

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

PRESENT

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

TELECONFERENCE

MICHAEL TFANK)

ABSENT

RICHARD VOHDEN)

CALL TO ORDER 137th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:01pm.

ROLL CALL

Roll call was taken. Council Members Alstede and Vohden were absent. Council Member Tfank was present via teleconference. All other Council 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, Keri Benscoter, Chris Ross, Carole Ann Diction, and Tom Tagliareni. Also present was Tyler Yingling, Assistant Counsel, 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.

Member Alstede was present at 4:02.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 4, 2014

Chairman Rilee asked for a motion on the Minutes of December 4, 2014.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

Mr. James introduced a motion to approve the Minutes of December 4, 2014. Mr. Walton seconded it.

All members present voted to approve the Minutes of December 4, 2014. The minutes were APPROVED 11-0, with one abstention by Member Holtaway.

CHAIRMAN'S REPORT

Chairman Rilee had no report.

COUNCIL MEMBER REPORTS

There were no Council Member reports.

EXECUTIVE DIRECTOR'S REPORT

Ms. Nordstrom gave the Executive Director's report, and announced that in Plan Conformance Council will consider Franklin Township's Checklist Ordinance approach today, and Mahwah Township requests to have their Petition amended which Council will also consider today. In Plan Conformance Implementation Alexandria Township, Hunterdon County adopted their Master Plan Reexamination Report and Resolution, Checklist Ordinance, Checklist Approach Ordinance, Highlands Environmental Resource Inventory, and Master Plan Highland Element, which were all deemed consistent. Alexandria Township also adopted their Municipal Exemption Determination Resolution and Authorization and certificate was issued. Wharton Borough, Morris County adopted Planning Area Petition Ordinance; Byram Township, Sussex adopted Master Plan Highlands Element; and Washington Township, Morris County adopted Municipal Exemption Determination Authorization.

Ms. Nordstrom also reported under HDC Bank Purchase that the last closing of the fifth round of the Initial Purchase Program (IPP) took place on December 19, 2014. This was the final closing of the IPP. Also, on January 2, 2015, the first closing took place where a Highlands Transfer of Development Rights Deed of Easement was placed on property. Property is located in Hunterdon County and had been allocated 5.25 HDCs.

Fenimore Landfill Update

Ms. Nordstrom reported that, per information received from DEP, the geothermal liner is in place and a second oxidizer is being installed. Ms. Nordstrom noted that news has slowed down greatly so she does not expect to report regularly unless something happens.

Lastly, Ms. Nordstrom announced that Council's next meeting is scheduled for March 19, 2015, as Council's February meeting is cancelled.

COMMITTEE REPORTS

Plan Conformance Committee

Resolution – Minutes of the Plan Conformance Committee

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

Ms. Nordstrom mentioned that a Checklist Ordinance approach for Franklin Township (Warren County) was presented to Council at the December 4, 2014 meeting. Ms. Nordstrom gave a brief report and PowerPoint presentation on Franklin Township's checklist ordinance approach.

Public Comment

There was no Public Comment.

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

Council Comment

Member Carluccio commented on her opposition regarding a Checklist Ordinance approach for Franklin Township, Warren County suggesting that this review should be done at the municipal level.

All members present voted to approve the resolution. The resolution was APPROVED 11-1.

Resolution – Amended Petition for Plan Conformance Mahwah Township, Bergen County

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

Ms. Nordstrom acknowledged Brian Campion, Mahwah Township's Business Administrator, who was present at the meeting.

Staff member Maryjude Haddock-Weiler gave a presentation to Council on Mahwah Township's amended Petition. The presentation may be found on the Council's website:

http://www.highlands.state.nj.us/njhighlands/about/calend/2015_meetings/jan_22/HighlandsCouncilMeeting_Jan_Mahwah_preso.pdf

Council Comment

Member Dressler complimented Mr. Campion as Mahwah Township's Business Administrator. Member Dressler would be happy to vote yes to enhance the area.

Public Comment

Deborah Post, property owner in Chester Township – Ms. Post spoke in opposition of Mahwah Township's amended Petition.

Member Dougherty was present at 4:25pm.

Brian Campion, Business Administrator for Mahwah Township – Mr. Campion commented that half of Mahwah Township is in the Preservation Area and 98% of it is already preserved (prior to the Act in some cases).

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey asked what the boundary of the centers. Ms. Haddock-Weiler showed Ms. Frey the boundaries on the PowerPoint slide.

Member Dressler added that Route 17 is the most travelled road in Bergen County.

David Shope, owns property in Lebanon Township – Mr. Shope spoke in opposition to Mahwah Township's amended Petition. Mr. Shope asked what funding was given to Mahwah Township for Plan Conformance.

Erica Van Auken, New Jersey Highlands Coalition – Ms. Van Auken spoke in favor of Mahwah Township's amended petition.

