT IS THE LANGUAGE OF THE "AUTHORITY" AT THESE AGENCIES?

RESOLUTION 2024-05
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF AMENDED BYLAWS

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Bush			√			
Councilmember Dougherty			√			
Councilmember Dressler			√			
Councilmember Francis			√			
Councilmember James		√	√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli	√		√			
Councilmember Vohden			√			
Chairman Richko			√			

Adjustment to Public Bidding Threshold

TO: All Affected Agencies

FROM: Elizabeth Maher Muoio, State Treasurer

DATE: September 1, 2022

SUBJECT: Adjustment To Public Bidding Thresholds – 5 Year Schedule

CAN THE COUNCIL SET ITS OWN LIMITS BASED UPON AGENCIES LISTED BELOW?

Pursuant to the provisions of P.L. 2021, c. 412, which authorized the Director of the Division of Purchase and Property to increase the delegated purchasing authority to using agencies for goods and services, after consulting with the Governor, the Treasurer exercised the statutory authority pursuant to N.J.S.A. 52:34-7 to adjust the bid thresholds for awarding a contract without advertising as noted below. Accordingly, all covered purchases and contracts, which exceed these established thresholds, must be achieved through open competitive bidding.

These adjustments are effective immediately.

Statute	Jurisdiction	2022 Threshold
N.J.S.A. 18A:18A-3 ¹	Public School Districts	\$32,000
N.J.S.A. 18A:18A-3	Public School Districts <u>With a Qualified Purchasing Agent</u>	\$44,000
N.J.S.A. 40A:11-3 ²	Local Public Contracts Law (Including County Bridge Commissions and Joint Sewer Plants)	\$17,500
N.J.S.A. 40A:11-3	Local Public Contracts Law <u>With a Qualified Purchasing Agent</u> (Including County Bridge Commissions and Joint Sewer Plants)	\$44,000
N.J.S.A. 52:34-14 ⁴	State House Commission	\$200,000
N.J.S.A. 58:1B-22	New Jersey Water Supply Authority (NJDEP) Contracts Necessary to Water Supply Management	\$44,000
N.J.S.A. 5:10-21.1	New Jersey Sports and Exposition Authority	\$44,000
N.J.S.A. 27:23-6.1	New Jersey Turnpike Authority	\$44,000
N.J.S.A. 13:17-6.1 ³	Hackensack Meadowlands Development Commission	\$44,000
N.J.S.A. 18A:71A-10	Higher Education Student Assistance Authority	\$44,000
N.J.S.A. 27:25A-8 ⁴	South Jersey Transportation Authority	\$200,000

STATUTORY AUTHORITY

SPECIFIC AUTHORITY TO EACH COMPLETE SIZE TO HIGHLANDS COUNCIL

DID THE TREASURER APPROVED THE LEVEL FOR THE HIGHLANDS COUNCIL?

Statute	Jurisdiction	2022 Threshold
N.J.S.A. 52:25-23 N.J.S.A. 52:34-7 ⁴	Division of Purchase and Property	\$250,000
N.J.S.A. 52:34-7	Division of Property Management and Construction <i>Professional consultant services for construction</i>	\$44,000
N.J.S.A. 52:34-7	Division of Property Management and Construction <i>Construction Contracts</i>	\$71,000
N.J.S.A. 27:25-11(g)(1) ⁴	New Jersey Transit Corporation	\$200,000

All threshold adjustments are based upon the Division of Law's interpretation of the particular entity's statutory authority and language. Any questions or comments regarding this memo should be directed to the Department of Community Affairs, Division of Local Government Services - Purchasing & Procurement Unit at (609) 292-6110 or to the Department of the Treasury, Division of Purchase and Property – Contract Compliance and Audit Unit at 609-292-5400.

¹Pursuant to N.J.S.A. 18A:18A-3(a), "the board of education may adopt a resolution to set a lower threshold for the receipt of public bids or the solicitation of competitive quotations."

²Pursuant to N.J.S.A. 40A:11-3 and Local Finance Notice 2011-15, the bid threshold, for entities without a Qualified Purchasing Agent, under the Local Public Contracts Law was set at \$17,500 and is not subject to the Governor's adjustment. Additionally pursuant to N.J.S.A. 40A:11-3(a) "the governing body of any contracting unit may adopt an ordinance or resolution to set a lower threshold for the receipt of public bids or the solicitation of competitive quotes."

³In February 2015 the Hackensack Meadowlands Development Commission (N.J.S.A. 13:17-6.1) a/k/a New Jersey Meadowlands Commission was consolidated into the New Jersey Sports and Exposition Authority.

