

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JULY 18, 2019

PRESENT

CARL J. RICHKO)	CHAIR
KURT ALSTEDDE)	VICE CHAIR
TRACY CARLUCCIO)	COUNCIL MEMBERS
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

VIA TELE-CONFERENCE

TIMOTHY P. DOUGHERTY)
MICHAEL R. DRESSLER)

ABSENT

MICHAEL SEBETICH)
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CALL TO ORDER 169TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm.

ROLL CALL

Roll call was taken. Members Sebetich and Dougherty were absent (*Member Dougherty was present at approximately 4:10pm via tele-conference*). Member Dressler was present via tele-conference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, James Humphries, Christine LaRocca, Annette Tagliareni, Maryjude Haddock-Weiler, Keri Green, Corey Piasecki, Drew Siglin, Alex Hascha, Ranji Persaud, Carole Ann Diction, and Tom Tagliareni. Also present was Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit (via tele-conference); and Jennifer Moriarty, Deputy Attorney General (DAG).*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting was 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 DEVELOPMENT CREDIT (HDC) BANK MINUTES OF JUNE 28, 2019

Chair Richko asked for a motion on the HDC Bank Minutes of June 28, 2019.

Member Holtaway made a motion to approve the HDC Bank Minutes of June 28, 2019. Member Visioli seconded it.

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A roll call vote was taken. The HDC Bank Minutes of June 28, 2019 were APPROVED 10-0.

CHAIRMAN'S REPORT

There was no Chairman's report, but Chair Richko turned the meeting over to Member Francis for his report.

COUNCIL REPORT

Member Francis, who is the Mayor of Hopatcong, reported on the current closing of Lake Hopatcong due to Harmful Algal Bloom (HAB). Member Francis noted that he has spoken with representatives at the New Jersey Department of Environmental Protection (DEP), as well as the Governor's office. Member Francis added that the sampling of the water has been excellent, but he is not being told what will be done about the issue. Member Francis noted that the issue is complex and that his municipality does not have the funding to address the issue. Member Francis felt that it is the DEP's job to mitigate and feels the DEP could do better in addressing this current problem. Member Francis had a proposal to share with Highlands Council staff.

Member Dressler asked if Council should send a letter to the State regarding the issue. Chairman Richko responded that Highlands Council staff will provide a report on this issue and Council can decided after that report.

Chair Richko said it is unfortunate that we address water resources when we have a crisis, but we should be focusing on their protection always. Chair Richko noted that Greenwood Lake is affected as well. Chair Richko commented that stormwater management and infrastructure are the main problems. Chair Richko stated that proper stormwater management should be implemented. He also stated that he believes climate change is happening and regulations need to be enforced on herbicides.

Member James commented that we need to hear from Council staff regarding this issue.

It was noted that Spruce Run and Lake Mohawk are experiencing problems as well.

Member Dougherty was present via tele-conference prior to Member Francis' report.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF MAY 16, 2019

Chair Richko asked for a motion on the Highlands Council Minutes of May 16, 2019.

Member Walton made a motion to approve the Highlands Council Minutes of May 16, 2019. Member Holtaway seconded it.

A roll call vote was taken. The Highlands Council Minutes of May 16, 2019 were APPROVED 11-0.

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EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following staff activities:

Lakes Update

Due to the seriousness of several recent lake advisories, Ms. Plevin gave the Council an update on the situation to let them know Council staff is monitoring this closely.

Ms. Plevin noted that Lake Hopatcong has been closed for swimming for over 3 weeks and Greenwood Lake was just closed on Tuesday – both due to a Harmful Algal Bloom (HAB). These closures are having devastating impacts on the local businesses and communities. These HABs appear to be the result of several factors occurring at once – significant rainfall, warm weather, stagnant water and excessive nutrient loading from phosphorus, which is present in fertilizer and detergents. Phosphorus overloads going into a lake can also occur from stormwater runoff, wildlife droppings, failing septic, an overabundance of lake weeds, and erosion.

Ms. Plevin noted that the NJDEP is the lead agency responsible for monitoring and responding to this HAB, but added that staff is paying close attention to this situation and is in regular contact with the DEP on the matter. Ms. Plevin reported that staff received a briefing this morning from senior level DEP officials on the status of the HABs and monitoring plans.

Additionally, Ms. Plevin reminded the Council that we have funded, and are currently funding several significant lake management projects in this area that will help contribute to solving some of these problems.

Specifically, the Highlands Council is currently funding an update to Lake Hopatcong's 2006 Lake Restoration Plan – to expand its recommendations and suggest additional ways to reduce phosphorus. We expect the draft to be released in August. The Council is also funding an important update to Greenwood Lake's Watershed Implementation Plan.

Additionally, through Plan Conformance grants, the Highlands Council funds planning for wastewater management, stormwater management, lake management, stream restoration, water quality monitoring, and septic management and maintenance.

Finally, there are two public meetings scheduled for next week, one for each lake – which Ms. Plevin and staff will attend, to stay on top of this situation.

Outreach Activities

As noted in last month's report, Highlands Council staff has begun another round of outreach activities. Since the prior report, staff has reached out to 6 municipalities and a meeting was held with Bernardsville Borough on June 25 to talk about Plan Conformance.

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Plan Conformance Petitions

Franklin Borough (Sussex County) submitted their Initial Assessment Report and it was deemed consistent by Highlands Council staff.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- Montville Township, Morris County issued 2 Exemption #5s.
- Jefferson Township, Morris County issued 1 Exemption #2.
- Byram Township, Sussex County issued 1 Exemption #5

TDR/HDC Update

Since the prior report, two (2) HDC transactions have closed and seven (7) HDC Allocation determinations have been made.

HDC Closings

- Pohatcong Township, Warren County
 - 53.14 acres, residential
 - 6.75 HDCs sold to HDC Bank (\$108,000)
- Lebanon Township, Hunterdon County
 - 112.84 acres, residential
 - 31.50 HDCs sold to HDC Bank (\$504,000)

Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for August 15, 2019.

Note: After these minutes were recorded, the August 15, 2019 Council meeting was cancelled.

At this time there was a discussion amongst some Council members regarding a stormwater utility fee.

As a follow up to Member Dressler's comment regarding sending a letter, Chairman Richko asked Council if a letter still needs to be sent after hearing staff's comments on the lakes issue. Council felt staff was on top of the situation and there was no need to send a letter.

Personnel Committee

Chairman Richko asked members if they wanted to go into an Executive Session to discuss the Council's Personnel Committee resolution to appoint a Chief Counsel. There was no request to enter into an Executive Session.

Committee Chair James reported that the Personnel Committee interviewed three (3) candidates on June 10, 2019. These candidates were recommended by Council's Executive Director for the Chief Counsel position. The Personnel Committee unanimously recommended Christine LaRocca for the position.

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Committee Chair James noted that if approved by Council, Ms. LaRocca will become Chief Counsel after the Governor's review period of today's minutes.

Chairman Richko asked for a motion on the resolution.

Resolution – Appointment of Chief Counsel

Member Francis made a motion. Member Visioli seconded it.

Council Comment

Member Carluccio reported that she will not be voting in favor. Member Carluccio feels the Council should hire someone with more government experience.

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 10-1.

At this time there was applause and Chairman Richko congratulated Ms. LaRocca on this appointment.

Audit Committee

Resolution – Acceptance of Audit Services

Committee Chair Walton reported that the Committee met to review and approve the FY18 Financial Statements. Committee Chair Walton followed up with a phone call to the auditors and confirmed acceptance to close out and finalize the FY18 audit report. The audit committee chair reported that there was one minor issue regarding the federal filing deadline missed. This did not affect the outcome of the audit.

Member Walton made a motion. Member James seconded it.

There was no Council comment.

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 11-0.

Budget & Finance Committee

Resolution – Approval to Extend the Fiscal Year Budgets 2019 at the Same Average Monthly Spending Level

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Committee Chair Holtaway reported that the first resolution is to approve the extension of the FY2019 budgets, which continues the monthly spending for the Council's operating and grants budgets until Council approves new budgets in October.

Member Visioli made a motion. Member Holtaway seconded it.

