NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF APRIL 16, 2015

PRESENT

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

ABSENT
ROBERT HOLTAWAY
BRUCE JAMES
MICHAEL SEBETICH

CALL TO ORDER 139th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:01pm.

ROLL CALL
Roll call was taken. Council Members Dougherty, Dressler, Holtaway, James and Sebetich were absent. All other Council Members were present. The following staff members were present: Margaret Nordstrom, Chris Danis, Kim Ball Kaiser, James Humphries, Corey Piascik, Carole Ann Dicton, and Tom Tagliareni. Also present was Tyler Yingling, 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. 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 MARCH 19, 2015

Chairman Rilee asked for a motion on the Minutes of March 19, 2015.

Mr. Francis introduced a motion to approve the Minutes of March 19, 2015. Mr. Richko seconded it.
All members present voted on the Minutes of March 19, 2015. Since a quorum is 8 affirmative votes, the minutes did not pass 7-0, with two abstentions.

APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF MARCH 19, 2015

Chairman Rilee asked for a motion on the Executive Session Minutes of March 19, 2015.

Mr. Francis introduced a motion to approve the Executive Session Minutes of March 19, 2015. Mr. Richko seconded it.

All members present voted on the Executive Session Minutes of March 19, 2015. Since a quorum is 8 affirmative votes, the Executive Session minutes did not pass 6-0, with three abstentions.

CHAIRMAN’S REPORT

There was no Chairman’s report.

COUNCIL MEMBER REPORTS

There were no Council Member reports.

EXECUTIVE DIRECTOR’S REPORT

Plan Conformance update: Ms. Nordstrom announced that Council will consider Boonton Township’s Petition for Plan Conformance today. Also, Wharton Borough (Morris County) adopted its Master Plan Reexamination Report and Resolutions.

Ms. Nordstrom also announced that Highlands Council staff will be offering two training sessions in support of Plan Conformance implementation. Council members are invited to attend these training sessions:

• April 23: Highlands Stormwater Management Mobile Application Training
• April 29: Highlands Municipal Exemption Determination Certification Training

Municipal Issued Exemptions: Califon Borough issued one Exemption 5.

HDC Credit allocation & purchase update: The following HDC allocations were received: Rockaway Township, Morris Township – 15.38 acres residential.

COMMITTEE REPORTS

Personnel Committee

Chairman Rilee reported that a Personnel Committee meeting was held on April 9, 2015 to review the Chief Counsel’s job description. The committee agreed with the verbiage of the job description.
The Chief Council job posting will go up on Monday, April 20, 2015, on both the Highlands Council website and the state site.

**Audit Committee**

Committee Chair Walton reported that an Audit Committee meeting was held on April 13, 2015 and the audit report was reviewed and is without incident or issue. This is the last fiscal year for this auditor (FY2015) and then Council will have an opportunity to go out to bid for an auditor and committee recommends that a new auditor be selected.

**Resolution – Acceptance of Audit Report**

*Mr. Walton made a motion on the Resolution. Mr. Visioli seconded it.*

*All members present voted on the Resolution. The Resolution was APPROVED 9-0.*

**Plan Conformance Committee**

Member Richko reported that a Plan Conformance Committee meeting was held on March 26, 2015. The committee discussed the draft procedures for Highlands Redevelopment Area Designations, moving towns through the Plan Conformance process, and the upcoming training sessions mentioned in the Executive Director’s report. Member Richko highlighted the Implementation tracking sheet members received in their packets to note that six towns have adopted the Land Use Ordinance and nine towns have adopted the Checklist Ordinance, total of fifteen towns who have reached this important milestone in the Plan Conformance process. Member Richko added that the sheet is very informative and a good resource to have and urges the members to view it. Member Richko expressed concern about the towns that have approved petitions but have not completed any implementation tasks for which they have been funded. Mr. Richko requested that Ms. Nordstrom keep the Council up to date on the grant status.

