

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 21, 2023

PRESENT

CARL J. RICHKO) CHAIR
KURT ALSTEDE) VICE CHAIR
MICHAEL FRANCIS) COUNCIL MEMBERS
BRUCE JAMES)
DANIEL J. VAN ABS, PhD)
JAMES VISIOLI)
RICHARD VOHDEN)

VIA TELECONFERENCE:

MICHAEL DRESSLER)
ROBERT HOLTAWAY)
MICHAEL SEBETICH, PhD)

ABSENT:

TIMOTHY DOUGHERTY)

CALL TO ORDER 199TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00 pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. Member Dougherty was absent. All other Council Members were present. Members Dressler, Holtaway and Sebetich were present via teleconference. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Sarah Friend, Neda Hartman, Ranji Persaud, Tom Tagliareni, Carole Ann Dicton, Roberta Burkhart, Casey Eżyske, Karen Castanbas and Annette Tagliareni. Others present via teleconference: Jason Kane, Deputy Attorney General (DAG) and Thomas F. Holl, Associate Counsel, Governor’s Authorities Unit (GAU).*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN’S REPORT

Chair Richko congratulated the Highlands Council Executive Director, Ben Spinelli, on his one-year anniversary. Chair Richko listed several of his accomplishments in his first year. Chair Richko also acknowledged the appointment of Tahesha L. Way to Lieutenant Governor and that she was on the Highlands Council for about two years. Lastly, Chair Richko reported that the Regional Master Plan (RMP) Amendment Committee will resume shortly on updates/amendments to the RMP.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spinelli thanked Chair Richko for his kind words and thanked the members for their support.

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Mr. Spinelli provided several updates and items that he continues to work on:

- Dedicated source of funding for the Highlands Open Space programs
- One-year memo to Governor's office for support on several issues
- Regional Master Plan (RMP) update/amendments:
 - a. Policy Standards for Warehousing in the Highlands Region
 - b. Forestry Management guidelines
 - c. Affordable Housing guidelines
 - d. Land Use Capabilities Zones (LUCZ) & buildout projections
- Requests for proposals (RFP) and grant programs:
 - a. Watershed Restoration & Protection Plans RFP – Council's consideration at today's meeting for Rutgers Cooperative Extension Water Resources Program
 - b. RFP to Develop an Open Space and Recreation Plan for the New Jersey Highlands Region – issued July 13, 2023, proposals due October 6, 2023
 - c. Sustainable Agricultural Grant recommendations for Council's consideration next meeting
- Continue requests to the Governor's office for assistance regarding:
 - a. Budget increase and additional staffing
 - b. Council appointments
 - c. DEP rules changes
- Upcoming events:
 - a. Northwest New Jersey Rivers Conference – September 30
 - b. Musconetcong Watershed Association – October 24
 - c. New Jersey League of Municipalities – November 14-17
- Next meeting scheduled for October 19
 - a. Upcoming Budget & Finance, Plan Conformance & RMP Amendment Committee meetings
- Met with Pinelands Commission

Lastly, Mr. Spinelli thanked Highlands staff and Council members for their support and dedication.

At this time, Chair Richko asked if any Council members had any comments or questions on the Executive Director's report.

Council Comments

Member James congratulated Mr. Spinelli on his one-year anniversary.

Member Dressler joined the meeting via phone at 4:13pm.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 20, 2023

Chairman Richko asked for a motion on the Council Minutes of July 20, 2023.

Member Alstede made a motion to approve the Highlands Council Minutes of July 20, 2023. Member James seconded it.

A roll call vote was taken. The Highlands Council Minutes of July 20, 2023 were APPROVED 8-0.

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BUDGET & FINANCE COMMITTEE

Committee Chair Holtaway reported that the Budget and Finance Committee is recommending the approval of two resolutions.

RESOLUTION – Approval of Contract to Develop or Update Watershed Restoration and Protection Plans Within The New Jersey Highlands Region

The first resolution was carried over from the July meeting due to a lack of sufficient eligible voting Council members. This resolution awards \$371,562 to Rutgers Cooperative Extension Water Resources Program along with Raritan Headwaters Association and NJ Water Supply Authority to develop or update watershed restoration and protection plans for the watersheds in the North Branch Raritan River, South Branch Raritan River, and Lamington River. The proposal includes 24 HUC14 subwatersheds across 21 municipalities.

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member Visioli seconded it.

Member Van Abs recused himself from consideration on this resolution as Rutgers is his employer.

Council Comment

There was no Council Comment.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 8-0.

Resolution – Approval of Fiscal Year 2024 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants

Committee Chair Holtaway then reported on the second resolution, which included four (4) grants totaling \$190,000. All grants are reimbursement-based with final budgeted amounts determined by approved scopes of work.

- West Milford Township, Passaic County is requesting \$55,000 for a Trails Plan. The Township completed a Council funded Trail Feasibility Study for Belcher's Creek Trail System in April 2023. This trails plan grant would provide funding to design Phase 2 of the trail (which is 2 miles of trail) and would connect a commercial area along Union Valley Road and multiple residential areas to the Wallisch Homestead.
- Ringwood Borough, Passaic County is requesting \$15,000 for an Open Space Plan. This plan was recommended in the Borough's Master Plan Reexamination Report completed in December 2022. The last Open Space Plan was completed in 1991.

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- Byram Township, Sussex County is requesting \$60,000 to comply with the enhanced regulations of the NJDEP Tier A Municipal Stormwater General Permit. This funding will be used to supplement NJDEP's grant funding.
- Chester Borough, Morris County is requesting \$60,000 to complete a Borough-wide Water Use and Conservation Management Plan which is a required element of plan conformance.

