

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 17, 2020

PRESENT

VIA TELECONFERENCE:

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

ABSENT:

TIMOTHY P. DOUGHERTY)
BRUCE JAMES)

CALL TO ORDER 176th meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm by teleconference due to COVID-19.

ROLL CALL

Roll call was taken. Members Dougherty, Dressler, James, and Sebetich were absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Keri Green, Ranji Persaud, Herbert August, Annette Tagliareni, Carole Ann Diction, 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 was then recited.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 16, 2020

Chairman Richko asked for a motion on the Highlands Council Minutes of July 16, 2020.

Member Visioli made a motion to approve the Highlands Council Minutes of July 16, 2020. Member Holtaway seconded it.

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Member Sebetich was present via teleconference at 4:07pm.

A roll call vote was taken. The Highlands Council Minutes of July 16, 2020 DID NOT PASS 7-0. There were two (2) abstentions by Members Francis and Van Abs.

Member Dressler was present via tele-conference at 4:08pm.

CHAIRMAN'S REPORT

Chairman Richko acknowledged the passing of Kathleen Caren, Passaic County Open Space Coordinator, and recognized her many years of service.

Member Sebetich spoke in recognition of Ms. Caren's extraordinary service and involvement with Passaic County's Open Space Committee.

Chairman Richko welcomed Council Member Van Abs to the Highlands Council. Council members welcomed Dr. Van Abs, former Senior Director of Planning and Science, back to the Highlands as a Council member. Dr. Van Abs thanked the Council for their welcoming comments.

At this time, Ms. Plevin informed Chairman Richko that Member Dressler did not vote on the minutes. Chairman Richko re-introduced the minutes. Member Walton responded that the minutes did not pass and should be brought up at the next meeting. Chairman Richko asked for legal advice. Chief Counsel LaRocca advised that the minutes may be re-introduced at the next meeting.

Lastly, Chairman Richko acknowledged departing Council Member Tracy Carluccio. Chairman Richko introduced a resolution to commend Member Carluccio for her dedication and service to the Highlands Council. Chairman Richko read the resolution into the record:

Resolution - Commending Council Member Tracy Carluccio for Her Dedication and Service to the Highlands Water Protection and Planning Council

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Tracy Carluccio was duly appointed by the Governor of the State of New Jersey to serve as a member of the Highlands Council in October 2004 and has served without interruption for nearly 16 years; and

WHEREAS, Member Carluccio has been instrumental in advancing the goals of the Highlands Act, demonstrating unwavering commitment to the protection of the precious natural resources of the Highlands Region; and

WHEREAS, during development and adoption of the Regional Master Plan, Member Carluccio passionately advocated for the protection of the water quality and quantity of the Highlands Region; and

WHEREAS, during her tenure on the Council, Member Carluccio served on numerous committees including Audit Evaluation (Chair), Agriculture, Natural Resources, Personnel, Public Participation, and Resource Protection and Review; and

WHEREAS, Member Carluccio has demonstrated a deep commitment to protection of the New Jersey Highlands, remaining consistently engaged on all matters brought before the Council for consideration;

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NOW THEREFORE BE IT RESOLVED, that the Highlands Council hereby commends Council Member Carluccio for her dedication to the mission of the Highlands Council and her service to the people of the State of New Jersey in this capacity;

NOW THEREFORE BE IT FURTHER RESOLVED that the Highlands Council hereby authorizes its Executive Director to transmit this resolution recognizing Council Member Carluccio's significant contributions to the long-term protection of the New Jersey Highlands Region to Governor Philip D. Murphy and the sponsors of the Highlands Act.

Member Dressler made a motion. Member Walton seconded it.

Council Comment

Member Sebetich acknowledged Member Carluccio as a stalwart member of the Council and wishes her the best.

Member Dressler thanked Member Carluccio for all her years of service as a dedicated and passionate member of the Council.

Member Walton commended Member Carluccio on her courage and commitment to her values.

Vice Chair Alstede commended Member Carluccio on her passion, loyalty and dedicated service since 2004.

Member Van Abs commended Member Carluccio for her dedication since the original days leading up to the adoption of the Regional Master Plan (RMP).

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that Member Carluccio has been the “conscience” of the New Jersey Highlands Council, the “godmother” of the New Jersey Highlands, the RMP and all the things that have happened since it was approved. Ms. Somers added that Member Carluccio has defended the Highlands valiantly.

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commended Member Carluccio's uncompromising advocacy for the natural resources of the Highlands Council.

David Shope – Lebanon Township, NJ – Mr. Shope commented that in his opinion Ms. Carluccio, Ms. Somers, and Mr. Ruga are paid environmentalists and that is their perspective. It is not his perspective.