Helen Heinrich, New Jersey Farm Bureau (NJFB) – Ms. Heinrich urged Council to get Mahwah interested in TDRs.

Jerry Kern, property owner in Pohatcong Township – Ms. Kern had a question on the golf course because it was not included, but Ramapo College was. Ms. Haddock-Weiler responded that the golf course is a county golf course and Mahwah Township is doing what is best for their town.

Council Comment

Member Carluccio questioned Mahwah Township's Wastewater Management Plan (WMP), what is completed, will there be a change/increase in the water and sewer service area? Business Administrator Campion responded that the WMP for the town centers are serviced by existing regional water and regional sewer authorities and there is no extension to those utilities or plans at this time for the centers. Ms. Danis, Director of Planning and Science, commented that the WMP includes a capacity analysis. Northwest Bergen Utilities Authority are looking to take more customers, but no increase in water allocation is being asked for at this time.

Member Carluccio also had concerns regarding the Land Use Capability Maps and how the municipality will make sure the critical lands will be protected. Ms. Haddock-Weiler responded that the resources and zoning continue to exist.

There was continued discussion regarding Mahwah Township's amended Petition and resolution.

Members Visioli and Walton supported Mahwah Township's amended Petition.

All members present voted to approve the resolution. The resolution was APPROVED 12-1.

Land Owner Equity and Land Preservation Committee

Chairman Rilee reported that for some time now this Council has been focused on finding opportunities to do what it can to address Landowner Equity. The Highlands Act recognized that its implementation would have an impact on property owners in the Region and required Council to create the TDR program. Through some initial funding for that program, we've been able to provide

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

\$9 million to property owners in the Region and preserve nearly 600 acres, but now we are ready for the next phase.

Chairman Rilee noted that in early 2014, this Council established a subcommittee named the Landowner Equity & Land Preservation Committee – and working in concert with staff, have come up with a very thoughtful and comprehensive program that includes a new HDC Bank purchase component, and for the first time, an Open Space Preservation component. Funding will be allocated to both components, based on prioritization variables that are spelled out in the program. Initially the program will be funded through \$18 million made available to the Council as a result of the PSE&G mitigation agreement, but the program has been structured so that it will be able to continue regardless of the funding stream. So, once Council has the program in place, the committee can then focus more on finding those funding sources.

Staff and Council Member and Committee Chairman Walton will outline the program, but what is important to note is that this program represents an innovative solution that allows the Council to address the requirements of the Act regarding both equity and preservation on its own, and without requiring any further action by the legislature. Chairman Rilee thanked the Committee and staff for their work on this and looks forward to hearing more. Chairman Rilee emphasized that what Council is discussing tonight is the initiation of a formal rulemaking process that will include a public comment period and a subsequent assessment and evaluation of all comments received, before a formal adoption of this program as a rule, which we anticipate will occur later in the year.

Council Member and Committee Chair Walton explained the program. The program:

- Addresses preservation and landowner equity goals of Highlands Act and RMP
- Two primary components:
 - Open Space Matching Grant Program
 - Highlands Development Credit (HDC) Purchase Program
- Highlands Council will review Open Space Grants, HDC Bank will review HDC purchases
- Initial funding provided from Susquehanna Roseland Project mitigation fund

Member Dressler commented that this is by no means the end all. The committee is still working on other ways to compensate landowners. This is a great first step.

Chief Counsel Davis then gave an overview of the administrative rulemaking process, and noted it is the first time Council will be promulgating a rule under the Administrative Procedure Act.

Mr. Davis stated that the resolution Council will consider today will authorize the Executive Director to start the process to:

- take the Land Owner Equity and Land Preservation program document that exists now and convert the program into a rule;
- the Rule will then be sent to Office of Administrative Law and published in a New Jersey Register. This is when the public is invited to make comments for a sixty (60) day period;
- Council will hold a public hearing, likely at a future Council meeting. This public hearing will be noticed;
- Council Staff will gather the comments received and prepare a comment response document; and

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

- the Final rule will come back to Council for a vote to adopt and publish the rule.

Due to timetables under the APA, Chief Counsel Davis added that the timeframe is approximately six (6) months before it becomes a final rule in New Jersey Register. Chief Counsel noted that applications will not be accepted/reviewed at this time. Highland staff will only work on Outreach to counties and municipalities on the program.

Resolution – Authorization To Promulgate Rules In connection With A Landowner Equity & Land Preservation Program

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

Public Comment

Deborah Post, property owner in Chester Township – Ms. Post commented on her request to see the program prior to today’s Council meeting, and the process of this resolution. Ms. Post submitted her comments for the record.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp asked what the process is for an individual to apply to this program. Member and Committee Chair Walton responded that individuals will need to go to their municipality or county, then the municipality or county comes back to Council staff.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer complimented Council on their announcement tonight and discovering rulemaking with the APA. Mr. Peifer looks forward to commenting on the program. Mr. Peifer urged Council to consider in the outreach the financial benefits for landowners.

