

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF DECEMBER 12, 2024

PRESENT

CARL J. RICHKO) CHAIR
KURT ALSTEDE) VICE CHAIR
DANIEL BUSH) COUNCIL MEMBERS
MICHAEL FRANCIS)
BRUCE JAMES)
MICHAEL SEBETICH, PhD)
JAMES VISIOLI)

VIA TELECONFERENCE:

TIMOTHY DOUGHERTY)
MICHAEL DRESSLER)

ABSENT:

DANIEL J. VAN ABS, PhD)
RICHARD VOHDEN)

CALL TO ORDER 209TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. Members Van Abs and Vohden were absent. All other Council Members were present. Members Dougherty and Dressler were present via teleconference. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Herb August, Glenn Acker, Neda Hartman, Allison Bittner, Liz Ward, and Annette Tagliareni. Others present: In-person – Jill Denyes Deputy Attorney General’s (DAG’s) office; and via Teleconference: Alexis Franklin, Associate Counsel, Governor’s Authorities Unit (GAU).*

At this time, Chair Richko welcomed the Council’s new Deputy Attorney General (DAG) Jill Denyes.

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN’S REPORT

Chair Richko announced that Member Sebetich will be leaving the Council. Chair Richko thanked Member Sebetich for his 13 years of service and all he has done for the Council.

At this time, members of the Council thanked Member Sebetich for his service and wished him well and then Chair Richko presented him with a plaque.

Member Sebetich thanked the Council and recited the following note:

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"It has been an education interacting with my fellow council members. I trust that we had positive actions on behalf of NJ citizens in protecting the environment and assisting municipalities.

Over the years I have discovered that many or most of NJ citizens are not aware of the NJ Highlands Act and the Council and staff that carry out the objectives of the Act. That is just human nature as they are busy with their occupations and families.

However, the Highlands staff and executive director work hard to meet the challenges of the Act. Both Council and staff know that this is serious business and treat it that way.

Interestingly, I have also been educated by the public who pay attention to the agendas and come to the lectern and present their polished comments on issues at hand. Sometimes their presentations have influenced my vote in a positive manner.

I made a few friends on the Council and on the staff, and that is an important addition to my life. I am 81 years of age and I can use all the friends I can get before I kick the bucket. I will miss being a part of the process, but leaving the Council gives me one more day a month to go fly fishing.

In conclusion, I thank Council members, the executive director and the wonderful staff who carry out the mission of the Highlands Act."

Chair Richko reminded the Council that the elections of Vice Chair and Treasurer will be considered at our next meeting.

EXECUTIVE DIRECTOR'S REPORT

Mr. Spinelli provided several updates:

1. Thanked the Council for their dedication to their work in 2024.
2. Thanked Member Sebetich for his service.
3. Drought continues. Zero rain for the month of October. Times like this highlight the importance of our work. Seven million people, including 8 out of every 10 people in overburdened communities in the state, rely on the Highlands Region for their drinking water, not to mention needs of agriculture and businesses.
4. Today's agenda:
 - a. Consideration of Boroughs of Mountain Lakes and Bernardsville Petition for Plan Conformance.
 - b. Of note, another 13 municipalities are moving forward with the Plan Conformance process as well.
 - c. Council will consider Netcong Borough and Mendham Township Petitions for Plan Conformance in the new year.
5. Open space funding – Senate S3466 to allocate \$7.5 million for the Council's open space programs was released from committee, but the provision to fund the Council was removed from the Bill. Two other provisions are moving forward: 1) the codification of the Watershed Moratorium Aid coming from the Highlands Protection fund to make funding available to two (2) Highlands municipalities (Ringwood and Wanaque); and 2) to extend the dual appraisal.
6. Developer for the Lopatcong/Pohatcong application heard at the October meeting has filed suit to challenge the Council's failure to approve the request. More details to follow in 2025.

