

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JUNE 18, 2020

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTED)	VICE CHAIR
TRACY CARLUCCIO)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT:

TIMOTHY P. DOUGHERTY)

CALL TO ORDER 174th meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:05pm by tele-conference due to COVID-19.

Chairman Richko welcomed and thanked everyone for joining. Chairman Richko announced that this is our first meeting since we were last able to meet on February 20, 2020 and hoped everyone is holding up well and will continue to stay healthy and safe as the state moves toward re-opening.

Chairman Richko announced that the current health crisis caused by COVID-19 has had a devastating effect on our State's economy and has claimed thousands of lives. On March 21, 2020, Governor Murphy enacted Executive Order 107, encouraging public bodies to hold remote public meetings. In light of the continued public health emergency, the Highlands Council will hold all Council meetings remotely until further notice. In recognition of the impact that COVID-19 has had on the lives of so many, Chairman Richko called for a moment of silence to remember all those we have lost to this deadly virus.

At this time, there was a moment of silence.

Chairman Richko continued to say he is grateful that technology allows the Council to hold our June meeting remotely, with everyone able to participate by telephone. At this time, Chairman Richko provided some guidelines and instructions for the meeting for members of the public and Council Members.

Chairman Richko reminded everyone that this is the first time we're holding a public meeting by teleconference and asked everyone to be patient with the process.

ROLL CALL

Roll call was taken. Member Dougherty was absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, James*

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Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Keri Green, Judy Thornton, Herbert August, Ranji Persaud, Annette Tagliareni, Carole Ann Dicton, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).

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 method of participation in this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website. Pursuant to the declared COVID-19 Public Health Emergency and State of Emergency, and in order to maintain recommended social distancing practices, the meeting is being conducted by means of teleconference. As stated in the public notice, any interested party may participate by telephone, by dialing the 929-436-2866. The notice also provided instructions for commenting during the meeting.

Prior to the Pledge of Allegiance, Chairman Richko acknowledged the protests and rallies across New Jersey and the country, calling for racial and social justice. He suggested that as we say the Pledge of Allegiance together, let's reflect on the last phrase, "liberty and justice for all."

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF FEBRUARY 20, 2020

Chairman Richko asked for a motion on the Highlands Council Minutes of February 20, 2020.

Member Francis made a motion to approve the Highlands Council Minutes of February 20, 2020. Member Visioli seconded it.

A roll call vote was taken. The Highlands Council Minutes of February 20, 2020 were APPROVED 10-0, with one (1) abstention by Member Holtaway.

Before Chairman Richko began his report, he acknowledged the passing of Council Vice Chair Kurt Alstead's father, Hermann "Zeke" Schulte Alstede, Jr.; and the passing of environmental advocate, Candy McKee Ashmun.

CHAIRMAN'S REPORT

Chairman Richko reported that while staff is working remotely, they are fully functional and have access to everything they need to maintain day-to-day activities, as well as move forward key projects that are important to our mission.

Chairman Richko shared some good news on a project that has been in the works for quite a while. Earlier this month, the Highlands Council, the State Planning Commission, and the Office of Planning Advocacy completed an update to a Memorandum of Understanding (MOU) that was originally established in 2007, before the Regional Master Plan (RMP) was even adopted. Chairman Richko stated that this is a really nice milestone for the Highlands Council and we look forward to State Plan Endorsement of the RMP.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following updates and staff activities:

COVID-19 Response

Chester Office Closure/Remote Work

The Highlands Council office in Chester remains closed in support of Executive Order 104. All staff members are fully functional and working remotely. Operations continue without interruption. Staff has received approximately 331 mail items since March 18, 2020.

Budget Update

New Jersey is facing an unprecedented budget shortfall due to the financial impacts of COVID-19. As an immediate measure, the NJ Office of Management and Budget has instituted a spending freeze across all state agencies. While this spending freeze is in place, the Highlands Council cannot fund any new Plan Conformance grants or approve any new Scopes of Work for Plan Conformance grants currently underway.

