

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 16, 2014

**PRESENT**

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

**ABSENT**

KURT ALSTEDE	)
BRUCE JAMES	)

**CALL TO ORDER** 135<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:05pm.

**ROLL CALL**

Roll call was taken. Council Members Alstede, Dressler, and James were absent. All other members were present (Council Member Dressler attended the meeting shortly following the roll call, as noted below.) *The following staff members were present: Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Carole Dicton, Tom Tagliareni. Also present were Peter Simon, and Tyler Yingling, 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.

*Member Dressler was present at 4:06pm.*

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 18, 2014**

Chairman Rilee asked for a motion on the Minutes of September 18, 2014.

*Mr. Walton introduced a motion to approve the Minutes of September 18, 2014. Mr. Dougherty seconded it.*

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*All members present voted to approve the Minutes of September 18, 2014. The minutes were APPROVED 12-0*

### **CHAIRMAN'S REPORT**

Chairman Rilee commented that at the last Council meeting members were asked to submit nominations for stakeholder groups. Chairman Rilee asked members to submit any other nominations by this Monday, October 20<sup>th</sup>. Chairman Rilee also asked members if they plan to attend any stakeholder meetings to notify Ms. Nordstrom by Monday, October 20<sup>th</sup> for the October 22<sup>nd</sup> and October 29<sup>th</sup> stakeholder meetings to be held in Trenton. Members Vohden and Sebetich commented that they were interested in attending.

Chairman Rilee commented that also at last month's Council meeting, Council asked Highlands staff and the Chair to prepare a letter in opposition of the proposed Sterling Forest Resort/Casino. The letter was included in Council Members' packets.

Member Carluccio asked why a consistency determination (CD) was not prepared as discussed at last month's meeting. Chairman Rilee responded that there was not enough time to prepare a CD. Chairman Rilee added that Council staff is in ongoing communication related to the proposed object.

Member Dressler supported the response Council prepared on the proposed project. Member Sebetich hopes if Council staff has an opportunity to look at this proposed plan that we oppose the plan unconditionally.

Chairman Rilee commented that at this stage of the process it is strictly to locate a proposed casino on the property.

### **COUNCIL MEMBER REPORTS**

There were no Council Member reports.

### **ACTING EXECUTIVE DIRECTOR'S REPORT**

Ms. Nordstrom gave the Acting Executive Director's report, and announced that in Plan Conformance Petition Approvals, Boonton Township, Morris County, is administratively complete and we expect them to come in for their Petition in early next year. In Plan Conformance Implementation, Califon Borough, Hunterdon County adopted a Municipal Exemption Determination Resolution; Bethlehem Township, Hunterdon County adopted the Highlands Land Use Ordinance; the sixth municipality to adopt it. In Sparta Township, Sussex County the Master Plan Reexamination Report and Master Plan Highlands Element were deemed consistent.

Ms. Nordstrom also reported that there were three (3) HDC Bank Credit Allocations issued in Harmony Township, Warren County.

Ms. Nordstrom reminded Council that the next Council meeting is scheduled on Thursday, December 4<sup>th</sup>.

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Ms. Nordstrom thanked Council staff on their efforts and the progress of the RMP plan and the TDR Program.

Regarding the web portal, Ms. Nordstrom reported that, to date, Council has received 22 comments from 20 unique individuals.

### **Fenimore Landfill Update**

Ms. Nordstrom reported that, per information received from DEP, the liner of the landfill is 37% covered and they expect the liner cover to be done by the end of this month which is ahead of schedule, weather dependent. Truck traffic has been dramatically reduced and clean fill is being transported as needed. DEP will be replacing the oxidizer for a new one, not the scrubber; and this is to accommodate all the wells that have been put in and to pull out more gas. It is anticipated to be in before the end of the year after the liner cover is finished. No odor complaints have been received since August.

### **COMMITTEE REPORTS**

#### **Personnel Committee**

Chairman Rilee announced with respect to the process to appoint a new Executive Director that all information, including resumes, was sent to Council members. Chairman Rilee announced that the Committee would like to recommend Ms. Nordstrom for the position of Executive Director (ED) with the same salary as the previous ED.

