

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 18, 2014

PRESENT

JIM RILEE) CHAIRMAN
KURT ALSTED) COUNCIL MEMBERS
TRACY CARLUCCIO)
TIMOTHY P. DOUGHERTY)
MICHAEL TFANK)
ROBERT HOLTAWAY)
CARL RICHKO)
MICHAEL SEBETICH)
JAMES VISIOLI)

VIA TELEPHONE CONFERENCE

ROBERT G. WALTON)

ABSENT

MICHAEL R. DRESSLER)
MICHAEL FRANCIS)
BRUCE JAMES)
RICHARD VOHDEN)

CALL TO ORDER 134TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:06pm.

ROLL CALL

Roll call was taken. Council Members Dougherty, Dressler, Francis, James, and Vohden were absent. All other members were present. *The following staff members were present: Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Chris Ross, Jocelyn Bishop, Carole Diction, Tom Tagliareni. Also present were Peter Simon, Governor's Authorities Unit, Courtenay Mervier and Rob Freudenberg, Regional Plan Association; and Steve Gunnels, PlaceWorks.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF AUGUST 21, 2014

Chairman Rilee asked for a motion on the Minutes of August 21, 2014.

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Mr. Richko introduced a motion to approve the Minutes of August 21, 2014. Mr. Holtaway seconded it.

All members present voted to approve the Minutes of August 21, 2014. The minutes were APPROVED 8-0, with one abstention by Member Tjank.

Chairman Rilee asked for a motion on the Executive Minutes of August 21, 2014.

Mr. Visioli introduced a motion to approve the Executive Minutes of August 21, 2014. Mr. Richko seconded it.

Member Dougherty was present at 4:09pm.

All members present voted to approve the Executive Minutes of August 21, 2014. The minutes were APPROVED 8-0, with two abstentions by Chairman Rilee and Member Tjank.

CHAIRMAN'S REPORT

There was no Chairman's report.

ACTING EXECUTIVE DIRECTOR'S REPORT

Fenimore Landfill Update

Ms. Nordstrom reported as part of her Acting Executive Director's report an update on the Fenimore Landfill. As of September 4th, 23,000 cubic yards of the total 75,000 cubic yards of clean fill has been brought to the site. The NJDEP expects that 45,000 cubic yards of the 75,000 cubic yards will be brought onto the site by the end of the month. As of Monday, September 15th the first layer of the multi-layered cap started to be place and next Monday the impermeable liner of the cap will be put in place.

Ms. Nordstrom also reported that the RMP web portal opened on September 15th and as of this morning Council received 11 comments from non-distinct sources.

Ms. Nordstrom then announced that in Plan Conformance Petition Approvals, Boonton Township (Morris County) is deemed administratively completed on September 4th and Council staff hopes to have their Petition before Council early 2015. Tuesday night, Chester Borough adopted their petition ordinance and we hope to see them as well. In Plan Conformance Implementation, Vernon Township (Sussex County) adopted their Highlands Land Use Ordinance, Zoning Map Amendments; and the Highlands Exemption Ordinance and Exemption Designees were approved and certified.

As a consultant update, Ms. Nordstrom announced that Courtenay D. Mercer, PP, AICP is the Principal of Mercer Planning Associates (Mercer), which is currently a named consultant on three Highlands Council contracts: 1) the Municipal Fiscal Analysis of Potential Municipal Transfer of Development Rights ("TDR") Receiving Zones; 2) the Highlands Regional Master Plan Monitoring Program Recommendation Report (MPRR), and 3) RMP Fiscal Impact Assessment.

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Recently, Ms. Mercer has also become the New Jersey Director of the Regional Plan Association (RPA), in addition to maintaining her role at Mercer. This change results in minor adjustments to named consultants on two of these contracts: with regard to the MPRR work, Mercer will no longer be a named subcontractor, and on the RMP Fiscal Impact Assessment, the subcontractor will now be RPA, instead of Mercer. Ms. Nordstrom noted that the individuals doing the work have not changed; only organization names have changed.

As a personnel update, Ms. Nordstrom welcomed Jocelyn Bishop as full-time GIS Specialist. Ms. Bishop's start date was September 8th.

COMMITTEE REPORTS

Highlands Development Credit (HDC) Bank Committee

Chairman Rilee announced that the HDC Bank Committee name has been changed to Landowner Equity and Land Preservation Committee since it has taken on more responsibilities.

Member Walton reported out that the Committee discussed the following topics at their last meeting (September 4th):

- PSE&G mitigation funds – the agreement regarding the use of funds for the powerline has been reviewed, and it is clear that those funds may be used for open space acquisitions anywhere in the Highlands, and not just for properties adjacent to the powerline.
- Open space purchasing program - In mid-November, Council will receive for their review a draft open space program documents with the hopes that at the December meeting Council will approve of this program.
- Landowner compensation – There are three vehicles for landowner compensation:
 - HDC Bank Board and TDR credits – using the current program with a new format and not based on hardship but the value of the land. Council made a policy choice to offer \$16,000/per acre. Council will have to make a policy choice to change this amount for future acquisitions.
 - Sell as open space, in conjunction with land preservation entities, and possible matching funds from the Council.
 - Straight up compensation for affect on land. The Council has no current way to do this. The Committee is seeking a way to make whole affected property owners who were promised compensation based on a promise that was made 10 years ago from the legislature. The Committee is looking into the impact of a possible water fee to provide direct compensation.

