

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF DECEMBER 3, 2015

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT

TIMOTHY P. DOUGHERTY)
MICHAEL TFANK)

CALL TO ORDER 143RD meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:03pm.

ROLL CALL

Roll call was taken. Council Members Dougherty and Tfank were absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John A. Maher, Chris Danis, Kim Ball Kaiser, Corey Piasecki, Maryjude Haddock-Weiler, Herbert August, Ranji Persaud, Carole Ann Diction, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

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 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 17, 2015

Chairman Rilee asked for a motion on the Minutes of September 17, 2015.

Mr. Francis introduced a motion to approve the Minutes of September 17, 2015. Mr. Richko seconded it.

A roll call vote was taken. The Minutes of September 17, 2015 were APPROVED 10-0, with two abstentions by Members Holtaway and James.

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**APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF
SEPTEMBER 17, 2015**

Chairman Rilee asked for a motion on the Executive Session Minutes of September 17, 2015.

Mr. Francis introduced a motion to approve the Executive Session Minutes of September 17, 2015. Mr. Vobden seconded it.

A roll call vote was taken. The Executive Session Minutes of September 17, 2015 were APPROVED 10-0, with two abstentions by Members Holtaway and James.

CHAIRMAN'S REPORT

Chairman Rilee welcomed Chief Counsel John Maher to his first Council meeting and wished him good luck. Chairman Rilee also commented that due to the change with COAH an Affordable Housing Committee is being formed. Chairman Rilee appointed Members Walton, James, Visioli and himself to the committee. Member Carluccio expressed an interest to serve on this committee.

EXECUTIVE DIRECTOR'S REPORT

Plan Conformance update: Ms. Nordstrom announced that in Plan Conformance Implementation: Mount Arlington Borough, Morris County adopted its Checklist Ordinance and Exemption Determination Authorization; and Clinton Township, Hunterdon County adopted its Planning Area Petition Ordinance.

HDC Allocations:

Ms. Nordstrom reported that two HDC determinations were made:

- Allamuchy Township – 21.25 HDCs
- Clinton Township – 86.25 HDCs

Municipal Issued Exemptions:

Preservation Area

- Ringwood Borough, Passaic County: Exemption 4 – 1 issued; Exemption 2 – 1 issued.
- Califon Borough, Hunterdon County: Exemption 5 – 1 issued.
- Washington Township, Warren County: Exemption 5 – 1 issued.
- West Milford Township, Passaic County: Exemption 5 – 39 issued.
- Chester Township, Morris County: Exemption 4 – 1 issued.

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Regional Planner Position

Ms. Nordstrom reported that the interview process for the Regional Planner position will begin on December 7th. We received 25 resumes and will interview six candidates. We hope to have make an announcement to Council at the next meeting.

Ms. Nordstrom also reported that the Technical Advisory Committee (TAC) meetings have begun and thanked members who attended thus far. Ms. Nordstrom also reported that Public Outreach meetings have been scheduled for:

February 4, 2016	Frelinghuysen Arboretum (Note: HDC Bank Meeting @ 4pm at HC office)
February 9, 2016	Warren County – location TBD
February 11, 2016	Passaic County Community College – Wanaque location

These meetings will be scheduled from 7:00pm-9:00pm and all members are welcome to attend.

Open Space Rule

Ms. Nordstrom gave an update on the Open Space Rule.

COUNCIL MEMBER REPORTS

Member Carluccio commented on a meeting that was held between Highlands staff, some Council members, and Department of Environmental Protection (DEP) representatives regarding regulatory changes that could affect Highlands Water Protection and Planning Act Rules pertaining to septic density. Member Carluccio is opposed to closed-door meetings and feels the Council should not allow this to continue.

Chairman Rilee responded that the meeting did not happen in the manner suggested by Member Carluccio. Chairman Rilee stated that DEP representatives met with Council staff and some Council members as a courtesy, as they had done with environmental groups and others as well. Chairman Rilee concluded that as of now, DEP representatives hope to meet with the full Council in January.

Budget & Finance Committee

Resolution - Approval Of The Highlands Council FY2016 General Operating Budget

Committee Chair Holtaway reported that the Budget & Finance Committee met on September 10, 2015. Committee Chair Holtaway then gave an overview report of the FY2016 General Operating Budget.

Chairman Rilee asked for a motion on the resolution.

Mr. Vohden made a motion on the Resolution. Mr. Francis seconded it.

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Council Comment

Member Richko commented that there has been no salary increases for Highlands staff in eight years. Member Richko feels this is unfair and Council should keep this in mind.

Public Comment

Deborah Post, property owner in Chester Township – Ms. Post spoke in opposition of the operating budget, and in her opinion, every penny of this budget should go to landowner compensation.

David Shope, Lebanon Township, NJ – Mr. Shope spoke in opposition of the operating budget.

All members present voted on the Resolution. The Resolution was APPROVED 11-1.

Resolution - Approval Of The FY2016 Highlands Protection Fund Capital Budget

Member Holtaway gave an overview report of the FY2016 Highlands Protection Fund Capital Budget.

Committee Chair Holtaway reported that the Budget & Finance Committee met on September 10, 2015. Committee Chair Holtaway then gave an overview report of the FY2016 Highlands Protection Fund Capital Budget.

Chairman Rilee asked for a motion on the resolution.

Mr. James made a motion on the Resolution. Mr. Francis seconded it.

