

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF AUGUST 17, 2017

**PRESENT**

|                      |   |                 |
|----------------------|---|-----------------|
| JIM RILEE            | ) | CHAIRMAN        |
| KURT ALSTEDE         | ) | VICE CHAIR      |
| TRACY CARLUCCIO      | ) | COUNCIL MEMBERS |
| TIMOTHY P. DOUGHERTY | ) |                 |
| MICHAEL FRANCIS      | ) |                 |
| ROBERT HOLTAWAY      | ) |                 |
| BRUCE JAMES          | ) |                 |
| MICHAEL SEBETICH     | ) |                 |
| JAMES VISIOLI        | ) |                 |
| RICHARD VOHDEN       | ) |                 |
| ROBERT G. WALTON     | ) |                 |

**VIA-TELECONFERENCE**

|                     |   |
|---------------------|---|
| MICHAEL R. DRESSLER | ) |
| MICHAEL TFANK       | ) |
| CARL RICHKO         | ) |

**CALL TO ORDER** 156<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:01pm.

**ROLL CALL**

Roll call was taken. Members James and Tfank were present via tele-conference. Member Dressler was absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Maryjude Haddock-Weiler, Casey Ezyjske, Drew Siglin, Carole Ann Dicton, and Tom Tagliareni. Also present were Thomas Huth, Assistant Counsel, Governor's Authorities Unit, and Daren Eppley, Deputy Attorney General.*

**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 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 20, 2017**

Chairman Rilee asked for a motion on the Minutes of July 20, 2017.

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*Member Walton made a motion to approve the Minutes of July 20, 2017. Member Holtaway seconded it.*

*A roll call vote was taken. The Minutes of July 20, 2017 were APPROVED 13-0.*

## **CHAIRMAN'S REPORT**

There was no Chairman's Report.

*Member Dressler was present via teleconference at 4:03pm.*

## **EXECUTIVE DIRECTOR'S (ED) REPORT**

Ms. Nordstrom reported on some staff activities:

### Plan Conformance Implementation

- Byram Township, Sussex County
  - Highlands Land Use Ordinance - Municipal Adoption 6/20/17, Deemed Consistent 7/31/17

### HDC Bank Credit Allocation & Purchase Update

- HDC Certificates Issued
  - Mariner's Bank, Vernon Township, Sussex County, Block 240, Lot 4
  - 118.4 acres
  - 24.75 HDCs sold to HDC Bank for \$ 396,000.00 on 7/20/17

As a personnel update, Ms. Nordstrom acknowledged promotions for the following staff members:

- New position of Planning Manager to staff member Maryjude Haddock-Weiler
- Water Resource Management Specialist to staff member Casey Ezyske

Lastly, Ms. Nordstrom gave a report on Council's first Open Space acquisition:

- In July, our first Open Space Program acquisition was complete in Kinnelon Borough
- 116 acres of Special environmental Zone in the Preservation Area
- Contains the Untermeyer Lake, a diverse mix of forest habitat, and a view of Manhattan from the summit of the property
- The property links Morris County's Waughaw Mountain Greenway with Pequannock Township's Mountainside Park
- Within the buffer of the PSE&G right of way
- The Highlands Council partnered with Kinnelon Borough, Morris County, and the Trust for Public Land and contributed \$300,000 of the \$1.1 million dollar purchase
- The property is now owned by the Borough. Public access and trails will be maintained by Morris County

## **RMP AMENDMENT COMMITTEE UPDATE**

### **Resolution – Authorization Highlands Council Staff To Conduct “Five Plus One” Public Hearings Before The “Procedure For Considering Proposals To Amend The Highlands Regional Master Plan” Can Be Adopted as an Addendum to the Highlands Regional Master Plan**

Committee Chair Alstede reported that the RMP Amendment Committee met in a public session on July 12, 2017 to discuss the “Procedure” document. The Committee recommends that the Council adopt the Resolution on today’s agenda to authorize the Council staff to conduct the “5, plus 1” public hearings required before the Council can adopt the Procedure as an addendum to the RMP.

Committee Chair Alstede noted that the Council voted at its January meeting to use the “Procedure” document as a guidance as we move the Monitoring Program Recommendation Report (MPRR) process forward. Based on comments received at that meeting, the Committee recommended two changes to the “Procedure”, which are shown in the track changes version member have their packet.

Committee Chair Alstede further noted that tonight’s vote does not adopt the Procedure, but simply starts the public hearing process. Staff expects to conduct the public hearings in mid to late September at various locations in the Highlands plus one hearing in Trenton. At the conclusion of the public hearings, Council staff will prepare a response to comments document and the RMP Amendment Committee will consider any changes to the Procedure before recommending its adoption by the Council as part of the RMP.

In conclusion, Committee Chair Alstede reported that the Committee wants to move ahead with the Procedure now because it should be adopted and in place before the Council considers any other recommended changes to the RMP that may arise out of the MPRR process.