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member Visioli seconded it.

Council Comment

Member Van Abs commented on West Milford Township's proposal for a design grant and asked if the Township is ready to implement.

Mr. Humphries responded that design grant funding is used to have upfront shovel-ready projects.

Ms. Gallagher stated that there was discussion that the Township is ready to go.

Chair Richko invited Mayor Hoven to comment on Chester Borough's grant request.

Janet Hoven, Mayor of Chester Borough – Ms. Hoven commented that the Borough has benefited from being a partner with the Highlands. Ms. Hoven stated that the Borough is working with the NJDEP and Highlands Council to get sewers. The Water Use and Conservation Management Plan will assist the Borough to determine if there is a deficit with the Borough's water and if so, what can be done.

Public Comment

Hank Klumpp, Tewksbury Township – Mr. Klumpp asked what trails have to do with water.

Director Spinelli advised Mr. Klumpp that the Highlands Council does more than water protection and some of the Council's planning activities ensure that the municipalities in the Highlands region remain economically vital and viable.

A roll call vote was taken. The resolution was APPROVED 10-0.

PERSONNEL COMMITTEE

Resolution – Executive Session

Chair Richko announced that Council would enter an executive session. Senior Counsel Neda Hartman read the following resolution into the record:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4 6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Highlands Water Protection and Planning Council ("Council") is of the opinion that those circumstances presently exist; and

WHEREAS, the Council will discuss personnel matters within the meaning of N.J.S.A. 10:4 12(b)(8);

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NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of September 21, 2023 for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney client privilege will not be disclosed.

Chair Richko requested a motion on the resolution.

Member James made a motion. Member Visioli seconded it. All were in favor.

Public portion of the meeting was temporarily dismissed at 4:30pm.

[EXECUTIVE SESSION]

The New Jersey Highlands Water Protection and Planning Council meeting resumed at 4:38pm.

Resolution – Management Salaries

Chair Richko requested Personnel Chair Bruce James to announce the next resolution. Personnel Chair Bruce James read into the record the following resolution:

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) empowers the Highlands Water Protection and Planning Council (Highlands Council) to appoint, retain and employ personnel as it may require without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for those purposes; and

WHEREAS, the Highlands Act authorizes the Highlands Council to conduct its business as needed, subject to the statute, to effectuate the purposes of the enabling legislation; and

WHEREAS, Section 5.g. of the Highlands Act provides for the Highlands Council's appointment of an Executive Director to serve, at the pleasure of the Council, as its chief administrative officer; and

WHEREAS, pursuant to the Highlands Act, the Highlands Council has adopted bylaws which provide for the appointment of an Executive Director whose duties are enumerated in said bylaws and who shall serve at the pleasure of the Council and the appointment of the Chief Counsel selected by the Personnel Committee identified as a management position in the organization chart; and

WHEREAS, on July 21, 2022, the Highlands Council appointed Benjamin L. Spinelli as its Executive Director at an annual basis of \$135,000 by Resolution 2022-16; and

WHEREAS, in recognition of his high level of performance in the execution of his duties as Executive Director, the Highlands Council is increasing Mr. Spinelli's salary to an annual basis of \$150,000; and

WHEREAS, on September 23, 2021, the Highlands Council appointed Gabrielle N. Gallagher as its Chief Counsel by Resolution 2021-21; and

WHEREAS, Ms. Gallagher's current salary is at an annual basis of \$120,750; and

WHEREAS, in recognition of her high level of performance in the execution of her duties as Chief Counsel, the Highlands Council is increasing Ms. Gallagher's salary to an annual basis of \$132,000; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until thirty (30) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby increases the Executive Director salary to an annual basis of \$150,000 and the Chief Counsel salary to \$132,000 on an annual basis.

Chair Richko requested a motion on the resolution.

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Member James moved the resolution. Member Van Abs seconded it.

Council Comment

There was no Council Comment.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 10-0.

OTHER BUSINESS:

RESOLUTION – Highlands Council Annual Meeting Schedule for 2024

Chairman Richko asked for a motion on the resolution.

Member James moved the resolution. Member Francis seconded it.

Council Comment

There was no Council Comment.

Public Comment

Hank Klumpp, Tewksbury Township – Mr. Klumpp asked for the public comment period to be extended from 3 to 6 minutes.

A roll call vote was taken. The resolution was APPROVED 10-0.

RESOLUTION – Highlands Development Credit Bank Annual Meeting Schedule for 2024

Chairman Richko asked for a motion on the resolution.

Member James moved the resolution. Member Visioli seconded it.

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Council Comment

There was no Council Comment.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 10-0.

OLD/NEW BUSINESS:

Member Francis commented on the perfluoroalkyl substances (PFAS) issue and urged the Council to pay attention to this issue.

Chair Richko opened the meeting for any public comment.

Public Comment

Elliott Ruga, Highlands Coalition – Mr. Ruga commented that he is looking forward to seeing the Highlands Council's Forestry Guidelines and emphasized the Highlands regions' tree canopy's vast size and importance.

Nicholas Homyak – Mr. Homyak agreed with Mr. Ruga's comments. Mr. Homyak emphasized the importance of trees and plants in the control of carbon. Mr. Homyak submitted for the record a report by Christopher Ketchum regarding his visit to Sparta Mountain.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Van Abs seconded it. All were in favor. The meeting was adjourned at 4:57pm.

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: 10/19/2023

Name: Annette Tagliareni

Annette Tagliareni, Executive Assistant

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Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty						√
Councilmember Dressler						√
Councilmember Francis			√			
Councilmember Holtaway		√	√			
Councilmember James	√		√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			