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7. Highlands staff attended New Jersey League of Municipalities in November. Special thanks to Carole Ann Diction for organizing the event and staff who attended and presented.
8. Met with the Governor's office to discuss our agency's concerns. Issues have not changed and continue to bring them to their attention (CBT funding, staffing, grant budget, NJDEP rules, etc.) Council could do our job better with a relatively modest investment of resources for issues like climate resilience, agriculture, economic sustainability, stormwater management, and ecological stewardship, to name a few.
9. Received Climate Guidance document from NJ Future for our municipalities. Working with Sustainable Jersey to roll out this document to our municipalities.
10. Met with Dr. Wu from Montclair State University to discuss cooperating on an analysis of the Jennings Creek wildfire site; the impact on water quality and the regeneration of the forest are of primary concern.
11. Working on convening all the water purveyors in the region to talk about common issues - impacts to source water and land conservation in watersheds.
12. Submitted a grant request to U.S. Forest Service in conjunction with the City of Newark to fund several actions aimed at protection of the 35,000-acre Pequannock Watershed and conduct an initial assessment.
13. Affordable Housing – held Build-out training on November 1, 2024. Byram Township – our first town to complete their buildout analysis.
14. Branding and Marketing project continues. Public outreach and research phase is completed. North Star will present their findings to the Council in 2025.
15. Open Space and Recreation Plan moving forward. Public outreach and research is underway before substantive work on plan drafting begins.
16. Agriculture Sustainability Grants are up for their second year of a three-year funding.
17. Year in review – accomplished a great deal. Thanked the staff for their talent and efforts. An incredible amount of work was accomplished with limited resources.

Lastly, Mr. Spinelli wished everyone a wonderful holiday season and we look forward to doing some great things in the new year.

At this time, Chair Richko asked if any Council members had comments or questions on the Executive Director's report.

Member Sebetich showed interest regarding Newark Watershed's overdue and first study of their watershed. Member Sebetich also showed interest in the analysis of the Jennings Creek wildfire.

Chair Richko noted that the \$7.5 million CBT funding could have been matched with federal funds.

Mr. Spinelli noted there are 19,000 undeveloped but developable lots across the region that represent 230 square miles of the 1,300 square miles of the region that are still open to development even with Highlands restrictions in place. Mr. Spinelli added that we have \$25 million in requests for HDC purchases from landowners in the Highlands that are sitting idle because we do not have the funds. That is in addition to the funding we are leaving on the table every year from the federal government. \$7.5 million is a drop in the bucket and the two state agencies that get the bulk of the CBT funding are not expending those funds every year.

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Lastly, the Council discussed the connection with Newark Watershed and the importance of building this relationship.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF OCTOBER 17, 2024

Chairman Richko asked for a motion on the Council Minutes of October 17, 2024.

Member Bush made a motion to approve the Highlands Council Minutes of October 17, 2024. Member Visioli seconded it.

A roll call vote was taken. The Highlands Council Minutes of October 17, 2024 were APPROVED 9-0.

BUDGET & FINANCE COMMITTEE

Resolution – Approval of Fiscal Year 2025 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants – Hunterdon County

Committee Chair Visioli reported that the committee met and discussed several items.

At this time, Maryjude Haddock-Weiler, Planning Manager reported that Hunterdon County is requesting \$100,000 for Economic Sustainability planning to continue to grow their tourism market. The County is seeking funding to develop a social media strategy; create upgrades to their website to increase visitation, improve navigation and enhance user experience; foster new promotional opportunities; and do event planning.

Ms. Gallagher noted for the record that Member Bush was recused from this matter.

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member James seconded it.

Council Comment

There were no Council comments.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 8-0.

Resolution – Approval of Fiscal Year 2025 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants – West Milford, Byram and Greenwich Townships

Chairman Richko asked for a motion on the resolution.

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Member Visioli moved the resolution. Member James seconded it.

At this time, James Humphries, Director of Planning, Science and GIS reported that as a follow up to our last Council meeting, West Milford (\$50,000) and Byram Townships (\$20,000) have requested additional funding for their MS4 permitting obligations.

