

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JANUARY 17, 2019

**PRESENT**

CARL J. RICHKO	)	CHAIR
KURT ALSTED	)	VICE CHAIR
TRACY CARLUCCIO	)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY	)	
ROBERT HOLTAWAY	)	
MICHAEL SEBETICH	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	
ROBERT G. WALTON	)	

**VIA TELECONFERENCE**

MICHAEL R. DRESSLER	)
MICHAEL FRANCIS	)
BRUCE JAMES	)

**CALL TO ORDER** 166<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council called to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Member Francis was absent. Members Dressler and James were present via teleconference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, John Maher, James Humphries, Annette Tagliareni, Maryjude Haddock-Weiler, Christine LaRocca, Carole Ann Dicton, Drew Siglin, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit, and Jennifer Moriarty, Deputy Attorney General.*

**OPEN PUBLIC MEETINGS ACT**

Ms. Tagliareni announced that the meeting was 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 7, 2018**

Chair Richko asked for a motion on the Minutes of December 7, 2018.

*Member Holtaway made a motion to approve the Minutes of December 7, 2018. Member Walton seconded it.*

*A roll call vote was taken. The Minutes of December 7, 2018 were APPROVED 11-0.*

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## **CHAIRMAN'S REPORT**

Chairman Richko reported that on December 7, 2018 he attended the Jersey Water Works Conference along with Highlands Council staff. Chairman's Richko's "take away" from the conference is that the infrastructure for water in New Jersey is in pretty bad shape, but it is not just New Jersey, it is all around the country. The federal government has given funding for infrastructure for transportation and energy, but not much for water. Chairman Richko added that Highlands Council staff will continue being part of the Jersey Water Works team.

Secondly, Chairman Richko announced that the Council's February 21, 2019 meeting is cancelled due to lack of agenda items.

## **EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following staff activities:

### **Plan Conformance Update**

#### Outreach Activities

To date, 27 meetings have been held/scheduled. Since the last Council meeting, staff have met with:

- Parsippany-Troy Hills Council Meetings (2)
- West Milford Township
- Mine Hill Township
- Stanhope Borough – scheduled for 1/29/19

#### Petition Status

Parsippany-Troy Hills, Morris County (largest municipality by population)

- At its December 18 meeting, the Parsippany-Troy Hills Township Council unanimously "passed a resolution to revise its master plan and development regulations for Plan Conformance."

Franklin Borough, Sussex County

- At its January 8 meeting, the Franklin Borough Council passed a resolution "to revise its master plan and development regulations for Plan Conformance."

#### Environmental and Economic Sustainability (EES) Grant program

Ms. Plevin reported that the Council has worked to develop an extension of our Plan Conformance grant program, which provides planning grants of up to \$50,000 for projects related to implementation of any area of the Regional Master Plan.

This grant program will allow for municipalities and counties and associated organizations to proactively identify their needs rather than the reverse. The grants will still be supplied to municipalities and counties in the Highlands region for implementation of the RMP, and the same grant contracts and standards as the existing program will be utilized. The primary difference is the grants will be offered through an open application process. Availability will remain for municipalities and counties, but would allow municipal or

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county focused entities to seek grant funding as a “pass-through” grant, similar to how existing grantees use contracted planning and engineering professionals.

An example might be a municipal trails committee that would like to pursue development of trail plans. With the new approach they would be able to seek grant funds through their municipality (which will remain the applicant and grantee) to accomplish a valid municipal goal.

Council staff is in the process of rolling out a complete application package for this program, which was approved by Council in October as part of the FY 2019 budget. As with all our grants, these awards will be reimbursement based and require an approved scope of work before proceeding. There is a copy of the application package in your meeting packets.

The package is also available in the literature rack in the lobby and details are being shared with municipal and county partners, as well as with commissions, subcommittees and non-governmental organizations, who are often involved in helping prioritize Regional Master Plan (RMP)-related projects.

#### Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- Califon Borough, Hunterdon County issued 1 Exemption #5
- Mahwah Township, Bergen County issued 1 Exemption #2 and 1 Exemption #5
- Mount Olive Township, Morris County issued 3 Exemption #4s
- Washington Township, Morris County issued 11 Exemption #5s
- West Milford, Passaic County issued 1 Exemption #5

#### **Project Review Update**

WQMP Amendment Review – Staff completed 2 reviews:

- 1 project in Bloomsbury Borough, Hunterdon County
- 1 project in Riverdale Borough, Morris County

Exemption 9, Preservation Area – Staff is currently reviewing and awaiting additional information from applicant:

- DOT Rt. 23 Bridge Replacement
- Applicant: NJ Department of Transportation
- Proposed project is for the replacement of the Route 23 Bridge over Pequannock River, in the Borough of Kinnelon and Township of West Milford.

#### **Open Space Partnership Funding Program Update**

Ms. Plevin reported that the Landowner Equity & Land Preservation Committee met on January 9, 2019 to discuss applications received in the Open Space Partnership Funding Program and review available funding. Council will receive a full report at this meeting and consider two (2) resolutions regarding Open Space Partnership Funding Program applications.

#### **TDR/HDC Update**

Since the prior report, four HDC allocation applications have been received.

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**RMP Amendment – Procedures for Highlands Redevelopment Area Designation**

Ms. Plevin reported that following Council action at the December meeting authorizing staff to conduct the 5+1 public hearings, Council staff issued a public notice on December 12 announcing the dates, times, and locations of the hearings and opening a public comment period. As of the date of this report, 10 comments were received at four public hearings which were held on:

- January 8 – West Milford Library
- January 14 – NJDEP, Trenton
- January 15 – Clinton Township Municipal Building
- January 15 – Sussex County Technical School

One written comment was rec'd via email and the final hearings are scheduled on:

- January 22 – NJ Highlands Council office (10am-12noon & 4pm-6pm)

Comment period closes on Feb. 11.