⁴Pursuant to Circular Letter 24-16-DPP Delegated Purchasing Authority (DPA) For Goods and Services effective January 1, 2024 the DPA threshold increased from \$200,000.00 to \$250,000.00.

Last Updated: Thursday, 01/25/24



[COVID-19 Emergency Contracts](#)

[New Jersey Stand-by Debris Contracts](#)

[Home](#) / [Adjustment to Public Bidding Threshold](#)

Adjustment to Public Bidding Threshold

TO: All Affected Agencies
FROM: Elizabeth Maher Muolo, State Treasurer
DATE: July 2023
SUBJECT: Adjustment to Public Bidding Thresholds – 2 Year Schedule

Pursuant to the provisions of the Public Law cited herein, the bid thresholds for awarding contracts are adjusted as noted below. Accordingly, all covered purchases and contracts, which exceed these established thresholds, must be achieved through open competitive bidding.

These adjustments shall take effect immediately.

Statute	Jurisdiction	July 1, 2023 Threshold
N.J.S.A. 26:21-5	New Jersey Health-Care Facilities Financing Authority	\$22,500
N.J.S.A. 18A:64-54	State Colleges Non-Public Works	\$110,900
N.J.S.A. 18A:64-54	State Colleges Public Works	\$39,400
N.J.S.A. 18A:64A-25.3	County Colleges	\$41,600
N.J.S.A. 18A:39-3	School Districts Boards of Education Transporting Pupils	\$22,400
N.J.S.A. 27:2-1	State, County, and Municipal Contracts for Work on Public Thoroughfares (paving)	\$22,400
N.J.S.A. 27:16-16	County Road Improvements	\$22,400
N.J.S.A. 40:68-48	Local Government Beach Erosion Control Districts Waterfront Improvements	\$22,400
N.J.S.A. 58:5-20	North & South Jersey Water Supply Districts Local Water Supply Commissions Contracts Related to Water Supply	\$22,400
N.J.S.A. 58:14-22	Passaic Valley Sewerage District	\$22,400
N.J.S.A. 18A:64E-18	New Jersey Institute of Technology	\$32,300

Any questions regarding your agency's ability to procure relative to this threshold should be directed to the Department of Community Affairs, Division of Local Government Services - Purchasing & Procurement Unit at (609) 292-6110. Any questions or comments regarding this memo should be directed to Department of the Treasury, Division of Purchase and Property – Contract Compliance and Audit Unit at (609) 292-5400.

Last Updated: Thursday, 09/07/23

Back to top

SEE CIRCLED ITEMS, BELOW

**BYLAWS OF THE HIGHLANDS
WATER PROTECTION AND PLANNING COUNCIL
Revised February 6, 2024**

This Highlands Water Protection and Planning Council (hereinafter "Highlands Council" or the "Council"), a body corporate and politic created by the Highlands Water Protection and Planning Act, P.L. 2004, c. 120, (hereinafter "HWPPA" or the "Act"), hereby adopts Bylaws for the management of its affairs pursuant to the authority granted by Section 6.a of the HWPPA.

I. The Council

Section 1. Purpose

The Highlands Council is established as a regional planning, land use, and water resource management body.

Section 2. Functions

The functions of the Council are those mandated by the Act including but not limited to the following:

- a. Undertake all of the duties and responsibilities as set forth by the HWPPA, including any amendments thereto, and as may otherwise conferred upon the Council by the Legislature.
- b. Prepare a Regional Master Plan for the Highlands Region (i.e. both the Preservation Area and Planning Area);
- c. Approve, reject or approve with conditions applications proposing development in the Highlands Preservation Area and, where authorized by law, in the Planning Area;
- d. Comment on applications for development pending before local boards, adoption of any master plan or development regulations or enforcement of any development regulation by any local government in the Highlands Region;
- e. Approve, reject, or approve with conditions municipal and county master plans and development regulations after adoption or revision of the Highlands Regional Master Plan;
- f. Identify lands that are desirable for public acquisition to ensure the preservation of the Highlands;
- g. Provide comments and recommendations on any capital or other project proposed to be undertaken in the Highlands by any state, county, or local government, or any other public entity;

- h. Establish a Transfer of Development Rights program;
- i. Appoint an Executive Director, who shall serve as the chief administrative officer; and
- j. Adopt policies for personnel, budgets and other matters for operation of the Council.