Ms. Nordstrom noted that the program will be available on the table after the meeting as well posted to Council’s website after tonight’s meeting:

http://www.highlands.state.nj.us/njhighlands/about/calend/2015_meetings/jan_22/Land_Owner_Equity_Land_Preservation_Program_Final_Draft%20rev%2016_15_POSTED.pdf

George Stafford, Wharton, NJ – Mr. Stafford commented that Council has a great idea to satisfy a need, but not enough funding.

Helen Heinrich, New Jersey Farm Bureau (NJFB) – Ms. Heinrich thanked Council for the effort and looks forward to the details of the program. Ms. Heinrich supports the municipalities and counties in this effort

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey congratulated Council on the program. Ms. Frey urged Council to keep in mind the mission of the RMP during this process. Ms. Frey also commented that there is a federal funding source through Land and Water Conservation Fund. Ms. Frey urged Council to contact Congressman Tom MacArthur.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

Bill Kibler, Raritan Headwaters Association – Mr. Kibler commented that anytime Mr. Klumpp wants to preserve his farm to contact him.

Charles Urban, Tewksbury Township – Mr. Urban asked what the timeframes are on this program. Committee Chair Walton responded that the rulemaking process will take approximately six (6) months so after that time funding may be distributed to counties and municipalities.

Chief Counsel Davis added that one of the benefits of the rulemaking process is to make adjustments to the program. Copies of the program will be available on the table after the meeting.

David Shope, owns property in Lebanon Township – Mr. Shope commented on the deed of easement and it should be changed. Mr. Shope added that compensation was never intended so Council has a tough job. Mr. Shope was pessimistic about the program.

Council Comment

Member Holtaway commented that as a mayor he is optimistic about private donations. Member Francis also commented on his optimism of the program. Member Dressler commented that Council is not responsible for what has happened to property owners and Council is working hard on this process.

Member Carluccio commented on the mitigation funds and that those funds are to repair what has been lost due to the mitigation and Council needs to be mindful of this.

Member Richko commented that Council should send a letter to Congressman MacArthur.

All members present voted to approve the resolution. The resolution was APPROVED 13-0.

RMP Update Committee

Member and Committee Chair Alstede reported that the Stakeholder portion of the public participation and outreach component of the Regional Master Plan Monitoring Program has been completed. Together with our consultants we have held 13 targeted Stakeholder Meetings including meetings with County and Municipal officials, and we have just last week completed three Stakeholder Outreach Workshops.

Summaries for each of the targeted stakeholder meetings are in Council Members' packets and will be available to the public on our website shortly after this meeting. Committee Chair Alstede noted that there are also some copies available on the table outside the meeting room.

Staff has begun working to coordinate the ten Technical Advisory Committees (TACs). TACs will be non-voting, non-policy making committees coordinated to provide advice to the Council and its consultants on their various areas of expertise. There will be a total of two meetings for each of the 10 TACs for a total of 20 meetings. The first meetings will be to review draft indicators and findings while the second meeting will be to establish milestones and monitoring activities for the coming ten year period. To ensure that each TAC consists of technical experts we have asked that

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

for anyone to be considered part of a TAC they submit a resume. We anticipate that the Technical Advisory Committee meetings will be held in mid-Spring.

Our Fiscal Impact Assessment consultant has been busy with the first component of the analysis, a Regional Economic Evaluation. We anticipate that Steve Gunnells from PlaceWorks will be here at our March Council meeting to present his initial findings on population and economic dynamics.

The committee will meet again on February 11th and March 11th.

Member Dougherty left the meeting temporarily at 5:39pm.

Chairman Rilee opened the meeting for general public comments.

Public Comment

Bill Kibler, Raritan Headwaters Association – Mr. Kibler gave a presentation on water quality in proximity to the Fenimore site and various brooks which Raritan Headwaters has monitored for the last three years.. Mr. Kibler submitted his presentation for the record.

Member Dougherty returned to the meeting at 5:46pm.

Vice Chair Alstede took over this portion of the meeting relating to public comments on the Fenimore landfill.

Chairman Rilee left the Chairman's seat at 5:46pm.

Vice Chairman Alstede reported that Council will take public comments on Fenimore at this time.

Public Commented – Fenimore

Gordon Ashworth, Roxbury Township – Mr. Ashworth spoke in opposition to the Fenimore landfill and stated that the quality of the air and water was not good..

Member Richko left the meeting temporarily at 5:49pm.

