

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 16, 2013

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTEDE)	VICE CHAIRMAN
TRACY CARLUCCIO)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY)	
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
MICHAEL TFANK)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT

JAMES VISIOLI)

CALL TO ORDER 122ND meeting of the New Jersey Highlands Water Protection and Planning Council to order at 5:04pm.

ROLL CALL

Roll call was taken. Council Members Carluccio, Dougherty, Dressler, Richko, and Visioli were absent. All other members were present. *The following staff members were present: Gene Feyl, Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Kaiser, Chris Ross, Nathan McLean, Carole Diction, Sabina Martine and Tom Tagliareni. Also present were Lewin Weyl, Deputy Attorney General; Nicole Crifo, Senior Counsel and Peter Simon, Assistant Counsel of the Governor's Authority Unit.*

Ms. Carluccio was present at 5:05pm.

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.

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APPROVAL OF MINUTES OF MARCH 21, 2013

Mr. Walton introduced a motion to approve the minutes. Mr. Vobden seconded it.

Ms. Carluccio requested two edits to the draft Minutes of March 21, 2013, page 10, paragraph 4 from the bottom; and page 11 paragraph 4 from the bottom. Ms. Carluccio also had an edit to the Executive Session Minutes of March 21, 2013, page 2, paragraph 3. Council members approved all edits.

All members present voted to approve the Minutes and Executive Session Minutes of March 21, 2013. The minutes were APPROVED 10-0.

CHAIRMAN'S REPORT

Chairman Rilee welcomed Andy Davis as the Council's Chief Counsel and wished him all the best. Chairman Rilee also provided a report about the NJDEP and Highlands Council MOU regarding delegation of authority for exemption determinations to conforming municipalities. The Highlands Council and NJDEP recently held a series of four work sessions for municipal officials to begin the training process required for municipal certifications. The sessions were informative and attended by 91 professionals representing 38 municipalities. Chairman Rilee also reported that after the Highlands Development Credit Bank's last round of funding, there was a necessity to change the process and criteria of the Bank so the Bank has formed two committees, the Acquisition Criteria Committee and Procedures Committee. Chairman Rilee plans to reach out to council members to join these committees representing the Council.

COUNCIL MEMBER REPORTS

Member Walton added that there were some issues with regard to the Bank's criteria especially with regard to LLCs, so the Bank needs to address how it chooses properties and how it receives applications.

Mr. Francis reported that he attended the delegation training and urged all council members to attend.

Mr. Dougherty was present at 5:15pm.

COMMITTEE REPORTS

No Committee Reports

EXECUTIVE DIRECTOR'S REPORT

Mr. Feyl gave his Executive Director's report aided by a PowerPoint presentation.

Mr. Dressler was present at 5:20pm.

Mr. Feyl then introduced Chris Danis, Director of Planning and Science and Judy Thornton, Principal Planner. Ms. Thornton gave a presentation on Plan Conformance. Both presentations may be found on the Council's website at:

<http://www.highlands.state.nj.us/njhighlands/about/calend/#may16>

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This ended the Executive Director's report.

There was no Council comment.

Resolution – Petition for Plan Conformance for Roxbury Township, Morris County

Chairman Rilee recused himself as a resident of Roxbury Township, he turned over the proceedings to Vice Chairman Alstede, and Mr. Rilee left the meeting room. Vice Chairman Alstede then announced the resolution and asked for a motion.

Mr. James made a motion on the Resolution for Roxbury Township's Petition for Plan Conformance. Mr. Francis seconded it.

Mr. Alstede asked the Highlands staff for their presentation on the Roxbury Plan Conformation Petition. Mr. Feyl introduced Chris Ross, Highlands Staff Liaison for Roxbury Township, Chris Danis and Judy Thornton. Ms. Ross acknowledged Russell Stern, Roxbury Township Planner who was present at the meeting. Ms. Ross then gave a presentation to Council on the Petition. The presentation may be found on the Council's website:

http://www.highlands.state.nj.us/njhighlands/about/calend/2013_meetings/may16/PPT_May16_RoxburyPetition.pdf

Council Comment

There was a discussion between and among the Council Members concerning the use of the checklist process in connection with the Petition of Roxbury, particularly with respect to the protection of resources in the Preservation Area. The staff indicated that the use of the checklist ordinance has been consistent since its inception that the process has not changed, and that there are no standards that are waived with the use of the process. There was continued discussion with respect to the use of this process for Preservation Area conformance applications.

Mr. Alstede then opened the meeting to the public for comments on the Petition.

Public Comment

Russell Stern, Roxbury Township Planner – Mr. Stern commented that he is attending the meeting today as an observer, and reiterated that the Township adopted their resolution in 2009 to conform in the Preservation Area only, and that the Petition before the Council today applied only to the Preservation Area in the Township.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers expressed concerns with respect to the Petition.

