

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

**PRESENT**

JIM RILEE	)	CHAIRMAN
KURT ALSTEDDE	)	COUNCIL MEMBERS
MICHAEL R. DRESSLER	)	
TIMOTHY P. DOUGHERTY	)	
MICHAEL FRANCIS	)	
BRUCE JAMES	)	
CARL RICHKO	)	
MICHAEL SEBETICH	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	
ROBERT G. WALTON	)	

**TELECONFERENCE**

TRACY CARLUCCIO )

**ABSENT**

ROBERT HOLTAWAY )  
MICHAEL TFANK )

**CALL TO ORDER** 140<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Council Members Carluccio, Dougherty, Holtaway, and Tfank were absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, Chris Danis, Kim Ball Kaiser, Corey Piasecki, Carole Ann Dicton, and Tom Tagliareni. Also present were Michael Collins and Lisa LeBoeuf, Assistant Counsels, Governor's Authorities Unit, and Matthew Kelly, 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. 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.

**Executive Session**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

Chairman Rilee announced that Council would enter into an executive session. Chairman Rilee asked DAG Kelly to read into the record the resolution. Mr. Kelly 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 Council is of the opinion that those circumstances presently exist; and

WHEREAS, the Council is seeking legal advice concerning a contractual matter and an ongoing investigation, for which advice from counsel subject to the attorney-client privilege is required;

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of June 18, 2015, 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.

Chairman Rilee requested a motion to enter into closed session.

*Mr. Walton made a motion and Mr. Richko seconded it. All members were in favor.*

*Public portion of the meeting was temporarily dismissed at 4:03pm.*

*[EXECUTIVE SESSION]*

*Chairman Rilee resumed the New Jersey Highlands Water Protection and Planning Council meeting at 4:17pm.*

*Members Carluccio and Dougherty were present.*

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF APRIL 16, 2015**

Chairman Rilee asked for a motion on the Minutes of April 16, 2015.

*Mr. Walton introduced a motion to approve the Minutes of April 16, 2015. Mr. Vohden seconded it.*

*All members present voted to approve the Minutes of April 16, 2015. The minutes were APPROVED 11-0, with one abstention by Member James.*

**APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF APRIL 16, 2015**

Chairman Rilee asked for a motion on the Executive Session Minutes of April 16, 2015.

*Mr. Francis introduced a motion to approve the Executive Session Minutes of April 16, 2015. Mr. Vohden seconded it.*

*All members present voted to approve the Executive Minutes of April 16, 2015. The minutes were APPROVED 11-0, with one abstention by Member James.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

**CHAIRMAN'S REPORT**

Chairman Rilee reported that the Personnel Committee will interview three candidates for the Chief Counsel position on July 2, 2015.

**COUNCIL MEMBER REPORTS**

There were no Council Member reports.

**EXECUTIVE DIRECTOR'S REPORT**

Plan Conformance update: Ms. Nordstrom announced that Council will consider Clinton Township's Petition for Plan Conformance today. In Plan Conformance Implementation the following activities were reported: Hopatcong Borough (Sussex County) Exemption Determination Authorization: Ordinance Adopted, Certification Issued; Oxford Township (Warren County) Checklist Ordinance: Deemed Consistent, and Highlands Environmental Resource Inventory: Municipally adopted and deemed consistent; Washington Township (Warren County) Exemption Determination Authorization: Certification Issued; Mount Arlington Borough (Morris County) Highlands Environmental Resource Inventory: Municipally adopted; and Montville Township (Morris County) Zoning Map: Municipally adopted and deemed consistent.

Ms. Nordstrom also reported that Highlands Council staff led two training sessions in support of Plan Conformance implementation.

- April 23: Highlands Stormwater Management Mobile Application Training – morning and afternoon sessions were held and attended by a total of 38 individuals representing 31 municipalities and one county.
- April 29: Highlands Municipal Exemption Determination Certification Training – This is the third time this program has been offered. Eighteen (18) individuals attended representing seven (7) municipalities.

Ms. Nordstrom also shared that Califon Borough has developed a certification form for exemption 5 (most common exemption issued that covers improvements to single family homes), which eliminates property owners having to complete the full exemption application. Califon Borough also waived their previously established fee for applications for exemption 5. This form was shared with attendees of the April 29<sup>th</sup> training.

Municipal Issued Exemptions:

- Washington Township, Morris County: Exemption 5 – 5 issued; Exemption 2 – 1 issued.
- Califon Borough, Hunterdon County: Exemption 5 – 3 issued.
- