

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 17, 2013

PRESENT

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

ABSENT

TIMOTHY P. DOUGHERTY)

CALL TO ORDER 126TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 5:02pm.

ROLL CALL

Roll call was taken. Council Member Dougherty was absent. All other members were present. *The following staff members were present: Gene Feyl, Margaret Nordstrom, Andrew Davis, Kim Kaiser, Chris Danis, James Humphries, Herbert August, Ranji Persaud, Carole Dicton, and Tom Tagliareni. Also present was Peter Simon, Assistant Counsel of the Governor's Authorities Unit.*

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 MINUTES OF SEPTEMBER 19, 2013

Mr. Holtaway introduced a motion to approve the minutes. Mr. Vohden seconded it.

All members present voted to approve the Minutes of September 19, 2013. The minutes were APPROVED 11-0, with two abstentions.

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CHAIRMAN'S REPORT

There was no Chairman's Report

COUNCIL MEMBER REPORTS

There were no Council Member reports.

COMMITTEE REPORTS

Budget & Finance Committee

Chairman Rilee announced the Resolution.

Resolution – Approval of Highlands Council FY2014 General Operating Budget

Mr. Holtaway reported that the FY2014 operating budget is level from FY2013 and state appropriation remains the same as last year.

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

Public Comment

Hank Klumpp, owns 150 acres in the Highlands Preservation Area – Mr. Klumpp asked what the total budget is. Mr. Feyl responded that the total budget is \$2,570,318.99.

There were no Council comments.

A roll call vote was taken. The resolution was APPROVED 12-1.

Chairman Rilee announced the Resolution.

Resolution – Approval of the FY2014 Highlands Protection Fund Capital Budget

Mr. Holtaway reported that the FY2014 Capital Budget is an anticipation budget for planning grants to municipalities and counties including COAH and TDR grants. Mr. Holtaway added that all dollar amounts are for budgeting purposes only. Awards still have to be reviewed and approved by full Council.

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

Public Comment

Hank Klumpp, owns 150 acres in the Highlands Preservation Area – Mr. Klumpp commented that there are no grants for the farmers. Mr. Holtaway responded that these are planning grants.

There were no Council comments.

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A roll call vote was taken. The resolution was APPROVED 12-1.

Chairman Rilee announced the Resolution.

Resolution – Approval Of A Transfer Of Development Rights Receiving Zone Feasibility Grant to Township of Vernon

Mr. Vohden asked if he needs to recuse himself as a Sussex County Freeholder and Planning Board Member. Chief Counsel Davis saw no reason for Member Vohden to recuse himself.

Mr. Holtaway reported that Council promised to take on TDRs for landowners and he indicated that Vernon Township would like to do a study to see what potential receiving areas they have in the municipality . Budget and Finance Committee recommends that this grant be approved.

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

Mr. Feyl introduced Jessica Caldwell, Vernon Township Planner.

Public Comment

Jessica Caldwell, Vernon Township Planner – Ms. Caldwell commented that she is representing the Mayor and Council of Vernon Township to express their gratitude to the Highlands Council for this opportunity to work on the Transfer Development Rights Program. Ms. Caldwell further stated that the Township is excited about this opportunity because they highly believe in landowner compensation in the Highlands and know without receiving areas Council cannot compensate landowners.

Chairman Rilee looks forward to municipalities like Vernon Township to assist Council's outreach program to compensate landowners as Council has limited resources.

Monique Purcell, Department of Agriculture – Ms. Purcell asked if this TDR Grant is a new grant. Mr. Feyl responded that it is a new grant.

David Shope, owns property in Lebanon Township – Mr. Shope commented regarding the valuation of TDRs and asked that the public be able to use a table for placement of papers.

Council Comment

Ms. Carluccio spoke against this TDR grant and indicated that she did not believe Vernon Township was an appropriate area for receiving areas.

Mr. Feyl responded indicating that areas in Vernon may be appropriate and noted that the study would address this issue

Mr. Holtaway noted that Council will know early in a study if a municipality is suitable for TDRs and expressed the opinion that the awarding of this grant is an acceptable risk.

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Mr. Vohden stated that Council should go forward with this program to help landowners.

Mr. James noted that he appreciates what Highlands staff has been doing to support landowners and does not want to discourage municipalities who want to participate in the TDR program.

Mr. Francis agrees with home rule and suggested that Council needs to work with municipalities.

Chairman Rilee added that Council needs to encourage municipalities and find alternate means for landowner compensation.

A roll call vote was taken. The resolution was APPROVED 12-1.

Chairman Rilee announced the Resolution.

Resolution – Approval Of Contract For Development Of Municipal Fiscal Analysis Of Potential Municipal Transfer Of Development Rights (TDR) Receiving Areas Pursuant To The Highlands TDR Program, Highlands Center Designations, And Highlands Redevelopment Area Designations

Mr. Holtaway reported that this resolution creates an opportunity for municipalities to have a simpler entry into TDR and discussed his understanding of the award having two components: one to assist municipalities and another to assist Highlands Council staff.

