

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JULY 17, 2014

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
MICHAEL R. DRESSLER)	
TIMOTHY P. DOUGHERTY)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL TFANK)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT

MICHAEL SEBETICH)

CALL TO ORDER 132ND meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:03pm.

ROLL CALL

Roll call was taken. Council Members Alstede, Dougherty, Dressler, and Sebetich were absent. All other members were present. *The following staff members were present: Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Ball Kaiser, Corey Piasecki, Carole Diction, Ranji Persaud, and Tom Tagliareni. Also present were Peter Simon, Governor's Authorities Unit.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

Members Alstede and Dougherty were present at 4:04pm.

APPROVAL OF HIGHLANDS COUNCIL MINUTES AND EXECUTIVE SESSION OF JUNE 19, 2014

Chairman Rilee asked for a motion on the Minutes of June 19, 2014.

Mr. Walton introduced a motion to approve the Minutes of June 19, 2014. Mr. Visioli seconded it.

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All members present voted to approve the Minutes of June 19, 2014. The minutes were APPROVED 11-0, with one abstention, by Member Francis.

Member Dressler was present at 4:06pm.

Chairman Rilee asked for a motion on the Executive Session Minutes of June 19, 2014.

Mr. Walton introduced a motion to approve the Executive Session minutes of June 19, 2014. Mr. Holtaway seconded it.

All members present voted to approve the Executive Session Minutes of June 19, 2014. The Executive Session minutes were APPROVED 11-0, with two abstentions, by Chairman Rilee and Member Francis.

APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT BANK MINUTES AND EXECUTIVE SESSION OF JUNE 23, 2014

Chairman Rilee asked for a motion to approve the Highlands Development Credit (HDC) Bank Minutes and Executive Session Minutes of June 23, 2014.

Mr. Walton introduced a motion to approve the HDC Bank Minutes and Executive Session minutes of June 23, 2014. Mr. Holtaway seconded it.

All members present voted to approve the HDC Bank Minutes and Executive Session Minutes of June 23, 2014. The minutes were APPROVED 13-0.

CHAIRMAN'S REPORT

Chairman Rilee announced that the Personnel Committee members have spoken over the past couple of weeks and the Executive Director's position will be posted on the Highlands Council website beginning Friday, July 18, 2014. The posting will expire on August 6, 2014 and resumes will be forwarded to the Personnel Committee.

COUNCIL MEMBER REPORTS

No Council Member reports.

ACTING EXECUTIVE DIRECTOR'S REPORT

Ms. Nordstrom gave the Acting Executive Director's report to update the Council on some staff activities. Ms. Nordstrom announced that in Plan Conformance Implementation, Bloomsbury Borough, (Hunterdon County) adopted their Master Plan Highlands Element. Ms. Nordstrom added that the Township of Parsippany-Troy Hills (Morris County) decided to withdraw their Planning Area Conformance. Ms. Nordstrom emphasized that Highlands Council staff met with Township officials and will continue to work with them. As stated in their Resolution R2014-102, the Township of Parsippany Troy-Hill:

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- can, at a later date, decide to restart the voluntary Highlands Plan Conformance process; and
- the Township will continue to study incorporating the applicable goals and objectives of the Highlands RMP into the Township Master Plan where they are determined to be on balance with the need to further targeted economic improvement and redevelopment opportunities of the Township.

Ms. Nordstrom reported that under the TDR program, four (4) allocation determinations were issued. Lastly, under State Agency Coordination Activities, regarding Tennessee Gas Pipeline Performance Agreement, action was taken toward the mitigation requirements. The mitigation required 147 acres of prime forest/critical wildlife habitat lands as mitigation for the temporary impacts of the project. In coordination with DEP and the Land Conservancy of New Jersey (TLCNJ), the “Gibbs Property” closing took place on June 27, 2014 for this mitigation whereby 190+ acres will be preserved and managed by TLCNJ. Ms. Nordstrom thanked Highlands Council staff members Kim Ball Kaiser and Keri Benscoter for their efforts with this undertaking.

Fenimore Landfill Update

As tasked by the Council at their June meeting, Ms. Nordstrom gave an update regarding the Fenimore Landfill. Ms. Nordstrom indicated that this update is also being shared with Roxbury Township. Ms. Nordstrom’s update included the following points:

- The gas collection and treatment system continues to operate 24/7.
- The DEP is treating about 1 ton of H₂S per day.
- Odor complaints are virtually non-existent. The few that have been received were investigated and found to be unrelated to the landfill.
- DEP met last week with Roxbury Township Fire and Police to review activities on site and update emergency response to the site should a problem arise. A site visit by officials was included in the meeting.
- A notice of intent to award a construction contract for capping the site was issued by the Department of Treasury on July 3. The state is currently in the state law mandated 10 business day protest period. At the conclusion of this time period, if there are no protests, a contract will be awarded and work will begin approximately 30 business days later.

