

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 19, 2017

PRESENT

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

VIA-TELECONFERENCE

MICHAEL TFANK)

CALL TO ORDER 150TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

ROLL CALL

Roll call was taken. Member Tfank was present via tele-conference. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Diction, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

Member Tfank left the meeting temporarily (via teleconference) at 4:03pm.

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 DECEMBER 1, 2016

Chairman Rilee asked for a motion on the Minutes of December 1, 2016.

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Member Holtaway made a motion to approve the Minutes of December 1, 2016. Member Richko seconded it.

A roll call vote was taken. The Minutes of December 1, 2016 were APPROVED 13-0.

CHAIRMAN'S REPORT

As part of the Chairman's report the Council considered the election of officers.

Member Tfank returned to the meeting (via teleconference) at 4:04pm.

Resolution – Election of Vice Chair

Member Walton made a motion to nominate Member Alstede as Vice-Chair of the Council. Member Holtaway seconded the motion.

All members present voted on the Resolution. The Resolution was APPROVED 13-1.

Resolution – Election of Treasurer

Member Tfank left the meeting temporarily (via teleconference) at 4:05pm.

Member Walton made a motion to nominate Member Holtaway as Treasurer of the Council. Member Visioli seconded the motion.

All members present voted on the Resolution. The Resolution was APPROVED 13-0.

Chairman Rilee reported that, effective January 20, 2017, the Fiscal Impact Assessment, the Highlands Regional Factbook, and the Peer Review will be released on the Council's website. Chairman Rilee noted that due to the size of these documents, a fee will be charged for printed copies.

Council Member Reports

Member Richko followed up on his December report regarding the release of revisions/updates to New Jersey Water Supply Master Plan. Member Richko reported that there has been a bi-partisan effort by Senators Bateman and Greenstein to release this information. Member Richko also noted that the recent Supreme Court ruling regarding affordable housing could affect the water supply as affordable housing requirements could rise by 50,000-100,000 units in the next ten years. With Chairman Rilee's agreement, Member Richko will work with Highlands Council staff to draft a resolution urging this information to be released.

Member Walton asked how this ruling will affect Highlands municipalities. There was continued discussion regarding affordable housing and Highlands municipalities.

Member Tfank returned to the meeting (via teleconference) at 4:12pm.

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COMMITTEE REPORT

Regional Master Plan Update

Committee Chair Alstede reported that today Council received the Fiscal Impact Assessment, Peer Review, and Highlands Regional Factbook. Council will also review a proposed procedure for considering proposals to amend the Highlands Regional Master (RMP) Plan. Ms. Nordstrom and Mr. Maher will outline the process.

Ms. Nordstrom then provided an introduction to Chief Counsel, John Maher's presentation. She noted that the Attorney General's office has been a full partner in the development of this procedure. Ms. Nordstrom also noted that in developing the procedure, great emphasis was placed on public participation. The public will have ample opportunity to comment on all draft amendments.

Ms. Nordstrom explained that the resolution before Council today is to accept this proposed procedure as a guidance document that will allow Council to move forward with the current Monitoring Program. Eventually the procedure will have to be formally adopted as an amendment to the RMP.

At this time, Chief Counsel John Maher provided a presentation to Council on a proposed procedure for considering proposals to amend the Highlands RMP. The presentation may be found on Council's website at the following link:

http://www.nj.gov/njhighlands/about/calend/2017_meetings/jan19/meeting_preso_jan19.pdf

Member Tfank left the meeting temporarily (via teleconference) at 4:19pm.

Member Tfank returned to the meeting (via teleconference) at 4:28pm.

Council Comment

Member Walton left the meeting temporarily at 4:31pm.

Member Visioli asked for an explanation regarding a "no action" by the Council. Chief Counsel Maher responded that it could be an affirmative vote to not allow a proposal to proceed, or it could be that any other action fails due to the lack of sufficient votes by Council members to authorize any other action on the proposal.

Member Carluccio asked if the RMP Amendment Committee will be a new committee. Chairman Rilee responded that the RMP Update Committee will be asked to continue their work into this next stage as the RMP Amendment Committee. Ms. Carluccio commented that she would like to serve on the committee and feels new members should be considered. Chairman Rilee responded that her comments were noted. Ms. Carluccio also expressed concerns regarding the six-year update requirement and amendments being brought forward between those years.

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Member Walton returned to the meeting at 4:33pm.

At this time, there were comments and discussions by Council members regarding the draft procedure for considering proposals to amend the Highlands Regional Master Plan relating to the:

- Committee meetings open to the public when Committee takes action on a proposed RMP amendment;
- Public comment period;
- Public participation – Submitting recommendation(s) for amendments to the RMP; and
- Public hearings outside of the Highlands Region.

Resolution – Authorization to Utilize the Draft Procedure For Considering Proposals To Amend The Highlands Regional Master Plan

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

Public Comment

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer commented that public hearings should be held outside the Highlands Region for those who get their drinking water from the Highlands and/or use the Highlands recreationally. Mr. Peifer felt the five items listed on page 3 of the procedure document may be too onerous for a member of the public to complete when making a recommendation.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented that posting a document two days prior to a Council meeting does not give ample time for broad participation. Ms. Frey also commented that public hearings outside the Highlands Region are important. Ms. Frey felt the document was inadequate as far as public participation; 30 days is not enough time to get robust participation.

