

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 17, 2022

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
ROBERT HOLTAWAY)	COUNCIL MEMBERS
TIMOTHY DOUGHERTY)	
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
JAMES VISIOLI)	
RICHARD VOHDEN)	

CALL TO ORDER 188TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm via Zoom videoconference.

ROLL CALL

Roll call was taken. All Council Members were present via video conference. *The following staff members were present via videoconference: Lisa J. Plevin, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Ranji Persaud, Judy Thornton, Neda Hartman, Herb August, Annette Tagliareni, Carole Ann Dicton, and Karen Castanbas. Also present via teleconference were Jeffrey Nielsen, Associate 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.

CHAIRMAN'S REPORT

Chair Richko stated he did not have any items to share for his chairman's report this month. Due to potential scheduling conflicts, we will move directly to the two resolutions for consideration, followed by the Executive Director's report and approval of January minutes.

BUDGET & FINANCE COMMITTEE

Resolution –Award of Contract to Develop a Guidance Document and Scope of Services for Municipal Land Use Plan and Environmental Sustainability Master Plan Elements, including a Municipal Climate Change Related Hazard Vulnerability Assessment

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Committee Chair Holtaway presented the resolution for an Award of Contract to Develop a Guidance Document and Scope of Services for Municipal Land Use Plan and Environmental Sustainability Master Plan Elements, including a Municipal Climate Change Related Hazard Vulnerability Assessment. Committee Chair Holtaway noted that the Act and subsequent legislation has placed special burdens on municipalities within the Highlands region. This Council has worked hard to help assist its municipalities in complying with the Act and subsequent legislation. This project is another step forward in the Council's efforts to assist all municipalities. The Budget and Finance Committee reviewed all the project proposals and recommends the Council accept the proposal from New Jersey Future.

Ms. Plevin reported that there were several amendments to Municipal Land Use Law (MLUL) that now require municipalities to incorporate smart growth, storm resiliency, environmental sustainability, electric vehicle infrastructure planning and climate change hazard vulnerability assessments into their master plans. The Highlands Council released a Request for Proposal (RFP) in July 2021 for the development of a guidance document to help Highlands municipalities address these new requirements.

This document is intended to provide a much-needed template for Highlands municipalities to use in meeting the new requirements of the MLUL. It will also lay the foundation for development of a Highlands Plan Conformance grant program to help municipalities fund this work. Principal Planner Judy Thornton had discussed this project in detail at last month's meeting and gave a quick summary.

Ms. Thornton shared that New Jersey Future has a clear understanding of this project, their proposal addresses every aspect of the RFP, and it includes a strong outreach and stakeholder engagement component; one that will extend throughout the project from start to finish. The project will be completed within our 9-month timeframe, within our allocated budget, and with a total cost of \$89,000. Project components include:

- Task 1: Background Research
- Task 2: Stakeholder Engagement
- Task 3: Develop Guidance Document
- Task 4: Presentation to Highlands Council and Plan Conformance Committee
- Task 5: Municipal Workshops

The project team brings the expertise we need along with a wealth of prior experience. The Highlands Council has worked with New Jersey Future on prior projects, all which were successfully completed on time and within budget. Most importantly, New Jersey Future has an excellent track record working with municipalities, which will be key to the success of this project.

Chairman Richko thanked Committee Chair Holtaway, Ms. Plevin and Ms. Thornton.

Chairman Richko asked for a motion and second.

Member Holtaway moved the resolution. Member Visioli seconded it.

Council Comment

There was no Council discussion.

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Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp referenced the third paragraph of the proposed resolution and mentioned that it took four years to get the Regional Master Plan (RMP) approved. Mr. Klumpp commented that landowners have not seen compensation for Highland’s restrictions on use of their land for 18 years and this resolution does not compensate landowners.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that every town in New Jersey is required to develop a plan to address climate change. The Highlands Council is helping its Highlands communities by offering them this opportunity. Ms. Somers noted that New Jersey Future has an excellent track record and that this will be a savings to the Council and Highlands communities.

David Shope, Lebanon Township – Mr. Shope asked if part of this plan will be the possible effect of climate change on agricultural viability, an issue raised to Council extensively. Mr. Shope also added if there are negative impacts because of potential climate change, it should be included in the scope of work. Lastly, Mr. Shope asked who the principals are at New Jersey Future.

Chairman Richko asked if Council members had any additional comments.

There was no other Council discussion.

A roll call vote was taken. The resolution was APPROVED 9-1. Member Van Abs recused himself on this resolution.

AUDIT COMMITTEE

Resolution – Acceptance of Audit Report

Committee Chair Visioli stated that the Audit Committee met on February 2, 2022, to discuss the Mercadieu audit report. Committee Chair Visioli shared some decreases and increases regarding cash, liability, revenue, and expenses. Committee Chair Visioli added that there were no findings relative to non-compliance with loss regulations, contracts, or agreements and no uncorrected misstatements. Committee Chair Visioli added that most importantly, the Audit Committee had full cooperation and assistance from Highlands Council management and staff. The Audit Committee has no issues with the resolution and urges approval by the Council.