Ms. Plevin added that since our Regional Master Plan account is a separate account, it is not subject to the spending freeze. Therefore, we are able to continue to pay invoices for those contracts underway and to potentially authorize a contract for the Economic Sustainability Plan. Those contracts underway include the Rutgers Stormwater Management project, the Interactive Environmental Resource Inventories project, the Highlands Trail mapping, and the Functional Ecosystem Valuation Model (FEV) field testing.

Regarding the Highlands Council Operating Budget, Ms. Plevin reported that we expect to have sufficient funding to cover salaries and expenses through the new extension of the fiscal year, which now ends on September 30, 2020.

New Jersey Council on Local Mandates

The Highlands Council was notified last November that a Complaint had been filed with the New Jersey Council on Local Mandates by the Township of West Milford that challenged the Highlands Water Protection and Planning Act as an unfunded mandate. Several settlement discussions took place with Township officials over the last several months. On June 1st the Township requested that the Complaint be dismissed.

At this time, Ms. Plevin highlighted some Plan Conformance and project review activities:

Plan Conformance Updates

Plan Conformance Petitions

Parsippany-Troy Hills Township has been working on their Petition for Plan Conformance. They have submitted all of their documents in draft form and staff is working with their professionals to finalize their Petition. We anticipate a Petition Hearing before the Highlands Council in the next few months.

Plan Conformance Implementation

- High Bridge Borough, Hunterdon County, adopted its Open Space and Recreation Plan element on May 18th.
- Montville Township, Morris County, has been working on an interesting Groundwater Recharge Enhancement project. The Township's consultants have completed extensive field work and modeling of the project area that will ultimately support a comprehensive engineering design. A final

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report will include hydrologic and hydraulic calculations designed to improve the watershed basin and enhance groundwater recharge.

Municipally Issued Exemptions

Since Ms. Plevin's prior report, the Highlands Council has been notified of two municipally issued exemptions – both for Califon Borough, Hunterdon County, which issued two (2) Exemption #5s.

Project Review Updates

Staff completed a Highlands Preservation Area Approval (HPAA) review for a stream restoration project in Ringwood Borough, Passaic County. The project will enhance and restore approximately 2,270 linear feet of trout habitat within the West Brook in Ringwood Borough. Highlands staff found the project to be consistent with the Highlands Regional Master Plan.

WQMP Amendment Review

Staff also completed a Water Quality Management Plan (WQMP) Amendment Review, related to a residential development project in Somerset County. The proposed project is located in Far Hills Borough in a HUC14 subwatershed that is not in a deficit area and therefore is not subject to any further review by the Highlands Council.

TDR/HDC Update

HDC Allocation Applications

Ms. Plevin noted that since her last month's report, staff completed 3 HDC allocation reviews.

- Mansfield Township, Warren County – for a 39-acre residential property – allocated 8 HDCs
- Franklin Township, Warren County, – for 12.50 acre non-residential property allocated 42.75 HDCs
- Franklin Township, Warren County – for 89 acres mixed non- residential/residential - allocated 47.75 HDCs

Open Space Update

Ms. Plevin reported that on May 29, the Highlands Council reached out to its open space partners to solicit proposals for preservation projects that might qualify for funding under the federal Highlands Conservation Act grant program, which is expected to open a 2020 funding round soon. Proposals are due to the Highlands Council by Tuesday, June 30.

OPRA Response

Staff has responded to five (5) OPRA requests since March 18, 2020. They include requests for documents related to Milly's Court project in Franklin Borough, the appeal of the Chester Borough Center Designation, records related to vernal pool mapping, exemptions related to a property in Mt. Olive Township and a build out report for White Township. We have responded to all of these.