**Resolution – Approval of the Petition for Plan Conformance for the Township of Boonton, Morris County**

*Mr. Richko made a motion on the Resolution. Mr. Visioli seconded it.*

Council Staff Member Corey Piasecki gave a presentation on Boonton Township’s Petition for Plan Conformance. The presentation may be found on Highlands Council website at the link below:

[http://www.nj.gov/njhighlands/about/calend/2015_meetings/apr_16/boonton_twp_ppt.pdf](http://www.nj.gov/njhighlands/about/calend/2015_meetings/apr_16/boonton_twp_ppt.pdf)

**Council Comment**

Member Carluccio commented that this is a great accomplishment, but is disappointed that Boonton Township has not opted for the Planning Area. Member Carluccio cannot support this resolution due to the $15,000 funding for a Highlands Redevelopment Area Planning grant.
Chairman Rilee opened the meeting for public comment on this resolution.

**Public Comment**

There were no public comments.

*All members present voted on the Resolution. The Resolution was APPROVED 8-1.*

Member Richko emphasized that there is no redevelopment plan now.

Chairman Rilee noted that redevelopment is not new development.

**RMP Update Committee**

Vice-Chair and Committee Chair Alstede provided the following report:

**Monitoring Program Recommendation Report (MPRR)**

**Technical Advisory Committees:**

Highlands Council staff continues to work to coordinate the ten Technical Advisory Committees (TACs) and all associated materials that are needed in order to make these productive meetings. The first TAC meetings will be convened to review draft indicators for completeness, relevancy, accuracy, and accurate data. Committee Chair Alstede noted that Council is still accepting resumes for the TACs. Highlands Council staff is currently working with our consultants to develop those draft indicators incorporating public and Council Member input. Development of a comprehensive set of draft indicators is taking longer than we originally anticipated for a few reasons: first, we extended the comment period as a result of requests from members of the public. In addition, we are taking extra time to ensure a comprehensive review of technical reports and public comments in the context of potential indicators. This means that our timeline for convening the Technical Advisory Committees will be pushed to early fall so as to avoid scheduling these meetings during the heart of the summer vacation season. We have asked that Council staff prepare an amended timeline inclusive of this change to demonstrate the progress we have achieved thus far and our anticipated efforts going forward. The TAC Briefing Book has been included in Member’s packets. This Briefing Book, similar to the one given to Stakeholder groups, includes descriptions of the ten TAC topic areas but does not include the indicators and analysis that the TACs will need to complete their task.

**Public Comment Web Portal**

The public comment web portal will close on April 30th and will conclude the first public comment period of the Regional Master Plan Update. Once the portal closes Highlands Council staff will complete a thorough review of the comments and prepare responses to those comments. The next comment period on the Monitoring Program will open after the Council has reviewed and released the draft MPRR and Fiscal Impact Assessment for public comment. Additionally, three public
outreach workshops focused on the MPRR will be held in the fall after the first meeting of the TACs.

Fiscal Impact Assessment (FIA)

Regional Economic Evaluation:

We have received the full Regional Economic Evaluation Report from Place Works, our Fiscal Impact Assessment consultant. This report has been reviewed by Highlands Council staff and the committee and is included in Member’s packets. Committee Chair Alstede emphasized that this report is still considered draft and confidential at this time. The report will be made available to the public following the completion of the remaining components of the FIA.

Mr. Piasecki then gave an overview of the timeline moving forward for the MPRR. Committee Chair Alstede asked how many months have been added to the process. Mr. Piasecki responded 3-4 months have been added to the timeline.

Resolution – Authority for Highlands Plan Conformance and Highlands Project Review

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

Public Comment

David Shope, owns property in Lebanon Township – Mr. Shope asked if Council is happy with the way this process is going and asked why Council is doing it this way. Chairman Rilee responded that it is a six-month process to accommodate certain members and the process is working great.

Council Comment

Member Carluccio commented that the Executive Director is doing a good job, but Council should look at consistency determinations for federal, State, and regional entities, as well as review exemption determinations. For those reasons, Member Carluccio does not support this resolution.

All members present voted on the Resolution. The Resolution was APPROVED 8-1.

Resolution – Election of Vice-Chair

Member Walton nominated Member Alstede as Vice-Chair for the Highlands Council.

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

All members present voted on the Resolution. The Resolution was APPROVED 8-1.
Resolution – Election of Treasurer

Member Alstede re-elected Bob Holtaway as Treasurer for the Highlands Council.