A roll call vote was taken. The resolution was APPROVED 10-0.

At this time, Member Carluccio thanked Chairman Richko and the Council for this recognition. Member Carluccio thanked the Council for their selfless dedication and welcomed Dr. Van Abs. Member Carluccio complimented the talented and committed Highlands Council staff and thanked and acknowledged the public on keeping the Council on its best behavior. Member Carluccio thanked everyone for the privilege of working in this engaging and forever changing assignment.

EXECUTIVE DIRECTOR'S REPORT

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Ms. Plevin echoed Chairman Richko's welcome to Council Member Van Abs and extended a personal thanks to Council Member Carluccio for all her years of dedicated service to the Council and its mission.

COVID-19 Response

Chester Office Closure/Remote Work

Ms. Plevin reported that even though the Highlands Council office in Chester continues to remain closed due to COVID-19, the operations of the Council continue at full capacity.

Ms. Plevin highlighted the following updates and staff activities:

Warren County Transportation Study

Ms. Plevin reported that the Warren County Transportation Study is complete and provides a great example of a regional planning partnership that advances local goals and Regional Master Plan goals. Ms. Plevin added that when the County released this report at its freeholder meeting, the County thanked the Council for the partnership and for funding this study.

Highlands Economic Sustainability Plan

Ms. Plevin noted that 48 invitations were recently sent to prospective Technical Advisory Committee (TAC) members and over 20 members have confirmed their participation to date.

Climate Change

Ms. Plevin noted that the 2018 Monitoring Program Recommendations Report included recommendations that have dovetailed well with the governor's Executive Orders related to Climate Change. Highlands Council staff is participating on the Interagency Council for Climate Resiliency and working on the development of the Climate Resilience Strategy.

Budget Updates

Ms. Plevin reported that on August 25th, Governor Murphy presented his proposal for the FY2021 budget. The budget proposal included line items for both the Highlands Operating Budget and the Highlands Protection Fund (Plan Conformance grants). Funding allocations in the proposal for both line items remains consistent with prior years. Ms. Plevin added that this is the Governor's proposed budget and must be approved by the legislature and signed by the Governor prior to becoming law.

Also, Ms. Plevin noted that the Governor extended the 2020 Fiscal Year to September 30, 2020 and therefore, the new budget will not take effect until October 1, 2020. As a result, the Highlands Council will not be finalizing and voting on a budget in October as has been standard practice for the past several years. Staff anticipates it may be possible to bring a budget resolution before the Council at its January meeting.

Plan Conformance Updates

- Council will be considering the Plan Conformance Petition for Parsippany- Troy Hills during today's meeting.
- As Ms. Plevin mentioned earlier, Warren County completed a transportation study. The final draft of the Warren County Light Industrial Site Assessment was released by the county on 9/9/20.

Municipally Issued Exemptions

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The Highlands Council has been notified of the following exemptions.

- Califon Borough, Hunterdon County issued one (1) Exemption #5.
- Lebanon Township, Hunterdon County issued one (1) Exemption #2.
- Montville Township, Morris County issued one (1) Exemption #5.
- Washington Township, Morris County issued two (2) Exemption #5s.
- West Milford, Passaic County issued twenty-five (25) Exemption #5s.

Project Review Updates

Staff completed two (2) Planning Area Exemption Reviews:

- A proposed mixed-use development in the Town of Clinton, where the applicant is seeking an exemption #4 for the redevelopment of multiple previously developed parcels. Highlands Council staff finding: Exempt
- Hackettstown - an applicant is seeking an exemption #4 for the construction of a cell tower facility within an existing gravel parking lot. Highlands Council staff finding: Exempt

Staff initiated one review and completed another Water Quality Management Plan Amendment review:

- Denville - applicant is seeking a site-specific amendment to the Northeast WQMP related to a proposed residential development. That review is in progress.
- Chester Borough - applicant is seeking a site-specific amendment to the Upper Raritan WQMP to accommodate a combination of residential and commercial development. Highlands Council staff finding: Consistent with the RMP.

Preservation Area Highlands Applicability Determination (HAD)

- Staff is reviewing one (1) Preservation Area HAD in West Milford. Tennessee Gas Pipeline (TGP) Company is seeking an Exemption #11 to construct a new compressor station to support their existing 300 Line. Highlands Council staff review pending.

Water Allocation Permit (WAP) Review

- Staff completed one (1) Water Allocation Permit review in Holland Township related to a residential development. Highlands Council staff finding: Consistent with the RMP with Conditions.