COMMITTEE REPORTS

Plan Conformance Committee

Resolution – Approval of the Minutes of the Plan Conformance Committee

Ms. Nordstrom asked Chief Counsel Davis to explain why Council is looking at this item again. Chief Counsel Davis responded that last month the Approval of the Minutes of the Plan Conformance Committee did not pass. The vote was 7-2. Chief Council Davis concluded that eight (8) affirmative votes were needed, so that is why Council has this item back on the agenda.

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Ms. Nordstrom gave a PowerPoint presentation on the Checklist Ordinance approach for Sparta and Alexandria Townships. The presentation may be found on the Highlands Council website at the link below:

http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/jul17/HighlandsCouncilMtg_July2014_ChecklistReview.pdf

Council Comment

Member Carluccio commented that the level of information received today was not something the Council and public received before. She indicated that she believed that the Council and the public need this level of information moving forward. Member Carluccio continued to express concerns regarding the use of the Checklist approach and the municipality's responsibility.

Member Holtaway commented that he is a strong believer of the Checklist Ordinance approach with Council staff doing the reviews.

Member Richko suggested that the Plan Conformance Committee change procedure. Member Richko added that in the future the Committee will meet, announce the town/s considered for Checklist Ordinance approach at the next Council meeting, and at the following Council meeting the Council will consider the approval of the minutes for Checklist Ordinance approach municipalities.

Member Francis commented that he has confidence in the committee and the report to Council.

Member Carluccio commented that Member Richko's suggestions are good, but that she still feels the committee meeting should be open to the public.

Chairman Rilee added that the Checklist Ordinance approach criteria are spelled out and a majority of the members were ready to move forward and to accommodate the public and Council will wait a month to consider the minutes of the committee.

Chairman Rilee asked for a motion on the resolution.

Mr. Francis made a motion on the Resolution. Mr. Holtaway seconded it.

Chairman Rilee opened the meeting for public comment on this resolution.

Public Comment

George Cassa, Alliance for Historic Hamelots, Tewksbury Township – Mr. Cassa appreciates Council staff's effort to produce the backup for Sparta and Alexandria Townships' use of the checklist approach. Mr. Cassa posed some additional questions regarding the approach, and Christine Danis, the Council's Director of Planning and Research, provided some clarification.

All members present voted to approve the resolution. The resolution was APPROVED 12-1.

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Budget & Finance Committee

Resolution – Approval To Extend The Fiscal Year Budgets 2014 At The Same Average Monthly Spending Level.

Member Holtaway reported that the FY2015 budget was signed for the end of fiscal 2014 and the budget for the Highlands Council is the same as last year. Asking Council to extend 2014 until October until the final budget can be worked on using same total appropriations.

Mr. James made a motion on the Resolution. Mr. Holtaway seconded it.

Public Comment

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp asked how much is the budget. There was a general discussion among the Council Members, and several indicated that the current budget was in the range of \$2.4 million.

All members present voted to approve the resolution. The resolution was APPROVED 12-1.

Regional Master Plan Update Committee

Member Alstede reported that an RMP Update Committee meeting was held on June 11, 2014. The committee continues to address elements that will enable Council to successfully carry out the Regional Master Plan update. Member Alstede reported that this process is a tripod approach: 1) Web Portal to collect all public input and data to consider; 2) the Monitoring Program to measure certain elements to identify; and 3) Fiscal Impact Assessment. Mr. Alstede added that a PowerPoint will be provided to better understand the monitoring program. Mr. Alstede turned the meeting over to staff member Corey Piasecki.

Mr. Piasecki gave a presentation related to the scope of work of Monitoring Program Recommendation Report, one of the three components of this process which may be found at the following link:

http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/jul17/HighlandsCouncilMtg_July2014_RMPCmtee.pdf

Council Comment

Members Richko and Dougherty left the meeting temporarily at 4:54pm.

There was some Council discussion on the 6-month timeline and the next 6-month period, as well as having enough time for the stakeholder and technical advisory group meetings and public outreach sessions. Vice Chair Alstede commented that the Committee hopes to keep consultants on task and to be completed by the end of 12 months.

Member Richko returned to the meeting at 4:57pm.

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Member Carluccio expressed concern on the importance of having a clear explanation of the RMP Monitoring Program.

Mr. Piasecki asked Chairman Rilee to invite Ms. Dicton, Highlands Council Communications Manager, to review some changes recently made to the Highlands website in an effort to clarify the Program. Ms. Dicton demonstrated where information regarding the RMP Monitoring Program could be found on the Highlands Council website. She then reviewed the content within that area of the site, which is currently organized in three sections:

- RMP Update Committee – Meeting records to date.
- Project Components – Explanation and materials related to the three consulting projects of the Monitoring Program.
- Presentations – Public presentations related to the Program.