**Land and Water Conservation Fund (LWCF) Reauthorization**

Ms. Plevin reported that on January 7, a letter was sent to the New Jersey Congressional Delegation urging them to support legislation that permanently reauthorizes and provides full dedicated funding for the Land and Water Conservation Fund (LWCF), which expired September 30, 2018. The LWCF is the source of funding for a number of environmental initiatives in New Jersey, including the federal Highlands Conservation Act (HCA) grant program. Since 2007, New Jersey has been awarded nearly \$14 million through the HCA for preservation projects in the New Jersey Highlands. The Highlands Council received \$9.5M of this funding and Green Acres received the remainder.

**Landowner Equity & Land Preservation (LELP) Committee**

*Member Francis was present via teleconference at 4:30pm.*

Committee Chair Walton reported that on January 9 the LELP committee met to discuss the status of the Open Space Program. It was noted that fifteen (15) applications were received for the 2018 Open Space Program. Committee Chair Walton reported that the LELP committee recommended that all fifteen be approved. It was noted that of the 15 applications, two (2) applications have not yet met administrative requirements and will be considered at a later date. It was also noted that one (1) of the properties will be considered in a separate resolution as one of our Council members is a board member of the applicant and will recuse himself from voting on that application.

**Resolution – Approval of Applications under the Highlands Open Space Partnership Funding Program**

Chairman Richko asked for a motion on the resolution.

*Member Walton made a motion. Member Visioli seconded it.*

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Council Comment

Vice Chair Alstede asked for a brief description of the properties. Committee Chair Walton referred the Vice Chair Alstede and the entire Council to the chart on pages 2-3 of the memorandum to the Committee dated January 9 located in the Council's packets. Committee Chair Walton noted that 677 acres will be preserved of agricultural and forested lands.

Public Comment

**Deborah Post, Chester Township** – Ms. Post asked how these properties were valued and by what process. Ms. Post also asked how many of these properties are owned by rich people with connections.

Mr. Humphries responded that the project partners do the appraisals and are required to use the dual appraisal process. Ms. Post asked if the appraisals are a matter of public record. Mr. Humphries responded that the appraisals are part of public record.

**David Shope, Lebanon Township, NJ** – Mr. Shope would like all funding to purchase development credits to go to individuals instead of non-profits.

Council Comment

At this time there was discussion regarding why applicants chose the Highlands program instead of Farmland Preservation.

*A roll call vote was taken. The resolution was APPROVED 12-0.*

**Resolution – Approval of Application 2018-008 under the Highlands Open Space Partnership Funding Program**

Chairman Richko asked for a motion on the resolution.

*Member Holtaway stated that he is the Acting President of the Lamington Conservancy, the applicant on Application No. 2018-008, and that he is therefore recusing himself from this resolution. Mr. Walton also noted that Member Holtaway recused himself from participation in the Committee discussion and recommendation on this application.*

Committee Chair Walton reported that this application did not meet the federal government criteria for funding. The New Jersey Highlands region map is different from the federal Highlands region map. Council will be using the PSE&G Mitigation funding for this application.

*Member Walton made a motion. Member Dougherty seconded it.*

There were no Council comments.

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Public Comment

**Deborah Post, Chester Township** – Ms. Post questioned the Highlands region map and federal government Highlands region map.

*A roll call vote was taken. The resolution was APPROVED 11-0, with one abstention (recusal) by Member Holtaway.*

Chairman Richko opened the meeting to the public for any other comments.

Public Comment

**Cara Brown, Vernon Township** - Ms. Brown raised concerns about alleged illegal dumping at a residential property on Silver Spruce Drive in Vernon Township. Ms. Brown urged the Council to look into the matter and forward its concerns to whatever governmental entity is responsible for regulating activities at this property.

**Deborah Post, Chester Township** – Ms. Post passed out a packet to each Council member regarding municipal averages. Ms. Post urged the Council to adopt a resolution urging the SADC to adopt the municipal average alternative for valuing development easements.

Chair Richko stated that some members of the Council are interested in Ms. Post's comments. Chair Richko asked members if they would be in agreement for her to continue with her comments past the standard three-minute limit. Member Walton disagreed with Chair Richko and suggested that Highlands staff prepare a report for the Council to discuss at a future Council meeting. Ms. Post was permitted to continue her comments.

Members Sebetich and Carluccio expressed their concerns regarding the alleged illegal dumping at the Silver Spruce property. Chair Richko asked Ms. Plevin to contact NJDEP to find out what is going on and have the Council take action, if needed.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on the legislative letter Ms. Plevin reported on in her report today. Mr. Klumpp urged Ms. Plevin to send a letter to Senators Smith and McKeon regarding landowner funding.

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on the earlier description of alleged illegal dumping in Vernon Township, observing that due to Highlands Act restrictions more and more property owners will have nothing better to do with their properties than to use them as dumps.

*Member Holtaway made a motion to adjourn the meeting. Member Dougherty seconded it. All were in favor. The meeting was adjourned at 4:52pm.*

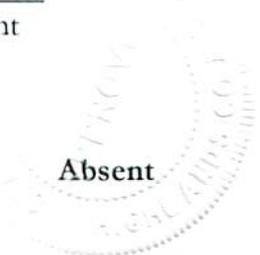
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**CERTIFICATION**

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: 3-21-19

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 Sebetich			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Richko			✓			