There was no Council comment.

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 10-1.

Resolution – Approval of Contract for Trail Mapping and Signage

Committee Chair Holtaway reported that the second resolution is to approve a contract for trail mapping and signage, as well as a mobile map for the 180-mile Highlands Trail. Mr. Humphries added that Council staff received two proposals (NY/NJ Trail Conference and GZA GeoEnvironmental) with a cost difference of \$170,000. Council staff recommended NY/NJ Trail Conference.

Ms. Plevin also added that communities have been talking to Council staff about how the Council can assist in bringing additional patrons into their communities to utilize their services. One of goals is to connect trail users to the local businesses in and near the trail as an economic development component. Ms. Plevin also noted the huge cost difference between the two bidders is because NY/NJ Trail Conference is a non-profit and has hundreds of volunteers, who can assist with this project.

Council Comment

Member Vohden asked if this contract will implement the signs. Council staff replied that it will.

Chairman Richko asked for a motion on the resolution.

Member Holtaway made a motion. Member Carluccio seconded it.

Member Walton commented that he will not vote in favor of this resolution as he feels it is out of Council's purview and the funding (\$29K) could be better spent on landowner compensation or lake issues. Member Walton added that this project could be sponsored by a corporation.

Vice Chair Alstede responded that the Highlands Act and RMP envisioned eco-tourism could be enhanced, expanded, and utilized to sustain economic activity in the Highlands region.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers encouraged the Council to support this project since we are fortunate NY/NJ Trail Conference applied.

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Member Alstede left the meeting temporarily at 4:52pm.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented that she agrees with Ms. Somers. It is a bargain. Better signage would help on the trail and be a helpful way to have more tourism in the Highlands.

Member Alstede returned to the meeting at 4:54pm

David Shope, Lebanon Township, NJ – Mr. Shope spoke in opposition of this resolution as he sees no proof of the benefit or a maintenance component.

At this time, there was some discussion regarding the tracking of economic benefit.

A roll call vote was taken. The resolution was APPROVED 10-1.

Regional Master Plan (RMP) Amendment Committee

Resolution – Adoption Of The “Highlands Plan Conformance Procedures” As An Addendum To The Highlands Regional Master Plan

Committee Chair Alstede reported that Council will consider the second amendment to the RMP. The Council held six public hearings, received sixteen comments, and the Committee has recommended the following changes based on the public comment:

- Extends the public comment period from 10 to 30 days;
- Expand the noticing requirement to include our website, newspapers of record, and in accordance with the local government’s policies for public notice;
- Clarified that municipalities that withdraw from Plan Conformance will not be required to reimburse the Council, provided that monies were used for work product consistent with the RMP.

Committee Chair Alstede also noted that there is one additional change the Committee is recommending on page 18. The public comment section of the Center Designation Procedures will be made consistent with those changes recommended on page 8 to include a 30-day public comment period and additional public noticing requirements.

Member James made a motion. Member Holtaway seconded it.

There was no Council comment.

There was no public comment.

During the roll-call vote, Member Carluccio spoke in opposition of the Plan Conformance Procedures.

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A roll call vote was taken. The resolution was APPROVED 10-1.

Other Business:

RECONSIDERATION - Resolution – Approval of Contract for Regional Stormwater Management Planning

Member James left the meeting temporarily at 5:02pm

Council staff member James Humphries gave an overview of the Rutgers Contract for Regional Stormwater Management Planning for Highlands Region communities around the Raritan River Watershed for towns that have or have not conformed to the RMP.

Ms. Plevin added that Council has talked about the need to do regional stormwater management planning, so this is an opportunity. Specifically, Rutgers Contract will do the following:

- an impervious cover assessment
- impervious cover action plan
- green infrastructure study plan

Member James returned to the meeting at 5:05pm.

Chairman Richko asked for a motion on the Reconsideration of the resolution.

Member Francis made a motion. Member Holtaway seconded it.

Member Vohden asked if this is the same resolution considered at the last meeting and, since it is a reconsideration, a motion to reconsider must be made by a member who voted on the prevailing side according to Robert's Rules of Order as guided by Council's Bylaws.