Member Dougherty returned to the meeting at 4:59pm.

Ms. Dicton explained that the organization of the site would evolve and change as the project progresses. She also noted that the Council's website would be updated shortly to provide a direct link to the RMP Monitoring Program page from the homepage to make access as easy as possible.

Member Carluccio urged Council to have the RMP Update Committee meeting open to the public.

On another note, Vice Chair Alstede asked for a motion to renew Council's support on the Dual Appraisal and send to the Senate President and head of the assembly to encourage them to support this. Chairman Rilee responded that Council did send a letter out and will make sure everyone gets copied.

Chairman Rilee opened the meeting for general public comments. Chairman Rilee noted that comments regarding Fenimore should be held at this time, and Vice Chair Alstede will take over the meeting later to take comments on that matter.

Public Comment

Deborah Post, property owner in Chester Township – Ms. Post commented on Highlands Council and SADC appraisers and asked Council to pass a formal resolution recommending that the Highlands municipal averages be utilized by the SADC whenever a Highlands landowner so requests as part of their farmland preservation application. Ms. Post submitted are comments for the record.

Chairman Rilee commented that Ms. Nordstrom is working on Ms. Post's comments from last meeting.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp followed up on his comment made last month regarding the real estate tax value on his property. Mr. Klumpp submitted is comments for the records.

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George Stafford, Wharton, NJ – Mr. Stafford asked about the numbers for the stakeholder, TAC, and outreach public meetings. Mr. Piasecki responded that the number of meetings is for budgetary purposes.

David Shope, owns property in Lebanon Township, NJ – Mr. Shope commented on various topics some of which he commented at previous meetings. Mr. Shope asked for the progress on Member Dressler's request for a property compensation committee. Ms. Nordstrom commented that Council has established an HDC Bank Committee and that is the committee that will eventually be the property compensation committee. Mr. Shope also commented on Lebanon Township's Highlands Area Exemption Ordinance. Mr. Shope submitted some documents for the record.

Member Holtaway left the meeting temporarily at 5:19pm.

Chairman Rilee suspended the public portion of the meeting and recused himself from matters related to the Fenimore landfill.

Chairman Rilee left the meeting room at 5:20pm.

Member Holtaway returned to the meeting at 5:20pm.

Vice Chair Alstede took over this portion of the meeting relating to public comments on the Fenimore landfill.

Public Comment

Ken Collins, Andover, NJ – Mr. Collins urged Council to pass a motion to rescind the redevelopment designation Council granted.

Bob Schultz, Succasunna, President, REACT – Mr. Schultz asked the Council to reconsider and rescind Council's redevelopment designation and to draft and pass a resolution for DEP to do a core soil sampling. Mr. Schultz also asked if a letter was sent to NJDEP.

Ms. Nordstrom commented that the letter is posted on the website.

Marion Emery – Ms. Emery urged Council to rescind its resolution.

Kathy Panetta, Ledgewood, NJ – Ms. Panetta commented on a stream she indicated is under the garbage. Ms. Panetta urged Council to rescind their decision.

Carl Panetta, Ledgewood, NJ – Mr. Panetta asked if Council reports to DEP. Vice Chair Alstede responded that Council is separate but within. Mr. Panetta would like someone to talk to Commissioner Martin regarding the entire environment not just the smell. Vice Chair Alstede responded that we are in constant dialogue with DEP but emphasized that the Council has limitations on its authority under the law.

Marcellene Thompson, Succasunna, NJ – Ms. Thompson asked if Council can give opinions to the DEP during dialogue. Vice Chair Alstede responded that Council staff can have dialogue with the DEP but cannot tell them what to do.

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Council Comment

Member James commented that the Council is concerned with this issue.

Member Richko commented on a letter which was sent to Commissioner Martin and Roxbury Township.

Member Dressler commented that the pressure has to be on the DEP.

Member Carluccio commented that Council should still rescind our approval.

Member Dougherty supported Member Carluccio's motion to rescind. Member Dougherty asked if Council can request from DEP to get a full report from DEP on the flow of water, depth, and direction.

Member Dressler requests that at August's meeting we have an Executive Session on this matter to revisit a resolution to rescind. Vice Chair Alstede responded that an Executive Session can be put on the agenda. Members Carluccio and Dougherty supported Member Dressler's request.

Vice Chair Alstede commented that Council needs to keep in mind the two separate issues:

- Proper cleaning and capping of the landfill
- Use of the properly cleaned and capped landfill

Member Dougherty urged the staff to look into the creation of timetables on certain approvals. .

Mr. Walton made a motion to adjourn the meeting. Mr. Holtaway seconded it. The meeting was adjourned at 5:52pm.

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: 8/22/14

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

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**Vote on the Approval of
These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	✓
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	✓	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____