Section 3. Offices

The principal office of the Council shall be located in the Township of Chester, Morris County, New Jersey. The Council may have offices at such other places within the Highlands Region as its business may require or make desirable as determined by the Council.

Section 4. Seal

The Council shall adopt an official Seal by affirmative vote of a majority of the total authorized membership of the Council.

Section 5. Membership

The Council shall consist of 15 members, appointed in accordance with the HWPPA. Any vacancies occurring among the members of the Council shall be filled in the manner provided by the HWPPA. Any member of the Council whose term expires shall serve until a successor has been appointed and qualified. Members may not designate another person to vote on their behalf or otherwise fulfill their responsibilities as a Council member. Consistent with the HWPPA, no vacancy in the membership of the Council shall impair the right of a quorum of its members to exercise all the rights and perform all the duties of the Council.

II. Chair, Officers, Executive Director, Vacancies

Section 1. Chair

The Chair shall be appointed by the Governor in accordance with the HWPPA.

Section 2. Functions of Chair

The Chair shall:

- a. Preside at all meetings of the Council;
- b. Set the agenda for Council meetings or cancel meetings in consultation with the other members to the extent permitted by the HWPPA;
- c. Rule on all questions of order, subject to appeal to the Council;
- d. Create Committees in consultation with the Council;
- e. Appoint Council members to the various Committees and designate the chairs thereof;

- f. Sign all resolutions adopted by the Council, and any other legal document or instrument authorized by the Council;
- g. In the absence of the Treasurer, review and authorize the signing of checks for payments by the Council;
- h. Act as supervisor of and lead point-of-contact for the Executive Director; and
- i. Possess such other authority and duties as conferred upon him or her by these Bylaws or by any resolution adopted by the Council.

Section 3. Other Officers of the Council

- a. Vice-Chair: In the absence of the Chair, the Vice Chair shall preside at Council meetings, set the agenda for Council meetings, rule on questions of order, sign all resolutions adopted by the Council and any other legal document or instrument authorized by the Council. In the absence of the Chair and the Treasurer, the Vice Chair shall review and authorize the signing of checks for payments of the Council. In the event of a vacancy of the position of the Chair, the Vice-Chair shall assume all of the responsibilities of the Chair until a new chair is appointed by the Governor in accordance with the HWPPA. The Vice-Chair shall serve one-year, renewable terms.
- b. Treasurer: The Treasurer shall monitor the Council's financial status and periodically report such status at Council meetings. The Treasurer shall review proposed disbursements, with the exception of regularly scheduled disbursements, prior to authorizing the Executive Director to sign checks for payments of the Council. In the absence of the Chair and Vice-Chair, the Treasurer shall preside at all Council meetings. The Treasurer shall serve one-year, renewable terms.

Section 4. Council Member Expenses

Within the limits of funds appropriated and otherwise available for such purposes, each member of the Council shall be entitled to reimbursement for actual expenses necessarily incurred in the performance of the Council duties, pursuant to the polices established by the Council.

Section 5. Executive Director

The Executive Director shall have all the authority provided to him or her in accordance with the HWPPA and these Bylaws of the Council. He or she shall implement the policies and decisions of the Council and shall administer the operations, office(s) and administrative staff. In the event the Office of Executive Director is vacant, the Deputy Executive Director shall fill the office until such time as the Council appoints a new Executive Director.

The Executive Director shall oversee all plans and activities necessary to achieve the Council's mandate and specific goals as described in the HWPPA including the following:

- a. Recommend for approval by the Personnel Committee an organizational chart for staff positions;
- b. Recommend for approval by the Personnel Committee one candidate to fill management positions as identified in the organization chart;
- c. Promote, remove, discipline and supervise employees in accordance with written personnel policies established by the Council. The Executive Director will inform the Personnel Committee of such actions;
- d. Hire non-management personnel in accordance with the approved budget and consistent with the hiring policies of the State, advising the Personnel Committee of plans, progress and actions;
- e. Administer the affairs of the Council for the efficient, orderly and economic administration of all the administrative and executive affairs, consistent with available appropriated funds;
- f. Sign checks for all payments by the Council, subject to the policies of the Council;
- g. Contract for, issue purchase orders for and approve payments for goods and services up to \$44,000 in accordance with the bid threshold authority for the New Jersey Water Supply Authority ("NJWSA") and the New Jersey Sports and Exposition Authority ("NJSEA"). If there are subsequent increases to the bid threshold authority for the NJWSA and NJSEA, the Highlands Council bid threshold authority shall automatically increase to align with its sister agencies;
- h. For payments over \$44,000, prior approval of the Council shall be required. The Executive Director shall periodically provide a report to the Council on all new contracts, purchase orders and payments over \$10,000 and any such expenditures anticipated for the following month;
- i. Provide other financial information to the Council as requested;
- j. Review all applications for construction and development, public capital projects, revisions of municipal and county master plans and development ordinances, and compliance actions, and submit recommendations therein to the Council in accordance with the procedures established by the Council for processing such applications and projects;
- k. Work with State agencies and independent authorities as authorized by the HWPPA to provide information to the Council, and as may be useful to implement the HWPPA;
- l. Evaluate proposed land acquisitions, purchase of development easements, purchase of Transfer of Development Rights, proposed State aid to counties and municipalities and make recommendations concerning the same;
- m. Ensure that the Council provides public notice for all meetings pursuant to the Open Public Meetings Act, these Bylaws and the Council's resolutions;
- n. Perform all duties as are incidental to the office of Executive Director; and