Mr. Walton added that Ms. Nordstrom is qualified for the position and is the best person for the job.

#### **Resolution – Appointment of Executive Director**

*Mr. Walton made a motion on the Resolution. Mr. Holtaway seconded it.*

#### **Public Comment**

**Deborah Post, property owner in Chester Township** – Ms. Post commented in opposition to the appointment of Ms. Nordstrom. Ms. Post submitted her comment for the record.

**David Shope, owns property in Lebanon Township, NJ** – Mr. Shope commented on the history of Highlands Council Executive Directors and the culture that Council can change.

**Elliot Ruga, New Jersey Highlands Coalition** – Mr. Ruga commented in favor of Ms. Nordstrom's appointment.

#### **Council Comment**

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Members Holtaway, Francis, Dougherty, and Visioli commented in support of Ms. Nordstrom for the Executive Director position.

Member Carluccio commented that Ms. Nordstrom is qualified for the Executive Director position given the resumes Council received, but noted that she was disappointed that a national search was not conducted.

Member Richko commented on the process and said the hiring of Ms. Nordstrom is a step in the right direction. Mr. Richko supports Ms. Nordstrom for the position, but recommends to Council to form a special committee of seven people to get different views on personnel issues and process.

*All members present voted to approve the resolution. The resolution was APPROVED 11-1.*

Ms. Nordstrom thanked the Council and Council staff.

*Member Dougherty left the meeting at 4:32pm.*

**Land Owner Equity and Land Preservation Committee**

Member Walton reported that the committee reviewed the data regarding a potential water tax. Member Walton also added that Council will receive for review the open space program with the hope that Council will approve the program at Council's December meeting.

Member Dressler is happy with the direction the committee is going.

**Plan Conformance Committee**

**Resolution – Approval Of The Minutes Of The Plan Conformance Committee**

Ms. Nordstrom commented that this is a continuation of the presentation to Council on August 21<sup>st</sup> and following Member Richko's suggestion that the Council not be asked to vote on the checklist approach for a town until it has ample time for consideration and receipt of public comment. Ms. Nordstrom added that it was on Council's September agenda, but as we were unsure of a quorum, it was delayed until this month's meeting. Ms. Nordstrom gave a PowerPoint presentation on Hardyston Township for Council review.

*Mr. Holtaway made a motion on the Resolution. Mr. Visioli seconded it.*

**Public Comment**

There was no public comment.

**Council Comment**

Member Carluccio commented on the special resources on the site in Hardyston Township and that Council does not provide these reviews in their report. Chairman Rilee responded that this does not

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take away from staff's review and all those reviews come into play when an application is submitted for development on the site.

Member Sebetich asked how staff feels about Member Carluccio's concerns.

Ms. Nordstrom added that this analysis is a broad brush and that there is potential for developable lots. The special resources get factored in at a later date when a development application is received. Ms. Danis concurred with Ms. Nordstrom. Ms. Danis added that the resource protection plans for Hardyston Township are evaluated municipal wide and that the municipality participates in the process for all resource management plans.

*All members present voted to approve the resolution. The resolution was APPROVED 10-1.*

### **Budget & Finance Committee**

#### **Resolution – Approval Of Fiscal Year 2015 Operating Budget**

Committee Chair Holtaway reported that the Operating Budget is the operation of Council and Council staff. FY2014 budget was underspent by about \$100,000, FY2015 is forecasted to be a little less. We had some staff separation and salary was underspent about \$252,000. The Treasury has been pulling all available funds back for most of the agencies, but our staff was able to leave that money with Council and it has been allocated in the RMP budget account. There were some increases in the budget which included: insurance, training, professional licenses/memberships, and science/GIS technology.

*Mr. Francis made a motion on the Resolution. Mr. Vohden seconded it.*

### **Public Comment**

There was no public comment.