Council Comments

Ms. Carluccio asked for clarification on the use of the PSEG funds referenced in the report provided by Mr. Walton. Mr. Walton further clarified the discussion, and asked that Ms. Nordstrom

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or Mr. Davis further address the issues. Mr. Davis explained the language of the agreement, and there was further discussion on the matter. Ms. Carluccio asked for a written legal opinion. The Chairman described his understanding of the agreement. Mr. Davis then noted that the program will come before the Council for approval, and that by simply noting these issues in the minutes is not authority to spend the funds. There was some further discussion on the issue between and among the Council Members.

Regional Master Plan Update Committee

Member Alstede reported that an RMP Update Committee was held yesterday and noted that the committee continues to address elements that will enable Council to carry out the Regional Master Plan update. Member Alstede reported that this process has three components: 1) Web Portal to collect all public input and data to consider; 2) the Monitoring Program to measure certain elements to identify; and 3) Fiscal Impact Assessment. Member Alstede introduced Courtenay Mercer and Rob Freudenberg of RPA, and Steve Gunnells of PlaceWorks.

Ms. Mercer gave an overview of her background and the Regional Master Plan Monitoring Program process coordinating with PlaceWorks on the Fiscal Impact Assessment.

Mr. Gunnells gave an overview of his background and the Fiscal Impact Assessment process starting with an economic analysis, demographic data, home sales data in the Highlands region, assessing data and individual parcels in the region, and a look at municipal data and see what the situation was prior to the Act in 2004, prior to the RMP in 2008, and where we are today in the preservation and planning areas compared to the rest of the State and adjacent states (Pennsylvania and New York). There will be a final report and a municipal fact book to understand what the impacts are with each municipality.

Council Discussion

Member Richko was concerned that water protection was not mentioned in the fiscal analysis. Mr. Gunnells responded that it will be addressed.

Member Carluccio asked if Mr. Gunnells is experienced in the cost and benefits for environmental resources and how that assessment will be done.

Mr. Gunnells responded that based on the scope of work and the RFP, that the primary focus is the economy and fiscal analysis of the municipalities but an account for the value of the resource that has been preserved will be considered.

Member Alstede added that the Act dictates the science and what is the cost/impact on this region because of the science. The whole basis for the fiscal analysis is what it is costing us to protect the resources in the region.

Mr. Gunnells added that we do want to address in our report the value of the resource that has been preserved, but a cost/benefit analysis with respect to the Highlands regulations is not going to be performed, as that was not called for in the Council's request for proposals on this matter.

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Member Alstede turned the meeting over to staff member Corey Piasecki. Mr. Piasecki gave a presentation related to the Public Participation and Outreach Approach for the RMP Monitoring Program. This presentation may be reviewed on the Council's website at the following address:

http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/sept18/sept2014_rmp_monitoring_outreach_preso.pdf

Council Comments

Ms. Carluccio had questions regarding the timing of when the portal closes and when Technical Advisory Committees (TACs) are held and the input from those meetings gets incorporated in the reports. Mr. Piasecki responded that the second set of TACs will review proposed milestones, recommendations, and fact check, with a broad range of experts, the work that has been undertaken up to that time.

There was continued discussion on the process of the targeted stakeholder and TACs and including the public where necessary.

Chairman Rilee opened the meeting to public comments.

Public Comment

George Stafford, New Jersey Highlands Coalition and lives in Wharton, NJ – Mr. Stafford suggested that the real estate market has changed and suggested that the change be factored into the fiscal impact analysis.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich expressed her concern about the Regional Master Plan changing.

Dave Peifer, Association of New Jersey Environmental Commissions – Mr. Peifer has requested his organization be added to the stakeholder list. He also stated that the casinos being proposed in Orange County, NY are in the headwater area for the Ramapo River which is under stress.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp commented on property values and taxes affected by the Act. Mr. Klumpp would like to be considered a stakeholder. Mr. Klumpp submitted his comments for the record.

Deborah Post, property owner in Chester Township – Ms. Post commented on the Council's HDC process. Ms. Post submitted her comments for the record.

Joady Anderson, owns 74 acres in Lebanon Township – Ms. Anderson commented on Lebanon Township's planning area of 6 acres and also indicated there are many people who are not familiar with the Highlands Act. Ms. Anderson submitted her comments for the record.

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David Shope, owns property in Lebanon Township, NJ – Mr. Shope would like us to include raw land values in the fiscal impact analysis and spoke about nitrate dilution models, and TDRs.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented on the importance of the Ramapo River Watershed. Ms. Frey submitted her comments regarding the Sterling Forest Casino Development.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers requested that the Council submit comments regarding the proposed casinos in Orange County, NY.

Council Discussion

Member Holtaway suggested that Council authorize staff to submit a comment related to the proposed casino site in Orange County, NY. Member Richko supported a motion or resolution which states Council opposes a casino close to the Ramapo River. No formal motion was made and/or seconded.

There was further Council discussion related to this matter and suggestions by several Council Members to either respond on their own, individually, or to authorize or direct the acting executive director to submit comments on this matter based on its consistency or lack of consistency with the Council's Regional Master Plan, notwithstanding that the project is outside of the state, and outside of the Council's jurisdiction. Chairman Rilee responded that he will work with Ms. Nordstrom on Council's suggestions.

Mr. Richko made a motion to adjourn the meeting. Mr. Visioli seconded it. The meeting was adjourned at 6:25pm.

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: 10/17/14

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

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**Vote on the Approval of
These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	✓	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	✓
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____