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

Public Comment

David Shope, owns property in Lebanon Township – Mr. Shope spoke in opposition to this resolution.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich spoke in favor of the Resolution.

Mr. Francis temporarily left the meeting at 5:28pm.

Hank Klumpp, owns 150 acres in the Highlands Preservation Area – Mr. Klumpp spoke in opposition to the resolution and suggested this type of work had already been performed.

Ms. Nordstrom noted that this type of study has not been done before. This is something that the current Administration staff has been talking about; doing a fiscal analysis for the towns that are interested in hosting TDR receiving areas so the municipality understands what that means for their tax base and finances. This is a step that will finally take towns to the position where they feel comfortable with receiving areas. Ms. Nordstrom reiterated that this is brand new and has not been done before.

Mr. Francis returned to the meeting at 5:31pm.

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Council Comment

Mr. Francis asked what deliverables would look like for the three different areas; TDR Program, Highlands Centers, and Highlands Redevelopment Designations.

Mr. Holtaway responded that it is a master contract whereby the municipality selects pre-qualified consultants to do the work not yet defined in detail. Town can hire any of these three consultants. Council gives the town a grant and a scope of work.

Mr. Feyl added that the basis of this is to put the control of the choice of consultant to the hands of the town. Mr. Francis concluded it is an investigative report for further work. Mr. Feyl concurred.

A roll call vote was taken. The resolution was APPROVED 13-0.

EXECUTIVE DIRECTOR'S REPORT

Mr. Feyl gave his Executive Director's report to update the Council on the past month's activities. Under Mr. Feyl's delegated authority Resolution 2013-25, there were seven action items under Plan Conformance: Bloomsbury Borough – adoption of Checklist Ordinance; High Bridge Borough – adoption of Revised Land Use Ordinance, and Exemption Determination Authorization Certification Issued; and Lopatcong Borough – adoption of Master Plan Reexamination Report, Checklist Ordinance, Highlands ERI, and Master Plan Highlands Element. Under the TDR Program – Highlands Development Credit Allocation, there were three allocation approvals: Roxbury Township, Washington Township (Morris), and Ringwood Township.

Highlands Council staff continues to reach out to counties, municipalities and government entities to encourage regional planning and the establishment of Transfer of Development Rights Receiving Zones. Since last month's meeting, staff attended 16 meetings, and received 26 constituent calls in September.

Chairman Rilee announced the resolution.

Resolution – Approval of 2014 Annual Meeting Schedule

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

There were no Public comments.

Council Comment

Mr. Walton asked to change the meeting from 5:00pm to 4:00pm. Mr. Richko was in favor of a time change to 4:00pm.

There was discussion amongst members regarding the time.

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Mr. James made a motion to amend the resolution to change the time to 4:00pm. Mr. Vobden seconded the amendment.

A roll call vote was taken on the amended resolution. The resolution was APPROVED 11-2.

Chairman Rilee opened the meeting for public comments.

Public Comment

Monique Purcell, Department of Agriculture – Ms. Purcell asked for clarification on the TDR grant. Mr. Feyl responded to the inquiry.

Mr. Walton left the meeting at 5:45pm.

Hank Klumpp, owns 150 acres in the Highlands Preservation Area – Mr. Klumpp asked how many towns have submitted TDR grants. Chairman Rilee responded that Highlands staff will provide a list at the next meeting. Mr. Klumpp also asked about the dual appraisal and compensation for landowners and awaits a response. Chairman Rilee responded that he would get back to him on the dual appraisal.

David Shope, owns property in Lebanon Township, NJ - Mr. Shope commented on the fact that Washington Township (Warren) opted out of the Planning Area and there was no mention of that in the Executive Director's report. Mr. Shope also asked what the number will be on the assessed value, what is the additional density to builders and will the scope of work include a value for a TDR credit. Lastly, Mr. Shope asked Council their thoughts are on the forestry report discussed at a previous meeting.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented on Ms. Purcell's question regarding Vernon Township's feasibility grant. Ms. Frey asked for some clarification on these grants and said it would be helpful to have more background information in advance of the meeting.

Chairman Rilee responded that Highlands staff will put something together to explain this grant and post it.

George Stafford, Wharton, NJ – Mr. Stafford commented on the real estate values of Highlands' municipalities since the passage of the Act in 2004. Mr. Stafford submitted a report to Council for the record which showed an abstract of ratables from the seven counties in the Highlands from 2006-2012.

Mr. Francis made a motion to adjourn the meeting. Mr. Holtaway seconded it. The meeting was adjourned at 5:59pm.

CERTIFICATION

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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: 1/17/14

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote on the Approval of
This Resolution**

	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			✓			