### **Council Comment**

Member Richko asked a few months ago the thought of asking the Budget & Finance Committee to consider in this year's budget increases for Council staff. Member Richko added that staff has not received raises in seven years and asked if there was any consideration in an increase in salary.

Chairman Rilee responded that approvals need to come from Treasury Department.

Member Visioli commented on the salary expenditures. Committee Chair Holtaway clarified that the salary expenditures were underspent due to vacant positions for extended period of time.

Chairman Rilee commented that now that we have a new Executive Director in place the focus needs to be on where this Council is moving. Member Visioli asked for a recommendation by Council's new Executive Director on this issue.

*All members present voted to approve the resolution. The resolution was APPROVED 9-2.*

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**Resolution – Approval Of The FY2015 Highlands Protection Fund Capital Budget**

Committee Chair Holtaway reported that the Highlands Protection Fund Capital Budget funds the grants and other operations external to our internal operations. In FY2015 we will need to encumber just over \$2.4 million for municipalities. Staff has done their best to see where those allocations will take place. Municipalities that have unexpended grants will receive a notice once this budget is adopted.

Staff member Herb August commented that this budget is a State mandated program that the law and the Act requires.

*Mr. Francis made a motion on the Resolution. Mr. Vohden seconded it.*

**Public Comment**

**Deborah Post, property owner in Chester Township** – Ms. Post commented on the grant funding and an extra expense for harmed landowners for professional services. Ms. Post submitted her comments for the record.

**Council Comment**

Chairman Rilee has some concerns in regards to the grant funding and wants to get some information from Ms. Nordstrom.

*All members present voted to approve the resolution. The resolution was APPROVED 10-1.*

**Regional Master Plan Update Committee**

Ms. Nordstrom reported that Council heard most of what was discussed at the last RMP Update Committee meeting held on September 17<sup>th</sup>. The committee is still working on finalizing the list of stakeholders. The committee encouraged everybody to submit names. Member Sebetich suggested that two groups be added to the targeted stakeholder list, which were: Delaware Riverkeeper and Pequannock River Coalition. The committee also designated a group called “Impacted Landowners” to the stakeholder list, as well as Sustainable Raritan and ANJEC. Ms. Nordstrom indicated that we are currently in the process of scouting locations for the stakeholder outreach and public outreach meetings and will do our very best to get to all areas of the Highlands.

Chairman Rilee commented that there are many committees to report out and he appreciates everybody’s work on these committees.

*Member Walton left the meeting at 5:00pm.*

**Resolution – Annual Meeting Schedule For 2015**

*Mr. Visioli made a motion on the Resolution. Mr. Dressler seconded it.*

There were no Public or Council comments.

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*All members present voted to approve the resolution. The resolution was APPROVED 10-0.*

**Resolution – Authority For Highlands Plan Conformance And Highlands Project Review**

*Mr. Vohden made a motion on the Resolution. Mr. Francis seconded it.*

**Public Comment**

**Deborah Post, property owner in Chester Township** – Ms. Post commented on the TDR Program and object to staff's authority in drafting and the execution of deed restrictions. Ms. Post asked Council to consider the Pitkin County Colorado TDR deed restriction. Ms. Post submitted her comments for the record.

**Council Comment**

Member Carluccio commented that Council should be more hands on by having work sessions for some of the items listed on the resolution. Member Carluccio plans to vote against this resolution.

*All members present voted to approve the resolution. The resolution was APPROVED 9-1.*

Chairman Rilee opened the meeting for general public comments.

**Public Comment**

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey commented on the locations of the public meetings and asked that meetings be held outside the Highlands Area to accommodate the consumers of water outside the Highlands Region.

**Hank Klumpp, owns property in the Highlands Preservation Area** – Mr. Klumpp commented about the lack of compensation for land owners. Mr. Klumpp submitted his handwritten comments for the record.

**Andrew Drysdale, property owner in Chester Township** – Mr. Drysdale commented about land owner equity for farmland owners and wants landowner representation at a stakeholder meeting. Mr. Drysdale submitted his comment for the records.

Chairman Rilee stated it has been addressed and there is a stakeholder group.