Public Comment

David Shope, Lebanon Township, NJ – Mr. Shope spoke in opposition of the capital budget.

All members present voted on the Resolution. The Resolution was APPROVED 11-1.

Resolution - Approval Of Contract To Review And Comment On Fiscal Impact Assessment Of The Highlands Water Protection And Planning Act And Associated Regional Master Plan Deliverables Prepared By PlaceWorks, LLC

Committee Chair Holtaway reported that the Budget & Finance Committee met on November 5, 2015. Committee Chair Holtaway then gave an overview of a peer evaluation of the Fiscal Impact Assessment (FIA) report.

Chairman Rilee asked for a motion on the resolution.

Mr. James made a motion on the Resolution. Mr. Walton seconded it.

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Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp proposed that Council have a complete review of the Highlands Act.

Helen Heinrich, NJ Farm Bureau – Ms. Heinrich asked if Council has a time limit and who will work on this analysis.

Committee Chair Holtaway responded that the proposal was specific as to who from Bloustein Rutgers will be working on this review and there is a timeline that aligns with the PlaceWorks FIA timeline.

Deborah Post, property owner in Chester Township – Ms. Post spoke in opposition to hiring Bloustein School of Planning and Public Policy, Rutgers University for a peer evaluation of the FIA.

Chairman Rilee responded that this process is to give an independent review of the FIA.

George Stafford, Wharton, NJ – Mr. Stafford asked Council what the rationale is behind this process.

Chairman Rilee responded that Council is trying to make sure that all documents are accurate to the best of our ability and to get the best product to Council.

David Shope, Lebanon Township, NJ – Mr. Shope spoke in opposition of this resolution and the process.

Council Comment

Vice Chair Alstede commented that this peer review is designed to review the process, not the results of the process.

Members Francis, Carluccio, Holtaway, and Dressler expressed their comments on this resolution.

Chief Counsel Maher gave a legal justification and conclusion as to why using a sole source contract for this peer review is appropriate.

All members present voted on the Resolution. The Resolution was APPROVED 10-2.

Other Business

Resolution - Approval Of The FY2016 Annual Meeting Schedule

Chairman Rilee asked for a motion on the resolution.

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Mr. Richko made a motion on the Resolution. Mr. Walton seconded it.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp proposed that Council increase the comment time to four minutes, instead of three minutes. Chairman Rilee responded that he will consider it.

All members present voted on the Resolution. The Resolution was APPROVED 12-0.

Resolution - Authority For Plan Conformance And Highlands Project Review

Chairman Rilee asked for a motion on the resolution.

Mr. James made a motion on the Resolution. Mr. Walton seconded it.

Public Comment

David Shope, Lebanon Township, NJ –Mr. Shope spoke in opposition to fees charged for Highlands exemptions.

Deborah Post, property owner in Chester Township – Ms. Post reiterated Mr. Shope's comment that landowners should not incur more fees.

Ms. Nordstrom commented that Highlands Council does not charge fees for anything.

Council Comment

Member Carluccio commented that she does not support this resolution and has not in the past. Ms. Carluccio feels Council entrusts too much to our Executive Director. Council should be responsible for some things, in particular #4 on page 2 of the resolution.

All members present voted on the Resolution. The Resolution was APPROVED 11-1.

RMP Update Committee

Vice-Chair and Committee Chair Alstede commented that the committee has met several times over the past few months. TAC meetings have begun and the second phase of the FIA will be presented to Council and the public today.

Member Carluccio commented on the committee minutes in regards to the FIA presentation.

Chairman Rilee responded that it is a working document.

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Steve Gunnells of PlaceWorks presented to the Council the second phase of the FIA: Real Estate and Demographic Analysis. This presentation may be found on Council's website at the link below:

www.nj.gov/njhighlands/about/calend/2015_meetings/dec_3/real_estate_and_demographic_eval_preso_20151203.pdf

Members James and Alstede left the meeting temporality at 5:00pm.

Member James returned at 5:01pm.

Member Alstede returned at 5:02pm.

At this time there was some Council discussion.

Member James stated it is premature to draw any conclusions at this time.

Chairman Rilee concurred and thanked Mr. Gunnells for his presentation.

Member James left the meeting at 5:46pm.

Chairman Rilee opened the meeting to the general public comments.

Public Comment

George Stafford, Wharton, NJ – Mr. Stafford commented that the presentation seemed to indicate that nothing has happened in the Highlands region since 2005, but the Act.

Ken Collins, Andover, NJ - Mr. Collins asked what the status is regarding the Fenimore meetings and the result of the water test.

Member Dressler responded that Highlands Council staff received no responses from residents to a request for verified data and therefore no meeting with them was scheduled. A meeting to wrap up outstanding issues will be scheduled between DEP, Highlands Council committee and staff, Raritan Headwaters, and Roxbury representatives in January.

Deborah Post, property owner in Chester Township – Ms. Post commented on NJDEP's process in preparing revised Highlands septic density regulations based on revisited nitrate dilution data.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp inquired if Chief Counsel Maher looked into Pat Moffitt's analysis on nitrates.

David Shope, Lebanon Township, NJ – Mr. Shope commented that the presentation nowhere considers the effect of prior zoning (downzoning).

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Member Holtaway made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 6:01pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 1/21/16

Name: Annette Tagliarini
Annette Tagliarini, Executive Assistant

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				✓		