SEE SECTION 10
ONLY 7 DAYS
NOTICE GIVEN

COMPARE
LANGUAGE

WHY BASED
UPON THESE
MUCH
LARGER
ENTITIES?
IS NAMING
OTHER
ENTITIES
IN BYLAWS
APPROPRIATE?
STANDARDS
AUTHORITY?

- o. Deliver forthwith a true copy of the minutes to the Governor.

Section 6. Term of Executive Director

The Executive Director shall serve at the pleasure of the Council on terms recommended by the Chair and approved by the Council. The Chair, in conjunction with the Personnel Committee, shall evaluate the Executive Director's performance at least annually.

III. Council Meetings

Section 1. Regular Meetings

Regular meetings of the Council shall be held at a time and place to be designated by the Council. The Council shall establish and publicize an annual meeting schedule that it may modify with appropriate advance public notice given pursuant to the Open Public Meetings Act. Adequate notice as defined under the Open Public Meeting Act shall be provided for all regular meetings of the Council, including sending notice to the official newspapers designated by resolution of the Council.

Section 2. Special Meetings

Special meetings of the Council may be called at any time by the Chair. Upon request from any member of the Council, the Chair shall poll the members for the purpose of determining if a special meeting should be held, and shall schedule the meeting if a majority so desires. The Chair may fix the time and place for any special meeting. The Executive Director shall provide notice of the meeting in accordance with the Open Public Meetings Act.

Section 3. Emergency Meetings

The Chair may call emergency meetings at any time as provided for in the Open Public Meetings Act.

Section 4. Quorum and Telephone Participation at Meetings

Eight members shall constitute a quorum. Members shall be permitted to participate in Council meetings (and vote) by telephone so long as the member can hear the public, the public can hear the member.

Section 5. Majority Vote

No action may be taken by the Council except upon the affirmative vote of a majority of the total authorized membership.

Section 6. Minutes

Minutes of each meeting shall be taken and shall reflect the presence of each member in attendance and the substance of the matters discussed. A true copy of the minutes of every meeting of the Council shall be prepared and forthwith delivered to the Governor. No

action taken at such meetings by the Council shall have effect until the Governor's statutory period of review has expired. If, within this period, the Governor returns the copy of the minutes with a veto of any action by the Council at that meeting, the action shall be of no force or effect.

Section 7. Order of Business

Council meetings shall be guided by Roberts Rules of Order. The Order of Business, unless modified by the Chair, shall be as follows:

- a. Reading of Open Public Meetings Act statement
- b. Roll Call
- c. Pledge of Allegiance
- d. Approval of Minutes
- e. Reports
- f. Action, Motions and Resolutions
- g. Other Items of Interest
- h. Public Comments
- i. Executive Session
- j. Adjournment

Section 8. Executive Session.

Executive Sessions of the Council may be held for reasons authorized by the Open Public Meetings Act.

Section 9. Fiscal Year.

The Fiscal year of the Council shall be the fiscal year used by the State of New Jersey.

Section 10. Amendment.

The provisions of these Bylaws may be amended by the affirmative vote of a majority of the total authorized membership of the Council at any regularly scheduled meeting, if advance notice of at least ten (10) State working days has been given to all Council members and if notice has been provided pursuant to the Open Public Meetings Act.

10 DAYS
NOTICE
REQUIRED

Section 11. Severability.

The provisions hereof shall be deemed independent and severable, and the invalidity, partial invalidity or unenforceability of any one provision or portion shall not affect the validity or enforceability of any other provision or portion hereof.