**George Stafford, New Jersey Highlands Coalition** - Mr. Stafford commented that the Highlands Council is in existence to protect the water. Mr. Stafford has spoken to municipal representatives in and outside of the Highlands Region and some representatives are not aware of the source of their water supply and recommends Council have meetings outside of the Highlands Region.

**David Shope, owns property in Lebanon Township** – Mr. Shope commented on stakeholder group attendees and how many seats should be allotted to each environmental group. Mr. Shope also commented on the viability of designated agricultural lands.

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**Deborah Post, property owner in Chester Township** – Ms. Post stated that most people drink Poland Springs water and 80% of Highlands water is flushed out to sea. Ms. Post commented on stakeholder meetings for landowners and that no meeting has been scheduled.

Chairman Rilee noted there is a property owner stakeholder meeting being scheduled.

**David Peifer, Association of New Jersey Environmental Commission** – Mr. Peifer thanked Chairman Rilee for his letter regarding the gaming problem (proposed casino in NY State) and reported that the real problem is rampant development across the border which affects our water supply. Mr. Peifer suggested there should be interstate collaboration regarding this issue.

**Ron Pagano, owns property in Ringwood Borough** – Mr. Pagano wants to develop a piece of property he owns in Ringwood and has spoken to the municipality many times and they are not accepting his application, but, are referring him to the Highlands Council.

Chairman Rilee commented that the development process begins with the municipality and the Highlands Council has no control over the municipal process. Chairman Rilee suggested that Mr. Pagano work with his attorney to submit the application for the project to Ringwood.

**Eric Keller on behalf of New Jersey Builders Association**– Mr. Keller noted that the NJBA appreciates the opportunity to make comments on the Regional Master Plan but wants corrections made to the Regional Master Plan based on new data availability. NJBA disagrees with the use of the checklist ordinance and wants every municipality to use the land use ordinance.

Chairman Rilee commented that the towns have the right to adopt either the land use ordinance or the checklist ordinance.

### **Council Comment**

Member Carluccio agreed with Ms. Frey's suggestion to schedule at least one public outreach session at a location outside the Highlands region. Member Carluccio also would like to know a month in advance when the TAC meetings are scheduled so Council can work that into their calendars. Member Carluccio added that Council members should be encouraged to attend these meetings and suggests that the meetings should be noticed in the event a quorum of the Council would be present.

Chairman Rilee commented that the process does not lend itself to a formal meeting and Council is not actively involved. Chairman Rilee will work with Ms. Nordstrom regarding Council participation and attempting to keep the quorum issue from affecting the public outreach sessions.

Member Dressler commented on Member Walter's comment in regards to a water tax. Member Dressler wanted to clarify that the committee has been referring as a water issue as "fee" and not a "tax." Member Dressler commented on employee raises and asked if there is a freeze on employee's salaries and who proposed it. Chairman Rilee responded that to the best of his knowledge there was a freeze across the state for non-union employees. Member Dressler asked if we can check on this



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matter and if a freeze is not in effect then have the Personnel Committee make recommendations on the possibility of raises for staff.

Member Richko commented that the Pinelands Commission put in a 5% raise for their staff about six months ago. The commission voted yes on the resolution by a majority, but the Governor vetoed the minutes. Member Richko feels Council should do the same. Member Richko also referred to the operating budget under salaries expenditures which states "Salary expenses include 23 FTE's and 5 PT, salary expense reserve for merit increase and consideration with Council to address staff retention." Member Richko asked for an explanation.

Ms. Nordstrom responded that funding is in the budget for merit raises, but needs to be approved.

Member Richko advised that Council should propose salary increases for staff and if it gets vetoed at least we did our part and someone else can be accountable.

*Mr. Holtaway made a motion to adjourn the meeting. Mr. Francis seconded it. The meeting was adjourned at 5:40pm.*

**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: 12/5/14

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

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 T'fank			✓			
Councilmember Visioli						✓
Councilmember Vohden			✓			
Councilmember Walton		✓	✓			
Chairman Rilee			✓			