*Committee Chair Alstede made a motion on the Resolution. Mr. Holtaway seconded it.*

Chairman Rilee opened the meeting to public comment on the resolution.

### **Public Comment**

There was no public comment.

### **Council Comment**

Member Holtaway commented that the Council agreed on these Procedures months ago.

Member Carluccio will not support this resolution due to closed committee meetings.

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Member Sebetich appreciated Member Carluccio's comment, however, as a committee member for the last two years he has worked closely with Council staff and is convinced that the resolution will not jeopardize the ground water, surface water, and natural resources.

**Public Comment**

**Deborah A. Post, Chester Township, NJ** – Ms. Post spoke in opposition of the Procedure document.

*A roll call vote was taken. The resolution was APPROVED 9-5.*

At this time, Highlands staff member Corey Piasecki made a PowerPoint presentation to Council on the status of the draft Monitoring Program Recommendation Report (MPRR) and Amendment Procedure. The presentation may be found on Council's website at the link below:

[www.nj.gov/njhighlands/about/calend/2017\\_meetings/aug17/preso\\_081717.pdf](http://www.nj.gov/njhighlands/about/calend/2017_meetings/aug17/preso_081717.pdf)

Ms. Nordstrom reported that the first two (2) public hearings are scheduled on the same day as the September 14<sup>th</sup> Council meeting, therefore, the September Council meeting will be cancelled.

Chairman Rilee opened the meeting to the general public to comment on the draft MPRR first.

There were no comments regarding the draft MPRR.

Chairman Rilee then opened the meeting to the general public for any other comments.

**Public Comment**

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of the Regional Master Plan regarding land value. Mr. Klumpp also reiterated his comment from last month's Council meeting regarding Hamilton Farms increase in water allocation.

**Bill Kibler, Raritan Headwaters Association** – Mr. Kibler agreed with Mr. Klumpp's concerns regarding golf courses. Mr. Kibler added that it is an excellent concern for the Council to consider.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that the New Jersey Department Environmental Protection (NJDEP) cannot make decisions without the Council.

**David Shope, Lebanon Township, NJ** – Mr. Shope spoke in opposition of the Transfer Development Rights program.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey spoke in agreement to the concerns regarding golf courses and Council should consult with the NJDEP regarding water allocation permits.

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**Deborah A. Post, Chester Township, NJ** – Ms. Post spoke in opposition of the Amendment Procedure.

Member Walton asked what is Council's role regarding golf courses and Water Allocation Permits (WAPs).

Mr. Humphries responded that Council staff reviews new WAPs, but does not have a say on renewal WAPs.

Vice Chair Alstede spoke about open space water recharge.

Member James suggested Council continue with public comment.

Chairman Rilee suggested Mr. Humphries respond to Member Walton's question.

Member Walton asked what is Council's authority regarding WAPs. Mr. Humphries responded that staff prepares a consistency determination. The Regional Master Plan (RMP) does not specifically address golf courses, it looks at how much water is used compared to the net water availability at the HUC 14 and how it can be mitigated. If it balances out then it is consistent with the RMP.

**Public Comment (cont'd)**

**Deborah A. Post, Chester Township, NJ** – Ms. Post commented on the Highlands Development Credit (HDC) Estimator Tool on Council's website and in her opinion the new HDC Estimator Tool provides fewer HDCs.

Ms. Nordstrom clarified that the current online HDC Estimator Tool was developed in-house and is not the allocation number. The allocation number is the number used to purchase HDCs. Member Walton noted that the process for calculating HDCs is the same as it has always been.

On another note, Vice Chair Alstede asked for clarification on parameters for the public hearings regarding council member attendance and quorum. Ms. Nordstrom explained that a public notice will be issued after the Governor's review period of today's minutes. The proposed/planned public hearing meeting schedule will be posted on the Council's website with a notation that the dates are not official until the veto date expires. All Council members may attend the public hearings and staff will be available for the entire period of time noted on the schedule.

*Member Holtaway made a motion to adjourn the meeting. Member Alstede seconded it. All were in favor. The meeting was adjourned at 4:39pm.*

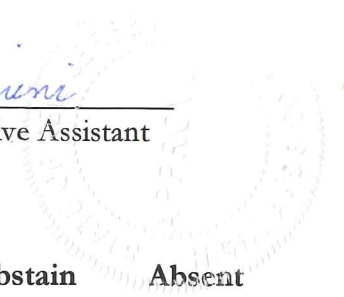
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**CERTIFICATION**

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: 10-19-17

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 Tfank     | _____  | _____  | _____ | _____ | _____   | ✓      |
| Councilmember Visioli   | _____  | _____  | ✓     | _____ | _____   | _____  |
| Councilmember Vohden    | _____  | _____  | ✓     | _____ | _____   | _____  |
| Councilmember Walton    | _____  | _____  | ✓     | _____ | _____   | _____  |
| Chairman Rilee          | _____  | _____  | ✓     | _____ | _____   | _____  |