Highlands Preservation Area Approval (HPAA) – General Permit #1

- Staff completed one (1) HPAA General Permit #1 review for a project in Byram Township, Sussex County, where the applicant is proposing to restore agricultural fields to functional black duck habitat, in conjunction with the Natural Resources Conservation Service of the USDA and NJ Audubon. Highlands Council staff finding: Consistent with the goals of the Highlands Act and RMP.

OPRA Response

Staff has responded to three (3) OPRA requests since the last report. Documents were requested relating to the Parsippany-Troy Hills Plan Conformance application, a property in Mt. Olive Township, and the Tennessee Gas Pipeline compressor station project.

Ms. Plevin noted that the next Council Meeting is scheduled for October 15, 2020.

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Lastly, Ms. Plevin recused herself from the next agenda item due to involvement on the Parsippany Environmental Advisory Committee, which has commented on Parsippany's Petition for Plan Conformance.

Ms. Plevin left the meeting temporarily at 4:51pm.

Chairman Richko announced the next agenda item:

Resolution – Approval of the Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County

PLAN CONFORMANCE COMMITTEE

Committee Chair Dressler reported that the Plan Conformance Committee met via tele-conference to review documents for the Parsippany-Troy Hills Petition for Plan Conformance. Committee Chair Dressler added that the vote by the committee to move this resolution to Council was unanimous. Committee Chair Dressler introduced Maryjude Haddock-Weiler to provide an overview for Council.

At this time, Maryjude Haddock-Weiler, Planning Manager, provided Council with a community overview as well as plan conformance background on the Parsippany-Troy Hills Petition for Plan Conformance dating back to 2010. Ms. Haddock-Weiler added that the Township's Petition was deemed complete on July 7, 2020. The Petition materials were posted on the Highlands Council's website for a 30-day public comment period on July 24, 2020, which concluded on August 24, 2020.

Ms. Haddock-Weiler noted that a number of public comments were received. Responses to those comments may be found in Appendix C of the Final Consistency Review and Recommendation Report. Ms. Haddock-Weiler also noted that the Draft Implementation Plan and Schedule (IPS) gives estimates for the Plan Conformance tasks over several years for implementation. Due to budget constraints, the IPS provides estimates and this will come back to the Council for consideration at a later date. Ms. Haddock-Weiler noted that it is Highlands Council Staff recommendation to approve the Petition for Plan Conformation and draft IPS for the Township of Parsippany-Troy Hills with the following conditions:

- Adoption of Highlands Referral Ordinance;
- Adoption of Highlands Environmental Resource Inventory;
- Adoption of Highlands Master Plan Element;
- Adoption of Highlands Land Use Ordinance, including updated Zoning Map;
- Approval of Housing Element & Fair Share Plan;
- Preparation and approval of an updated Stormwater Management Plan; and
- Preparation and approval of a Water Use and Conservation Management Plan.

Chairman Richko asked for a motion on the resolution.

Member Dressler made a motion. Member Sebetich seconded it.

Council Comment

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Committee Chair Dressler commended Highlands Council staff on their work on this Petition during the COVID-19 conditions.

Member Vohden spoke in opposition of the Petition before the Council due to the Highlands Act deficiency to compensate landowners.

Vice Chair Alstede asked if the Township has identified any Highlands center designations, transit hubs, and receiving areas for TDR credits.

Ms. Haddock-Weiler responded that the Township has not identified any Highlands center designations, transit hubs would be addressed by NJ Transit, and TDR credits for receiving areas were not discussed with the Township but could be discussed going forward.

Vice Chair Alstede had a concern regarding the funding presented for redevelopment and noted that he voted against Hackettstown's initial submission of their Petition for similar reasons. Vice Chair Alstede feels he would pause on an affirmative vote due to those concerns.

Ms. Haddock-Weiler responded that this is an opportunity to build on our communication with the Township.

Member Dressler added that the Vice Chair's observations are good, but premature at this point. Vice Chair Alstede referred to the proposed funding (\$500K) and his previous concerns with Hackettstown's initial Petition, when he had the same concerns, and noted that the municipality agreed to consider these items.

Member Dressler asked what the procedure would be to table this resolution, since it did not seem there were sufficient votes to pass it.

Chair Richko agreed that he had heard at least two negative votes and asked Chief Counsel LaRocca if a motion to table is permissible at this point.

Chief Counsel responded that it is permissible to table the resolution for the next meeting.

Chair Richko asked for a motion to table the resolution.

Member Dressler made a motion to table the resolution. Member Walton seconded it.

Member Van Abs commented that the resolution can be tabled until the next meeting, however, if any changes are made to any documents, those documents would need to go out for public comment again on those changes.

Vice Chair Alstede added that it is important to allow for further discussion by Council now for staff to hear and there may be some value to hear public comment as well.

