

Highlands Council Update

August 2026

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Butler Reservoir. Kinnelon Borough, Morris County

Contents

From the Executive Director	1
Municipal and County Regional Master Plan (RMP) Implementation	2
Project Reviews	4
GIS Updates	4
Science Initiatives	5
Staffing and Staff Development	5
Outreach, Education & Events	5
Legislative Update	5
Council & Committee Meetings	6



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Highlands Council Monthly Report

Summary of Activities | August 1-31, 2026

From the Executive Director

In Memoriam. I must start this month's report with sad news about two long-time Highlands Council members. In August we noted the passing of former Council member Mike Francis and current Council member Bruce James. Council member Francis, who left the Council in December 2025 after 16 years of service to the Highlands, died on July 31. Council member James, who served on the Highlands Council since 2011, died on August 27. I had the privilege to work closely with both of these men in my role as Executive Director of the Council, as did many of the staff here, and both Mike and Bruce will be missed greatly.

Mike Francis was the Sussex County representative on the Highlands Council. He was first a municipal council member and later mayor for the Borough of Hopatcong. Bruce James represented Passaic County on the Council and was a Passaic County Commissioner (formerly known as Freeholder). Mike and Bruce gave countless hours of their time to the work of the Highlands Council during their respective tenures. Their service was visible through their attendance at our public meetings, but much of their work took place largely outside of the public eye on numerous Highlands Council committees. They shared a common commitment to the vision of the Highlands Act and brought wisdom and perspective to our work from their many years as elected public officials and residents of the region.

In the polarized political world we live in, it can sometimes be difficult to see the important issues that transcend partisanship. Mike Francis, a republican elected official, and Bruce James, a democratic elected official, not only worked productively together for nearly two decades, but also understood the vital importance of the Council's work to protect the resources of the Highlands region for the good of the entire State of New Jersey. They conducted themselves in a positive and professional manner, maintained a professional approach to their responsibilities as Council members, and even in times of disagreement were always cordial and respectful. That's a pretty good legacy to leave behind that anyone in public service would be proud to have, but also a lesson that we can all take regarding the importance of overcoming political differences and working towards a common good. As we carry on with our work to protect the sources of water for 70% of the state's residents, we will continue to honor their memories by pursuing our mission in a non-partisan, non-political manner because when it comes to the necessity of ensuring that there will always be an adequate supply of clean drinking water, there is no political divide.

The Common Good. Expanding on the idea that political partisanship has no place when it comes to protecting drinking water supplies, a recent decision by the U.S. Court of Appeals bears mentioning. In the case of *Sterling v. The City of Jackson*, the 5th Circuit Court held that the U.S. Constitution did not guarantee citizens a right to clean drinking water stating, "It is undisputed that the Constitution does not guarantee clean water. Generally, a State is under no constitutional duty to provide substantive services for those within its border absent a special relationship."^(citation) Putting aside the legal analysis that concluded there was no recognizable constitutional claim that requires a governmental body to provide its citizens with clean drinking water, it is hard to fathom that access to clean drinking water is not seen as a basic

human right. In fact, as I have written here before, there is no more fundamental responsibility of government than safeguarding an adequate supply of clean drinking water for the people it serves.

While the decision of the 5th Circuit Court of Appeals doesn't bind us here in our home state, it highlights that the protection of drinking water as a foundational responsibility of government is not a universally held concept. The Sterling decision is a somewhat chilling reminder of how fortunate we are indeed that New Jersey had the foresight to understand that protection of the Highlands region was essential for the long-term health of our state. With all of its benefits and shortcomings, the Highlands Act is still, as it was over 20 years ago, visionary in its purpose and function.

The intent of the Highlands Act and the mission of the Highlands Council are based on the concept that we can only thrive as a state by ensuring there will always be an adequate supply of clean drinking water for all residents of New Jersey. However, because it is easy to take the availability of plentiful water for granted, we fail to appreciate that it doesn't occur by accident. This makes investment in the work of the Council a necessity, not a luxury.

I have previously expounded upon the myriad funding shortfalls that have limited the Council's ability to fully implement the protections envisioned in August 2004 when the Highlands Act was signed into law. If we can learn anything from the approach taken in other parts of the country it should be that access to clean water is not a given. It is time New Jersey started investing in the work of the Highlands Council as if it truly believed having a reliable source of drinking water indefinitely into the future is the responsibility of government.



Ben Spinelli
Executive Director

Municipal and County Regional Master Plan (RMP) Implementation

Updates related to Highlands Council-funded projects that help implement the RMP.

Completed Projects

The following municipalities/counties have submitted project deliverables that were reviewed by Highlands Council staff and found to be consistent with the RMP and eligible for reimbursement.

- **Lopatcong Township, Warren County.** MS4 Stormwater Compliance
- **Hackettstown, Warren County.** MS4 Stormwater Compliance

Approved Scopes

Highlands Council staff have approved scopes of work for the following projects in the specified municipalities/counties. With approved scopes, project work may begin.

- **Town of Boonton, Morris County.** Environmental Resource Inventory
- **Glen Gardner Borough, Hunterdon County.** Master Plan Reexamination Report

- **Holland Township, Hunterdon County.** Stormwater Management Planning/MS4 Permit Compliance
- **Hunterdon County.** Agriculture Inventory
- **Mendham Township, Morris County.** Highlands Element of Master Plan
- **Mountain Lakes Borough, Morris County.** Stormwater Management Planning/MS4 Permit Compliance
- **Netcong Borough, Morris County.** Hydrogeological Study (Phase 2)
- **Wharton Borough, Morris County.** Master Plan Update
- **White Township, Warren County.** Conformance Assessment.