Chairman Richko asked for a motion on the resolution.

Member Visioli made a motion. Member Sebetich seconded it.

Council Comment

There was no Council comment.

Public Comment

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David Shope, Lebanon Township – Mr. Shope commented on Committee Chair Visioli’s report and is concerned about the lack of funding for the TDR Bank and the landowners harmed.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp agreed with Mr. Shope’s comment and mentioned he did not have any figures for the audit.

Council Comment

There was no Council discussion.

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

EXECUTIVE DIRECTOR’S REPORT

Ms. Plevin highlighted the following updates and staff activities:

Return to Office/Remote Work /Operations Update (COVID-19)

Ms. Plevin reported that, as per guidance from the Governor’s office, staff had returned to the office full-time as of January 31st.

Ms. Plevin welcomed new Senior Counsel Neda Hartman to the Highlands Council staff.

Ms. Plevin reported some important news on the issue of forest management in the Highlands. Senator Bob Smith recently announced the formation of a Forest Stewardship Task Force to “study and identify ways in which the State can best manage its forests in order to fight climate change, prevent forest fires, improve ecosystems, and protect soil and water quality, among other things.” Since this is clearly a timely issue, and one of vital importance in the Highlands region, the Highlands Council staff has proactively reached out and volunteered to participate on this Task Force.

Ms. Plevin also noted that, with funding assistance from the Highlands Council, the New Jersey Conservation Foundation (NJCF) had recently completed preservation of the Bellemead property (now known as Rockaway Creek Preserve) in Tewksbury Township, Hunterdon County. This is a 70-acre site, which has been under intense development pressure for many years. Leveraging federal Highlands Conservation Act funds, the Highlands Council provided nearly half of the total \$1.5 million appraised property value and placed a conservation easement on the property. At closing, NJCF transferred the property to Hunterdon County, and it will ultimately become part of the Hunterdon County Parks System.

Plan Conformance Implementation Activities

Ms. Plevin reported that West Milford Township recently adopted a Sustainable Economic Development Plan, funded by a Highlands Council Plan Conformance grant. This plan provides a blueprint for economic development initiatives in the Township that will further both municipal goals and RMP goals and objectives. It examines market potential and properties suitable for redevelopment, emphasizes the need to retain community character and further sense of place, promotes pedestrian and bicycle connections, and seeks to leverage the Township’s location in the Highlands to boost tourism and expand on sporting and outdoor recreational opportunities.

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Ms. Plevin also reported that on February 11th a Petition for Plan Conformance for the Preservation Area for Union Township, Hunterdon County, was posted to the Highlands Council website for a 30-day public comment period.

Municipally Issued Exemptions

Ms. Plevin advised that since the date of her prior report, the Highlands Council has been notified of the following municipally issued exemptions:

- Hardyston Township, Sussex County: one (1) exemption #5.
- Montville Township, Morris County: one (1) exemption #2.
- Washington Township, Morris County: one (1) exemption #2.

Project Review Updates

Ms. Plevin reported the following review updates on three (3) completed and one (1) pending Highlands Applicability Determination (HAD) Exemption #11s.

1. Borough of High Bridge, Hunterdon County – Applicant is seeking an Exemption 11 from the NJDEP for upgrades at the Bunnvale Well Site in Lebanon Township. The work involves replacement of the existing electrical system, a new emergency generator, relocation of distribution piping, installation of a new underground clear well, and upgrades to all existing on-site pumps. The project will result in improved water quality and help ensure public safety. Highlands Council staff found the project consistent with the Highlands Act and RMP.
2. West Milford, Passaic County – Applicant, T-Mobile Northeast, applied to NJDEP for an Exemption 11 to complete a modification to an existing wireless communications facility. Highlands Council staff found the project consistent with the Highlands Act and RMP.
3. Independence Township, Warren County – The Hackettstown MUA applied to NJDEP for an Exemption 11 for a proposed system upgrade. The project includes demolition and replacement of a 1-million-gallon water storage tank; replacement of approximately 1,800 feet of a 10-inch water main; and replacement of a 6-inch water main on Old Allamuchy Road. Highlands Council staff found the project consistent with the Highlands Act and RMP.
4. SUEZ Water New Jersey is seeking an Exemption 11 from the NJDEP to complete upgrades to existing well sites including the design of PFAS and nitrate removal treatment systems, as well as improvements to ancillary equipment such as well pumps that may be impacted by the treatment improvements. The project spans Vernon and Byram Townships in Sussex County; Independence Township in Warren County; and West Milford Township in Passaic County. Highlands Council staff review is still pending.