Ms. Paris (phonetic) – Roxbury Township – Ms. Paris commented that she was so proud when Council was formed. Ms. Paris commented that Council should be an advocate on behalf of the citizens to protect the land, water, and air.

Member Visioli left the meeting at 5:54pm.

Brenda Parr, Ledgewood, NJ – Ms. Parr read an excerpt from Nature's Trust. Ms. Parr asked Council to be an advocate for the environment.

Member Richko returned to the meeting 5:57pm.

Kathy Panetta, Ledgewood, NJ – Ms. Panetta commented on an analysis on ground water and leachate with regard to the former Fenimore landfill. Ms. Panetta submitted the analysis for the record.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

Member James left the meeting temporarily at 5:59pm.

Carl Panetta, Ledgewood, NJ – Mr. Panetta spoke of a resolution to rescind Council's redevelopment designation of the Fenimore landfill.

Member James returned to the meeting at 6:02pm.

Bob Schultz, Randolph, NJ – Mr. Schultz spoke about the continued issues from the Fenimore landfill and urged Council to rescind the redevelopment designation.

Chairman Rilee opened the meeting for general public comments.

General Public Comment

Jerry Kern, property owner in Pohatcong Township – Mr. Kern thanked Council for their efforts to compensate landowners.

Member Alstede left the meeting temporarily at 6:07pm.

Susan Dodd Meachams, Holland Township – Ms. Meachams spoke in opposition to the PennEast proposed pipeline. Ms. Meachams submitted her comments for the record.

Member Alstede returned to the meeting at 6:11pm

Nancy Wilson, Holland Township – Ms. Wilson spoke in opposition to the PennEast proposed pipeline. Ms. Wilson submitted her comments for the record.

Chairman Rilee stated that Council needs to remain neutral at this time regarding the PennEast proposed pipeline until a formal application is submitted to the Council for review and preparation of a Consistency Determination

Beverly A. Budz, Vernon Township – Ms. Budz spoke in opposition to pipelines and the damage they cause to the environment.

Jerome Wagner, Wayne – Mr. Wagner continued Ms. Budz's comments in opposition to pipeline projects, in particular Pilgrim pipeline. Ms. Budz submitted her comments for the record.

Member Dressler asked Chief Counsel to check Ms. Budz's comments against the contract with Tennessee Gas regarding the mitigation on the properties involved.

Member Dressler left the meeting at 6:26pm.

Diane Wexler, Vernon Township – Ms. Wexler spoke in opposition to pipelines and proposed Pilgrim pipeline. Ms. Wexler submitted her comments for the record along with a newspaper articles.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

Alice Orrichio, Milford, NJ – Ms. Orrichio spoke in opposition to PennEast’s proposed pipeline. Ms. Orrichio submitted her comments for the record.

Deborah Post, property owner in Chester Township – Ms. Post commented on the status of the Monitoring Program. Ms. Post submitted her comments for the record.

Carol Tistan, Kingwood Township, NJ – Ms. Tistan commented in opposition to the PennEast proposed pipeline, in particular a letter sent to FERC. Ms. Tistan submitted for the record her comments and Professor Onstott’s letter to FERC.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer commented on the Pilgrim pipeline and the need to get a good detail set of maps. Mr. Peifer urged Council to require the specifications for maps when an application is submitted.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp commented on his property value due to the Highlands Act. Mr. Klumpp submitted his comments for the record.

Member Dougherty left the meeting at 6:50pm.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented on the comments received regarding the PennEast proposed pipelines. Ms. Frey urged Council to pay attention to these pipelines.

Ms. Nordstrom reported that Highlands staff is involved and are participating in pipeline discussions.

Andy Drysdale, Chester Township – Mr. Drysdale commented on DEP’s septic density standards which he commented on several years ago. Mr. Drysdale submitted his comments and his letter of November 3, 2005 for the record.

Wendy Willever, owns 43 acres in Pohatcong Township, NJ – Ms. Willever commented on her property in the Preservation Area and the restrictions to develop the property. Ms. Willever submitted her comments for the record.

Charles Urban, Tewksbury Township, NJ – Mr. Urban urged Council to relook at the municipalities that opted into the program who were not on the original Highlands map.

Brendan Keating, Chatham Township, NJ – Mr. Keating spoke in opposition to the Pilgrim Pipeline. Mr. Keating submitted his comments for the record.

David Shope, owns property in Lebanon Township – Mr. Shope commented on various topics to include: Taking Lebanon Township out of the Highlands, New Jersey’s philosophy on pollution, pipelines, New Jersey Water Supply Authority rate review process, and a suggestion made by Ms. Post years ago to take a portion of building permits for landowner compensation.

Mr. Holtaway made a motion to adjourn the meeting. Mr. James seconded it. The meeting was adjourned at 7:09pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 22, 2015

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: 3/20/15

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote on the Approval of
The 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			✓			