George Stafford, New Jersey Highlands Coalition – Mr. Stafford commented that Council may want to hold their public hearings outside the Highlands Region. Mr. Stafford then recited the municipalities that he has visited that get their drinking water from the Highlands, suggesting these might be receptive locations for such hearings.

Bill Kibler, Raritan Headwaters Association - Mr. Kibler commented that for the people and businesses who use the Highlands water, at least one of the public hearings should be held outside the Highlands Region. Mr. Kibler also commented that the public comment period should be longer than 30 days.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that people who use Highlands water should be included in this process. Ms. Somers also commented that the public should be included to all committee meetings regarding the RMP update. Ms. Somers would like an explanation of the Science and Research agenda.

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George Cassa, Califon, NJ – Mr. Cassa asked for clarification on RMP Update (already a procedure on-line) and RMP Amendment. Ms. Nordstrom responded that the requests for RMP Updates are factual correction to the RMP or Map Adjustments, whereby a RMP Amendment is a change to the RMP.

Eric Keller, NJ Builders Association – Mr. Keller commented that on behalf of the NJ Builders, there are concerns that this process will further delay what can/will be done in the Highlands. Mr. Keller also commented that the 30-day public comment period is inadequate regarding the five step process noted on page 3.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp asked where the suggestions are regarding “raw land value” that were noted on a white board at a public outreach meeting.

David Shope, Lebanon Township, NJ – Mr. Shope asked Council to define the word “stakeholders.” Mr. Shope also would like to see the North Jersey Water Supply and nitrate reports.

Council Discussion

At this time there was continued discussion by Council members regarding the 30-day public comment period, as well as the two days Council gave the public to review the procedure document.

All members present voted on the Resolution. The Resolution was APPROVED 9-5.

EXECUTIVE DIRECTOR’S (ED) REPORT

Member Dougherty left the meeting temporarily at 5:23pm

Ms. Nordstrom highlighted some of Council staff’s activities.

Plan Conformance Implementation

- Oakland Borough, Bergen County - Master Plan Highlands Element: Deemed consistent 1/9/17.
- Kinnelon Borough, Morris County - Planning Area Petition Ordinance: Municipal Adoption 10/20/16; Deemed consistent 12/21/16

Ms. Nordstrom also reported that Council may see the following Highlands Redevelopment Area Designation application for consideration:

- Bloomsbury Borough, Hunterdon County, Block 32 Lot 1.01
- Applicant, Stem Brothers, is seeking to redevelop the subject property to add a restaurant and accompanying parking. Property currently developed with gas station and convenience store. (70% impervious surface).
- Application received: 12/20/16
- Highlands staff review: pending.

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Member Dougherty returned to the meeting at 5:25pm.

Total Constituent Calls for 2016

Ms. Nordstrom reported that a total of 261 constituent calls were received and responded to by Highlands Council staff. Ms. Nordstrom added that this Constituent Assistance program is still a very valuable program.

Other Business:

Resolution – Authority For Highlands Plan Conformance and Highlands Project Review

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

Public Comment

Chuck Urban – Mr. Urban commented that the public should be able to comment on documents the Executive Director is reviewing.

Member James left the meeting temporarily at 5:26pm.

Council Comment

Member Carluccio commented that she will vote against this resolution due to #5 on page 3 of the resolution regarding Highlands Act exemption determinations, review and issue exemption determinations where direct Council action is recommended by the Executive Director. Ms. Carluccio feels Council should have more involvement.

Member James returned to the meeting at 5:28pm.

All members present voted on the Resolution. The Resolution was APPROVED 10-4.

Council Report

Member Walton gave a timeline regarding the applications for Open Space and Highlands Development Credits. The Highlands Development Credit Bank meeting of February 2nd will be cancelled. The next meeting will be held in the spring. A Landowner Equity & Land Preservation Committee meeting will be held in March to recommend how to allocate the funding available for these programs.

Chairman Rilee opened the meeting to the general public for comments.

Public Comment

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Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on the recent affordable housing ruling by the Courts. Ms. Somers also commented on the Memorandum of Understanding (MOU) between the Highlands Council and Council for Affordable Housing (COAH). Ms. Somers feels the MOU should not be replaced.

Member Tfrank left the meeting at 5:31pm.

Tom Wagner – Mr. Wagner asked if any additional funding was received for the HDC program. Mr. Walton responded that federal grant funding for the HDC program was awarded and the remaining \$9M mitigation funding was still to be allocated between the HDC and Open Space Matching Grant programs. The Landowner Equity and Land Preservation Committee will make a recommendation to the Council to allocate those remaining mitigation funds for both programs.

Sean Gilson, New Jersey Highlands Coalition – Mr. Gilson provided a copy of Mr. Stafford's resolution, which lists the municipalities whose drinking water comes from the Highlands region. This resolution was submitted to Council for the record.

David Shope, Lebanon Township, NJ – Mr. Shope commented on the executive summary of the draft procedure regarding the "ongoing monitoring of identified indicators." Mr. Shope would like to see the indicators and their rankings. Mr. Shope also wants to make sure the economics of farming is included with all other economic businesses when considering the viability.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented on the Courts ruling regarding affordable housing.

Member Holtaway made a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 5:43pm.

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: 2-16-17

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