Chair Richko asked Members Dressler and Walton if they were okay with allowing further discussion by Council and the public.

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Member Walton responded that Council should table the motion and listen to any public comments at the end of this meeting. Member Dressler concurred.

A roll call vote was taken to TABLE the resolution. The resolution was TABLED 9-1.

Member Visioli left the meeting at 5:13pm.

At this time, Chairman Richko announced that Parsippany-Troy Hills Mayor Michael Soriano would like to comment.

Mayor Soriano thanked the Council for allowing him to speak for the record. Mayor Soriano believes Parsippany-Troy Hills needs to be a leader in furthering the mission of the Highlands Act. He added that it is the one-year anniversary of the passing of Mimi Letts, who was instrumental in the creation of the Highlands and served with distinction. Ms. Letts made him promise to get Parsippany in Plan Conformance and Mayor Soriano intends to make sure that promise is kept. Mayor Soriano thanked the hardworking staff of the Highlands Council and Parsippany's professionals. Mayor Soriano added that he is disappointed the resolution has been tabled but will do what he can to show Council the wisdom of approving their Petition.

LANDOWNER EQUITY & LAND PRESERVATION COMMITTEE

Committee Chair Walton reported that the committee met via tele-conference on August 24, 2020 to discuss several Open Space Partnership Program (OSPP) applications. Committee Chair Walton noted that the Council has provided over \$27M to landowners, leveraging almost \$4.5M in federal Highlands Conservation Act (HCA) funds, and preserving 2,565 acres.

Today Council will consider 13 applications that were approved by USFWS for funding under HCA grant program and one (1) Highlands Development Credit property approved for funding under the HCA. Committee Chair Walton moved the resolution for approval.

Ms. Plevin was present at 5:20pm.

Mr. Humphries added to Committee Chair Walton's report that all funding from the Highlands Council side is coming from the Federal grant.

Chairman Richko asked for a motion on the resolution:

Resolution – Approval of Applications Under the Highlands Open Space Partnership Funding Program Pursuant to Administrative Rule N.J.A.C. 7:70-1 et seq.

Member Walton made a motion. Member Vobden seconded it.

There was no Council comment.

Public Comment

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Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that there are several properties on this resolution and she suspects that many people have been waiting patiently. Ms. Somers spoke in support of the resolution.

A roll call vote was taken. The resolution was APPROVED 9-0.

OLD/NEW BUSINESS:

Member Walton commented on news about a Toms River councilwoman who stated that she wished her town would be a more diverse and inclusive community. The councilwoman received push back that was disturbing. Member Walton brought up a recent letter to Council from a Highlands region community that stated they wished to maintain the “character of our community.” Member Walton added that for some reason that comment resulted in a different reaction. He questioned what is meant in the letter by “character.” With the Mount Laurel decisions of 1975 and 1983, Member Walton stated that he knows the impetus for our environmental ordinances and laws is to preserve open space, but questioned whether it has had an adverse effect on the western part of our state and made it less diverse. He observed that the effect is something we may not have intended.

Chairman Richko responded that the main goals of the Highlands Act are preserving the water resources. He added that what Member Walton brought up is interesting and something that we should all be considering.

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

Public Comment

Wilma Frey, on leave from New Jersey Conservation Foundation – Ms. Frey thanked Member Carluccio for her all her hard work, dedication, and passion in the Highlands.

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga spoke in support of Parsippany-Troy Hill’s Petition for Plan Conformance and added that, in his opinion, the comments made by Member Vohden were inaccurate. Mr. Ruga also appreciated Member Walton’s concerns and supports him on that topic.

David Shope, property owner, Lebanon Township – Mr. Shope commented that he is glad Member Van Abs is within reach and would like a copy of the North Jersey District Water Supply Report, which is the basis of property theft, etc. Mr. Shope agreed with Member Walton’s comments but, in his opinion, that was the intent of the plan.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers reflected on the passing of Kathleen. Ms. Caren served the state and the county extraordinarily. Ms. Somers also commented that the Council is fortunate to have Member Van Abs.

Nicholas Homyak, Lake Hiawatha – Mr. Homyak commented that hopefully the Council will come to their senses regarding Parsippany’s Petition to preserve our sense of home and sense of neighborhood character and the science that can help us with senseless development.

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Chair Richko thanked everyone for their patience with this meeting format.

Member Dressler made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:44pm.

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: 10/16/2020

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty			√			
Councilmember Dressler		√	√			
Councilmember Francis			√			
Councilmember Holtaway			√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli	√		√			
Councilmember Vohden			√			
Councilmember Walton			√			
Chairman Richko			√			