Ms. Plevin reported on two (2) Planning Area Consistency Reviews:

1. Alexandria Township, Hunterdon County – New Jersey American Water Company is seeking an Exemption 11 in the Planning Area to construct a small building of 653 square feet that will house filtration equipment for the removal of arsenic from the raw water supply. Highlands Council staff review is pending.

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2. Washington Township, Morris County – Applicant, William Hotz Development Group (River Valley Apartments) is seeking to construct 4 buildings containing a total of 32 apartments, along with pervious parking and driveway access along Route 46. Highlands Council staff found the project consistent with the Highlands Act and RMP.

Personnel Update

Ms. Plevin announced that the vacant Senior Resource Management Specialist position was reposted on February 8, 2022. Also, the vacant Regional Planner/Land Preservation Coordinator position was posted on January 28, 2022. Ms. Plevin asked the public to spread the word about these available positions.

Lastly, Ms. Plevin noted the next Council Meeting is scheduled for March 17, 2022.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JANUARY 20, 2022

Chairman Richko asked for a motion on the Council Minutes of January 20, 2022.

Member Holtaway made a motion to approve the Highlands Council Minutes of January 20, 2022. Member Van Abs seconded it.

Council Comment

Member Vohden requested two amendments to the minutes: the first, to note the motion he made from the floor; the second, to reflect Chairman Richko's pulling of the Climate Change resolution without further Council action. After some discussion about what exactly was being requested, Chair Richko asked for a vote on the minutes as presented. Member Vohden requested a point of order on whether Chair Richko was asking for a vote on the minutes without Member Vohden's comments. Chair Richko responded in the affirmative. Member Vohden indicated that he would like his request for amendment reflected in the minutes. Chair Richko indicated that if he wanted to amend the minutes, he needed a second. Member Francis seconded the motion. After further discussion regarding the proposed amendment, Member Holtaway withdrew his motion to approve the minutes and substituted it with a motion to delay a vote on the minutes until the next meeting to allow revision. Member Van Abs seconded the new motion. The motion to delay the minutes for revision passed.

OLD/NEW BUSINESS:

Member Dougherty asked Ms. Plevin if there were any plans to go back to either in-person or hybrid monthly Council meetings. Ms. Plevin responded that we are currently following the guidance from the Governor's office to have virtual meetings and we do not know when that will change.

Member Vohden stated that at the last meeting in January, he made a motion to have the staff research the statute that might provide dedicated funding to the Highlands TDR Bank. Chairman Richko decided not to entertain that motion but did say he would discuss with the Highlands Council Executive Director and reply back to the Council. On February 10, 2022, Member Vohden (and the other council members)

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received an email response on the motion. Member Vohden indicated that the response did not answer his questions. Member Vohden indicated that the state TDR Bank is permitted to provide funds for the Highlands Council's bank and wondered whether the Council was seeking these funds. Member Vohden questioned whether the statute is a dedicated source of funding, and he is sure other Members have questions about this too.

Member Dressler left the meeting at 5:00pm

Chairman Richko stated that three (3) Members needed to leave the meeting. We will still have eight (8) Members in attendance.

Member Francis stated he would like to mention new/old business and asked the Council to keep in mind the new DEP rules regarding PFOS and PFAS, as he has been working hard with Federal & State Representatives including NJDEP. Member Francis pointed out that meeting the requirements, which include getting rid of lead pipes and galvanized pipes, would be costly for small- and medium-sized water companies. Member Francis stated that towns are looking for new funding and support to be able to provide the quality of water mandated by the NJDEP standards.

Member Vohden stated he would like to point out the inconsistency between the regular Highlands Council agenda and the order of business. The order of business is listed in the Highlands Council's Bylaws. The regular meeting agenda we have for items of old and new business, does not reflect our bylaws, which calls for us to state, "other items of interest" not "old or new business." Member Vohden referenced Robert's Rules indicating it has a section for unfinished old and new business.

Member Dougherty stated he was still awaiting his answer from the DAG's office on filibustering.

Members James and Dougherty left the meeting at 5:04pm

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

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers thanked the Highlands Council Executive Director for talking about the Bellemead property (now known as Rockaway Creek Preserve) and it is fantastic news that the property is now preserved. Ms. Somers also is very excited about the newly created Forest Stewardship Task Force.

David Shope, Lebanon Township – Mr. Shope commented on the Farm Bureau's Newsletter and stated that farmland viability is very important but is never mentioned in Highland Council meetings. Mr. Shope also commented that the monthly Highlands Council Meeting minutes never reflect exactly what he states at the meetings.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp expressed concern as to the intentions of the newly created Forest Stewardship Task Force and reiterated that landowners should be compensated for their land.

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Chair Richko asked for a motion to adjourn the meeting.

Member Visioli made a motion to adjourn the meeting. Member Van Abs seconded it. All were in favor. The meeting was adjourned at 5:12pm.

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: 4/21/2022

Name: Karen Castanhas

Karen Castanhas, Administrative 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			√			
Chairman Richko			√			