*Mr. Alstede made a motion on the Resolution. Mr. Visioli seconded it.*

*All members present voted on the Resolution. The Resolution was APPROVED 9-0.*

Resolution – Approval of the Assignments of the City of Paterson’s Highlands Transfer of Development Rights Receiving Zone Feasibility Grant to the County of Passaic

Ms. Nordstrom reported that the City of Patterson by resolution authorized to transfer its TDR Receiving Zone Feasibility Study to the County of Passaic to administer the grant. The County of Passaic by resolution accepted the TDR Receiving Zone Feasibility Study from the City of Paterson. Ms. Nordstrom added that the TDR study is related to the Madison Avenue Commuter Rail Corridor Study, a project that is a Passaic County initiative, the Passaic/Bergen Passenger Rail Service Restoration.

*Mr. Francis made a motion on the Resolution. Mr. Tjank seconded it.*

Council Comment

There were no Council Comments.

Public Comment

**Hank Klumpp, owns property in the Highlands Preservation Area** – Mr. Klumpp commented on the sewer issues in the City of Patterson and asked how Council can justify more growth unless the issues are fixed.

Chairman Rilee noted that funds were voted on last year. These funds are being transferred and are not additional funds.

**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford asked why the County of Passaic would handle this funding better than the City of Patterson. Ms. Nordstrom responded that it ties into other work the County of Passaic is doing in the City of Patterson.

**David Shope, owns property in Lebanon Township** – Mr. Shope commented that the City of Patterson has a bad sewer system so why would anyone move there. Mr. Shope objects to this resolution. Mr. Shope submitted his comments for the record.

**David Peifer, Association of New Jersey Environmental Commission** – Mr. Peifer supports the County of Passaic handling this grant as they have a functioning planning department and can carefully review the wastewater component in Patterson sewer service area.
All members present voted on the Resolution. The Resolution was APPROVED 9-0.

**Executive Session**

Chairman Rilee announced that Council would enter into an executive session. Chairman Rilee asked DAG Kelly to read into the record the resolution. Mr. Kelly read the following resolution into the record:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Council is of the opinion that those circumstances presently exist; and

WHEREAS, the Council is seeking legal advice concerning a contractual matter, for which advice from counsel subject to the attorney-client privilege is required;

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of March 19, 2015, for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

Chairman Rilee requested a motion to enter into closed session.

*Mr. Walton made a motion and Mr. Richko seconded it. All members were in favor.*

Public portion of the meeting was temporarily dismissed at 4:40pm.

[EXECUTIVE SESSION]

Chairman Rilee resumed the New Jersey Highlands Water Protection and Planning Council meeting at 5:07pm.

*Member Dougherty was present.*

At this time, Chairman Rilee announced that Council will re-vote on the Minutes and Executive Session Minutes of March 19, 2015.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES AND EXECUTIVE SESSION MINUTES OF MARCH 19, 2015**

Chairman Rilee asked for a motion on the Minutes and Executive Session Minutes of March 19, 2015.

*Mr. Francis introduced a motion to approve the Minutes and Executive Session Minutes of March 19, 2015. Mr. Richko seconded it.*

All members present voted on the Minutes and Executive Session Minutes of March 19, 2015. The minutes were APPROVED 10-0.

Chairman Rilee opened the meeting to public comments.
Public Comment

Hank Klumpp, owns 150 property in the Highlands Preservation Area – Mr. Klumpp commented on his property in the Preservation Area and stated that it is his opinion that there is no scientific study to justify his property’s location in the Preservation Area and no compensation for property owners. Mr. Klumpp would like the Chairman to consider four minutes for public comments. Mr. Klumpp submitted his comments for the record.

Member Dressler was present at 5:12pm.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented on the minutes of the Plan Conformance and RMP Update Committee meetings and asked that they be made available to the public sooner. Ms. Frey also made comments on the tracking sheet given to the council members and the public receiving the Executive Director’s report after a meeting.

Ken Dolsky, Parsippany – Mr. Dolsky spoke in opposition to the proposed Pilgrim Pipeline. Mr. Dolsky submitted his comments for the record.

George Stafford, New Jersey Highlands Coalition – Mr. Stafford provided an update to Council regarding the efforts of the Collation to gain support for the Highlands Act and Regional Master Plan. Mr. Stafford commented that over the past couple of years he has attended meetings of almost 200 towns, counties, and environmental commissions, in communities that receive water from the Highlands, asking them to pass a resolution endorsing the goals of the 2004 Highlands Act and Regional Master Plan. Mr. Stafford added that approximately 80 communities, counties, and environmental commissions have passed this resolution, which represents approximately 4 million people who receive Highlands water. Mr. Stafford will submit these comments as part of the RMP Update review.