Mr. Humphries also reported that Greenwich Township has requested \$15,000 to do an Initial Assessment Analysis as a first step towards Plan Conformance in their Preservation and Planning Areas.

Council Comment

There were no Council comments.

Public Comment

There was no public comment.

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

PLAN CONFORMANCE COMMITTEE

Committee Chair Dressler reported that the Plan Conformance Committee met and two Petitions were reviewed by the Committee for the full Council's consideration.

Resolution – Approval of the Petition for Plan Conformance for the Borough of Mountain Lakes, Morris County

At this time, Ms. Haddock-Weiler gave a presentation on Mountain Lakes' Borough Petition for Plan Conformance. The presentation may be found on Council's website at:
www.nj.gov/njhighlands/about/calend/2024/dec12/HC_Dec022024.pdf.

Chair Richko acknowledged Councilwoman Cynthia Korman from Mountain Lakes Borough.

Cynthia Korman, Mountain Lakes Borough Councilperson – Ms. Korman thanked Ms. Haddock-Weiler for her responsiveness. Ms. Korman also thanked Julia Somers for the initial early education. Lastly, Ms. Korman thanked the Council for reviewing our Petition and their consideration.

Chairman Richko asked for a motion on the resolution.

Member Dressler moved the resolution. Member James seconded it.

Council Comment

There were no Council comments.

Public Comment

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There was no public comment.

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

Resolution – Approval of the Petition for Plan Conformance for the Borough of Bernardsville, Somerset County

At this time, Liz Ward, Regional Planner gave a presentation on Bernardsville Borough’s Petition for Plan Conformance. The presentation may be found on Council’s website at:

www.nj.gov/njhighlands/about/calend/2024/dec12/HC_Dec022024.pdf.

Chair Richko acknowledged Jessica Caldwell, Bernardsville Borough’s planner.

Jessica Caldwell, Bernardsville Borough Planner – Ms. Caldwell thanked the Highlands staff and Council for their diligent work on Bernardsville Borough’s Petition for Plan Conformance, and the Borough looks forward to Center Designation in the future.

Chairman Richko asked for a motion on the resolution.

Member James moved the resolution. Member Bush seconded it.

Vice Chair Alstede recused himself from this resolution.

Council Comment

There were no Council comments.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that Mayor Canose has always spoken positively of the Highlands Council staff.

A roll call vote was taken. The resolution was APPROVED 8-0.

OTHER BUSINESS

Resolution – Open Space Partnership Program, Approval of Extension of Time, County of Passaic (Applicant)

Mr. Spinelli reported that this is for the rail trail right of way and they are still waiting on their resolution of environmental study of the rail bed.

Chairman Richko asked for a motion on the resolution.

Member Alstede moved the resolution. Member Sebetich seconded it.

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Council Comment

There were no Council comments.

Public Comment

There was no public comment

Member James recused himself from this resolution.

A roll call vote was taken. The resolution was APPROVED 8-0.

Resolution – Open Space Partnership Program, Approval of Extension of Time, New Jersey Conservation Foundation (Applicant)

Mr. Humphries reported that this is an SADC property and needs an extension since it expired the end of this year.

Chairman Richko asked for a motion on the resolution.

Member Bush moved the resolution. Member Sebetich seconded it.

Council Comment

There were no Council comments.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 8-0, with one (1) abstention by Member James.

OLD/NEW BUSINESS:

There was no old/new business.

Chair Richko opened the meeting for any public comment and noted the 3-minute limit.

Public Comments

Julia Somers, New Jersey Highlands Coalition – Ms. Somers recognized Dr. Sebetich for his contributions to the Council.

George Cassa, Tewksbury Township - Mr. Cassa thanked Dr. Sebetich on behalf of fly fishermen in the Highlands and most of all on behalf of fish and fisheries.

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Chair Richko wished everyone a Merry Christmas and Happy Hannukah.

Chair Richko asked for a motion to adjourn the meeting.

Member Sebetich made a motion to adjourn the meeting. Member Francis seconded it. All were in favor. The meeting was adjourned at 4:56pm.

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: 1/16/2024

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

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