Patrick Moffitt, Peapack, New Jersey – Mr. Moffitt made comments concerning a water supply plan, and the use of Highlands waters by the eastern urban towns in New Jersey.

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Vice Chairman Alstede reminded the public that the comments at this point should concern only the Petition before the Council at this time, and indicated the general public comment section will follow later in the proceedings.

Mr. Richko was present at 6:01pm.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey expressed concerns with respect to the Petition.

David Shope, owns property in Lebanon Township – Mr. Shope questioned whether Roxbury Township’s Wastewater Management Plan has been developed.

Mr. Feyl responded that Roxbury’s Township’s Wastewater Management Plan has not been developed.

Jerry Kern, property owner in Pohatcong Township – Mr. Kern expressed concerns regarding paperwork and public comment periods.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer complimented the Highlands staff, but also expressed concerns with respect to the Petition.

Hank Klumpp, owns 150 acres in the Highlands Preservation Area – Mr. Klumpp indicated he believed that all comments made this evening were from people who live outside of the Township of Roxbury.

Council Discussion

The Council Members continued a discussion regarding the policy concerning the use of a checklist ordinance.

A motion was made by Mr. Walton to table the resolution for Roxbury Township’s Petition for Plan Conformance. The motion was seconded by Mr. Holtaway. A roll call vote was taken. The resolution was REJECTED 5-7.

A motion was made by Mr. Walton to end the discussion on Roxbury Township’s Petition for Plan Conformance. The motion was seconded by Mr. Vohden. A roll call vote was taken. The resolution was APPROVED 9-3.

All members present voted on the resolution for Roxbury Township’s Petition for Plan Conformance. A roll call was taken. The resolution was REJECTED 4-7 (with one abstention).

A motion was made by Mr. Walton to amend the resolution of Roxbury Township’s Petition for Plan Conformance to indicate that the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed the policy regarding the use of Checklist Ordinance. The motion was seconded by Mr. James.

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There was continued Council comment on amending the Resolution on the floor concerning Roxbury Township's resolution, and Vice Chairman Alstede indicated that the modification of the Resolution on the floor would be to include a statement that the Highlands Council, after approving the existing Petition for Roxbury, as follows: "the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions."

All members present voted on the amended resolution. A roll call vote was taken. The resolution was APPROVED 9-2 (with one abstention).

A break was taken at 6:48pm.

Chairman Rilee returned to the room and the meeting was continued.

Resolution – Approval of a Transfer of Development Rights Receiving Zone Feasibility Grant to City of Passaic

Chairman Rilee introduced the Resolution. Mr. James recused himself as Passaic County Freeholder Director, and he left the meeting room.

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

Chairman Rilee opened the meeting for public comment.

Public Comment

David Shope, owns property in Lebanon Township – Mr. Shope commented that until Council removes hardship restrictions and until Council finds money to fund the TDR Program he is against this resolution.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer supports this resolution and continues to support TDR grants.

Jerry Kern, property owner in Pohatcong Township – Mr. Kern agrees with Mr. Shope's comments and is against this resolution.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich supports this resolution and appreciates Council's efforts.

All members present voted on the resolution. A roll call was taken. The resolution was APPROVED 12-0.

Chairman Rilee opened the meeting for public comment.

Public Comment

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Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on Council's Wastewater Management presentations to the public and that it would be fantastic to have these presentations at Council meetings. Ms. Somers commented on the RFP and asked when the natural resource protection ordinances will be introduced. Ms. Somers added that Council should put together economic data similar to the Pinelands report which shows that regional planning works. Ms. Somers asked Council for the Tennessee Gas Pipeline report. Lastly, Ms. Somers distributed a pamphlet concerning takings law.

Patrick Moffitt, Peapack, New Jersey – Mr. Moffitt commented that he has submitted many requests to see a certain report and asked Council to provide the report.

Jerry Kern, property owner in Pohatcong Township – Mr. Kern suggested Council form a committee to address landowner compensation.

Hank Klumpp, owns 150 acres in the Highlands Preservation Area – Mr. Klumpp commented on property equity issues.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich stated that there will now be two representatives from the New Jersey Farm Bureau, including Mr. Ed Wengryn. Ms. Heinrich suggested that Council take public comments before actions on agenda items.

Ed Wengryn, New Jersey Farm Bureau – Mr. Wengryn gave his professional background to Council.

David Shope, owns property in Lebanon Township – Mr. Shope commented on water rate issues and property equity issues.

Mr. James made a motion to adjourn the meeting. Mr. Holtaway seconded it. The meeting was adjourned at 7:17pm.

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: 6/24/13

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 Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	✓
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____