Other Notable Implementation Activities

- **Hunterdon County – Letter of Support.** The Highlands Council provided a letter supporting Hunterdon County’s application to participate in the North Jersey Transportation Planning Authority’s (NJTPA) FY 2028 – FY 2029 Subregional Studies Program. If the application is accepted, the County will partner with NJTPA to advance its “Bicycle Network Corridor Assessment and Prioritization Study.”
- **Waughaw Valley Trail Ribbon Cutting.** The Highlands Council was invited by Montville Township, Morris County, to attend the Ribbon Cutting Ceremony officially opening the Waughaw Valley Trail. The Highlands Council provided funding for design and engineering work required to develop the 1.3-mile trail. In addition, Council staff provided assistance with educational signage along the trail, which incorporates the Highlands region tourism brand logo. Gently winding through forested wetlands, the Waughaw Valley Trail smartly connects nearby residential neighborhoods with a small commercial area and the NJ Transit Towaco Train Station.



Left: One of the five educational signs featuring the Highlands region brand logo along the Waughaw Valley Trail. In addition to the upland forest sign pictured above, other signs focus on stream ecosystems, tree identification, invasive plants, and birds of prey. **Right:** the 1.3-mile shared-use trail is open to hiking and mountain biking as it winds through a variety of natural areas.

Project Reviews

The Highlands Council does not issue permits but is statutorily required to review certain proposed projects in the region for consistency with the Highlands RMP. In some cases, the Highlands Council shares jurisdiction with the New Jersey Department of Environmental Protection (NJDEP).

- **Highlands Planning Area Exemption Determination, Exemption #4**

Hackettstown, Warren County

The proposed project consists of redevelopment of an existing gas station facility to accommodate a drive-through restaurant. The resulting improvements are expected to reduce impervious surface at the site.

Highlands Council Staff finding: Exempt

- **Planning Area Highlands Applicability Determination (HAD), Exemption #11. Rockland Electric Company (RECO) Shoreline Armoring**

Mahwah Township, Bergen County

RECO plans to perform streambank armoring to address erosion concerns at a transmission tower in Mahwah Township to protect critical infrastructure adjacent to Masonicus Brook. The project involves establishing temporary access; soil erosion and sediment control measures; excavation of bank soils; installation of sheet piling, stone fill materials, and final grading; followed by restoration of all work areas.

Highlands Council staff review in progress

- **Water Quality Management Plan (WQMP) Revision. Birchwood At South Main Revision**

Phillipsburg, Warren County

A revision to the Upper Delaware WQMP is being requested to correct a sewer service area mapping error that was identified during planning for the construction of a 100% affordable housing project consisting of 48 age-restricted units in one four-story apartment building.

Highlands Council staff review in progress

- **Water Quality Management Plan (WQMP) Amendment. Greenwich Township Municipal Building**

Greenwich Township, Warren County

A site-specific amendment to the Upper Delaware WQMP is required to accommodate a new municipal building and related site improvements. The project will take place in previously disturbed areas. The projected flow of the development is 3,715 gallons per day and will be conveyed to the Phillipsburg Sewage Treatment Plant.

Highlands Council staff review in progress

GIS Updates

- **Data Layer update:**
 - Highlands Redevelopment Area Designations - updated to reflect current designations.

Science Initiatives

- **Highlands Water Quality Monitoring Program.** Water quality sampling and analysis continued throughout the summer and will continue in September. August results from four separate locations revealed healthy macroinvertebrate samples even in waterbodies with less-than-optimal habitat conditions. At one sub-optimal site, staff conducted an impromptu streamside cleanup.

Right: Science Manager Kelley Curran and Resource Management Specialist Emma Turner with a few bags of trash collected following a recent water quality sampling event.



Staffing and Staff Development

- **Part-Time Communications Assistant/Social Media Manager.** The Highlands Council received eight resumes for this open position and is in the process of interviewing qualified candidates.

Outreach, Education & Events

- **Upcoming Events.** In October the Highlands Council will have a presence at two back-to-back events.
 - **The North Jersey Rivers Conference.** Friday, October 16, 2026, 8:30 a.m. to 4:30 p.m., held at the Lackland Center at Centenary University in Hackettstown, Warren County. In addition to having an information table at [this event](#), Highlands Council Executive Director Ben Spinelli will be speaking at a session about Forest Management Best Practices, along with Dr. Michael van Clef, a noted ecologist based in the New Jersey Highlands.
 - **Sussex County Harvest, Honey, and Garlic Festival.** Saturday, October 17, 10:00 a.m. to 4:00 p.m. at the Sussex County Fairgrounds in Augusta, Sussex County. The Highlands Council will once again have an information table as [this large event](#) that draws thousands of visitors from New Jersey, New York, and Pennsylvania.

Legislative Update

Following is a summary of legislative updates from the month of August.

Highlands Related Legislation

Bill Number	Primary Sponsor(s)	Bill Summary	Bill Status
S3379 /A4096	Ruiz, M. Teresa Mukherji, Raj Venezia, Michael Haider, Shama A. Bagolie, Rosaura	Requires data center owners and operators to submit semi-annual water and energy usage reports to BPU.	8/27/2026 Approved P.L.2026, c.75.

Council & Committee Meetings

- **Committee Meetings.** The Audit Evaluation and RMP Amendment Committees met in August.
- **Public Council Meetings.** The September Highlands Council public meeting is scheduled for Thursday, September 17. The October public meeting is scheduled for Thursday, October 15. All meetings are held at 4 p.m. at the Highlands Council office in Chester, NJ. Complete details are available on the [Public Meetings page](#) of the Highlands Council website.



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