David Shope, owns property in Lebanon Township – Mr. Shope commented on Boonton Township’s resolution, in particular some of the “whereas” clauses. Mr. Shope also commented on a summary of water quality conditions at 21 NJDEP/USGS sites sampled in the Raritan River basin from 1991-97. This summary was submitted for the record.

Teri Bukoski, Wanaque, NJ – Ms. Bukoski asked about how a property owner would apply for the Landowner Equity and Land Preservation program. Chairman Rilee directed Ms. Bukoski to call or visit the office to speak with Highlands Council staff.

At this time, Chairman Rilee recused himself and Vice Chair Alstede opened the meeting at 5:26pm for public comments on Fenimore.

Public Comment – Fenimore

Bob Schultz, REACT – Mr. Schultz thanked Council for creating the Fenimore Water Quality Committee. At the last meeting, Mr. Schultz noted that members of his group had asked that Member Carluccio be added to this committee. Mr. Schultz submitted a petition supporting
Member Carluccio’s addition on the committee. Mr. Schultz also agrees with four minutes for public comment.

**Bob Mederos, Ledgewood, NJ** – Mr. Mederos recommended that Council add Member Carluccio on the committee. Mr. Mederos also commented that the committee needs to get the most qualified water analysis.

**Kathy Panetta, Dover, NJ** – Ms. Panetta asked who will be doing the water testing for the committee. Member Dressler responded that the committee will review testing from all parties. Vice-Chair Alstede requested that Ms. Panetta speak to Member Dressler after the meeting.

**Brenda Isherwood, Succasunna, NJ** - Ms. Isherwood asked why Member Carluccio is not on the committee. Ms. Isherwood also asked if the public would be advised when water testing is conducted by the committee.

**David Peifer, Association of New Jersey Environmental Commission** – Mr. Peifer emphasized to Council that NJDEP is looking at standards in their testing. Mr. Peifer added that the committee should not rely on NJDEP’s standards. The committee should request additional testing from Raritan Headwaters Association, which is biological data.

**Carl Panetta, Dover, NJ** – Mr. Panetta asked if the Council made Fenimore landfill into a brownfield. Mr. Panetta emphatically asked why Member Carluccio is not on the committee. Mr. Panetta stated that he was going to refuse to yield the floor and would not step down and let other members of the public speak after expiration of his three minutes.

Member Vohden commented that this public period is for comments and Council is not obligated to answer questions.

**Marion Emery, Ledgewood, NJ** – Ms. Emery urged Council to put Member Carluccio on the committee.

*Public comment on Fenimore ended at 5:48pm.*

*Chairman Rilee returned to the meeting and opened the meeting to public comment.*

**Public Comment - continued**

**Randall I. Charles, Kinnelon, NJ** – Mr. Charles spoke in opposition to turf fields in the Highlands region and exemption #6 in the Highlands Act. Mr. Charles submitted a jar of tire-crumb rubber and comments for the record.

**Jack Glaser, Kinnelon, NJ** – Mr. Glaser spoke in opposition to turf fields, outlining environmental and health issues for children.

**Council Comment**
Member Richko commented that he is not a fan of the NJDEP and welcomes Member Carluccio on the committee and asked Vice-Chair Alstede to reconsider.

Member Dougherty would like Highlands Council staff to research tire crumb rubber turf materials.

Member Dougherty made a motion to support Member Carluccio on the Fenimore water committee. Member Richko said he would second the motion but added that it is the Chairs prerogative. Vice-Chair Alstede responded that it is his prerogative and will not consider.

Vice-Chair Alstede explained the reasons why he did not appoint Member Carluccio to the committee.

Member Carluccio supports Ms. Frey’s comments regarding minutes. Member Carluccio believes all committee meetings should be open to the public.

Member Francis encouraged everyone to attend the Sussex County Day on May 3, 2015.

Mr. Richko made a motion to adjourn the meeting. Mr. Alstede seconded it. 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: 6/18/15
Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant
### Vote on the Approval of The Minutes

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