Municipal Average Update

As Ms. Plevin previously reported, following a thorough review of existing data and consultation with the State Agriculture Development Committee (SADC) and State TDR Bank, the Municipal Average Committee determined that additional analysis is required to determine an accurate, current municipal average for the Highlands Region. Council staff have continued to collaborate with state partners to determine how such a project might be funded.

Outreach and Constituent Assistance

Ms. Plevin also reported that staff continues to provide guidance to landowners and their representatives

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regarding the NJDEP Highlands Area Rules and the RMP. In the past few months calls into the office have dropped somewhat, but that is to be expected, given the circumstances.

Lastly, Ms. Plevin announced that the next Council Meeting is scheduled for July 16, 2020.

Chairman Richko continued to the next agenda item.

Resolution – Approval of Submission of the 2019 Annual Report

Chairman Richko announced that Section 27 of the Highlands Act requires that the Highlands Council, on or before March 31 in each year, or as extended, prepare and submit an annual report of its activities and an operating and financial statement to the Governor, the Legislature, and the governing body and the chief executive officer of each municipality and county in the Highlands Region. In addition, Executive Order #37 indicates that each State authority's governing body needs to approve the issuance of the annual report. The Council has voted by resolution to release the annual report a few times, but in past years this may have been overlooked. We are doing so this year and will do so in the future. Approval of this resolution would authorize release of that Annual Report.

Chairman Richko asked for a motion on the resolution.

Member Holtaway made a motion. Member Visioli seconded it.

Council Comment

There was no Council comment.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers spoke in support of the historic approval of the MOU between the Highlands Council, the State Planning Commission, and the Office of Planning Advocacy. Ms. Somers looks forward to sharing this information with all Highlands communities.

Chairman Richko reminded Ms. Somers that this public comment is for the 2019 Annual Report and that her comment on the MOU may be heard at the general comment period (at the end of the meeting).

A roll call vote was taken. The resolution was APPROVED 11-0.

Chairman Richko continued to the next agenda item and announced that Member James will recuse himself, due to a potential conflict of interest and will rejoin the meeting after discussion.

Member James left the teleconference meeting at 4:38pm.

BUDGET & FINANCE COMMITTEE

Resolution - Award of Contract to Develop an Economic Sustainability Plan

Committee Chairman Holtaway provided an overview and history of the project and then turned the meeting over to Maryjude Haddock-Weiler, Highland Council Planning Manager, who provided additional details.

Committee Chairman Holtaway reported that the Budget and Finance Committee met on February 6, 2020 to review staff's recommendation and unanimously voted to advance this recommendation to the full Council for consideration and award the contract to Camoin Associates 310 in partnership with Maser Consulting (the Camoin Team) to prepare an Economic Sustainability Plan for the Highlands Region for a contract amount not to exceed \$149,861.30.

Ms. Haddock-Weiler discussed the specific tasks outlined in the RFP and noted that the project parameters were reviewed in the context of the COVID-19 pandemic and determined to be still valid. Development of the Economic Sustainability Plan will give great consideration to our current economic situation and use a post-COVID-19 economy as a significant factor in evaluating and planning for the Highlands' economic future.

Chairman Richko asked for a motion on the resolution.

Member Visioli made a motion. Member Holtaway seconded it.

Council Comment

Member Dressler stated that he needed to recuse himself on this matter.

Member Dressler left the meeting at 4:51pm.

Member Walton stated that local, county, and state governments have their own economic development departments, commissions, and/or agencies, so questioned why another economic plan was necessary in the Highlands region.

Member Francis asked what the basic strategy is for the economic development plan.

Committee Chairman Holtaway responded that the policy for years has been the development of greenfields, which are disappearing. The reality is that mode of economic incentive or anticipated incentive is not valid anymore and a new paradigm has to be developed in order to try to get us through the times. COVID-19 has upset the apple cart on what we understand and do on the economy. We are dealing with something new and this is the first time in history that we've come up against the prospect of being built out. Committee Chair Holtaway concluded that in his opinion there are a lot of roads this whole concept can go down and we need a good solid look at it in order to provide a new way to solve this problem. If we do it once; the counties don't have to do it seven times.