At this time, Ms. LaRocca, Senior Counsel, asked to take a break to confer with Ms. Moriarty, DAG.

Chairman Richko announced a 5-minute break at 5:07pm.

The Council meeting resumed at 5:11pm.

Ms. LaRocca, Senior Counsel referred Council to Section 37 a) of Robert's Rules of Order. It was clarified that a member who had not voted on the resolution the first time may introduce the Reconsideration.

Chair Richko asked Members Francis and Holtaway if they agree to withdraw their motions.

At this time, Members Francis and Holtaway agreed to withdraw their motions.

Chairman Richko asked for a motion on the Reconsideration of the resolution.

Member Dressler made a motion. Member Visioli seconded it.

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Council Comment

Member Walton asked if this contract is funding specific projects. Mr. Humphries responded that the study is providing planning documents for stormwater projects.

Member Holtaway commented that this study is in the Highlands, but the impact goes way beyond those 24 municipalities.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers encouraged Council to support this resolution for the planning necessary to address the factors that cause HABs.

David Shope, Lebanon Township, NJ – Mr. Shope asked Council to prove that 15% of the land cover in New Jersey provides 70% of the drinking water for its residents. Mr. Shope spoke in opposition of this resolution.

Bill Kibler, Raritan Headwaters Association – Mr. Kibler spoke in support of this resolution. Mr. Kibler noted that it is an excellent idea, we need every tool for stormwater-related issues and this will be a valuable tool.

George Stafford, Wharton, New Jersey – Mr. Stafford commented regarding Passaic River Watershed and the flooding during Hurricane Irene. The problem is not being shipped somewhere else.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented on a study Warren County did approximately 15 years ago on economic development and what the Highlands Act is costing landowners in the Highlands.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented that this is an important proposal that Council should pass because planning was not done correctly 20-30 years ago. Ms. Frey commented that the value of this is the educational component and how water works and the impacts of water.

Member Francis commented that it is a plan with good intentions.

A roll call vote was taken. The resolution was APPROVED 9-2.

Chairman Richko opened the meeting to the public for any other comments.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in opposition of the Highlands Act that put his property in the Preservation Area after a second vote, which he feels was political.

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George Stafford, Wharton, New Jersey – Mr. Stafford commented that he looked up property values in the Highlands from 2004 to tax year 2017 and property values have had a net gain in Highlands (88 towns) of \$34 billion.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers feels strongly that there is a tremendous interest, need for information, and an opportunity for education regarding the causes of HABs. Ms. Somers announced that on August 20 the Coalition will sponsor an event in Roxbury (Performing Arts Center) with speakers Chris Obropta, Steve Sousa, and Jim Cosgrove.

George Cassa, Califon, NJ – Mr. Cassa thanked Member Francis for bringing this important issue to the table and in the proper venue.

David Shope, Lebanon Township, NJ – Mr. Shope commented that in his opinion the resolution just passed by the Council has a few errors as it only helps a certain area of the Highlands.

Gordon Levey – Mr. Levey commented on the RMP and the lack of funding for the HDC Bank.

Member Walton added that Council agrees that we need to get a stable funding source.

Member Alstede asked Bank Chair Walton discussed what the Bank is doing regarding municipal averages.

Bank Chair Walton responded that the HDC Bank created a sub-committee regarding the methodology of a municipal average and a recommendation will be provided to the Bank once it is available.

At 5:50, there was a recording on the conference phone that the call was running a long time and Council had one minute.

Ms. Plevin added that the Bank committee for considering municipal averages includes four members of the Bank and a meeting is scheduled for August 20, 2019 at 2:00pm. This committee meeting will not be open to the public, but any recommendations will be discussed at the next HDC Bank meeting.

Member Alstede reported that there is a reauthorization of the dual appraisal methodology and that is why there is an interest in a municipal average methodology discussion.

Member Holtaway made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 5:51pm.

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: 9-19-19

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

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Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Carluccio			√			
Councilmember Dougherty			√			
Councilmember Dressler			√			
Councilmember Francis		√	√			
Councilmember Holtaway	√		√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Councilmember Walton						√
Chairman Richko			√			