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Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in opposition of this resolution due to the politicians who upset the economy when private property owners were affected by the Highlands Act for the water in the region. Mr. Klumpp urged the Council to do something for the property owners.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers spoke in support of this resolution. Ms. Somers commented that it is important to focus on the whole region and its economy. Ms. Somers added that she believes it will likely focus on the Highlands resources, as well as recreation, tourism, agriculture, and redevelopment in the region. Ms. Somers looks forward to hearing more on the plan as it develops.

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga responded to Member Walton's comment claiming that it is not the responsibility of the Highlands Council. Mr. Ruga responded that the only way to come up with an economic sustainability guide for the region, is to do it on a regional basis which is something that municipalities and counties do not have the perspective to do on their own. Mr. Ruga quoted from the Highlands Act (Section 13 20-10).

Meghan Hunscher, President, Morris County Chamber of Commerce and CEO, Morris County Economic Development Corporation – Ms. Hunscher thanked the Highlands Council for moving this forward and appreciates the support at the regional level. Ms. Hunscher added that it is really important to combine resources especially at this time. Ms. Hunscher is excited to work with the consultants to identify trends and have them reach out to the stakeholders.

Rielly Karsh, Councilwoman, Town of Clinton – Ms. Karsh spoke in support of the resolution. Ms. Karsh's comment was received via email after the meeting ended and is submitted with these minutes.

Council Comment

Member Walton clarified Mr. Ruga's statement on his objection to the resolution. Member Walton added that he does not dispute that the Highlands Act calls for Council to engage in economic development. He questions the wisdom to do so. Member Walton concluded that Council should use its discretion in how we go about doing economic development to fill that requirement.

A roll call vote was taken. The resolution was APPROVED 8-1.

OLD/NEW BUSINESS:

Member Francis reported that his municipality received a \$145,000 grant (for which they independently applied) for the Harmful Algae Bloom (HAB) issue at Lake Hopatcong. The \$145,000 grant is one-third of the project's cost. Member Francis stated that the municipality is covering the remainder of the cost and Everblue Lakes is the company that was hired to install the equipment and deploy the treatment.

Members Dressler returned to the meeting at 5:14pm, and Member James was confirmed by staff to re-join the meeting.

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

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Public Comment

Elliott Ruga, Policy Director, New Jersey Highlands Coalition – Mr. Ruga thanked the Council for the remembrance of Candance Ashmun. Mr. Ruga also congratulated the Highlands Council and the State Planning Commission for finally drafting the MOU which initiates the process to the State Planning Commission to endorse the Highlands Regional Master Plan (RMP) and to construct a framework for the two agencies to move forward to a unified planning vision for the Highlands.

George Cassa, Shannon's Fly & Tackle, Califon, NJ – Mr. Cassa spoke in support of the draft MOU between Highlands Council and State Planning Commission. Mr. Cassa had a question regarding the MOU and Chairman Richko referred him to Ms. Plevin for a response.

David Shope, property owner, Lebanon Township – Mr. Shope commented on the 2019 Annual Report on page 6 – neglect to mention Millstone River contributes to the number noted. Mr. Shope also spoke in opposition of the economic sustainability plan.

Hank Klumpp, property owner, Tewksbury, NJ – Mr. Klumpp asked why the other states (New York, Pennsylvania, & Connecticut) are not doing what New Jersey is regarding the Highlands region.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers spoke in support of the regional economic plan and looks forward to learning more about it as it develops. Lastly, Ms. Somers announced that a celebration and remembrance will be held via ZOOM for Candy Ashmun on June 28 at 5:00pm.

Chairman Richko thanked everyone for their patience.

Member Walton made a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 5:29pm.

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: 7/17/2020

Name: Annette Tagliareni

Annette Tagliareni, Executive Assistant

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Vote on the Approval of Minutes	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			√			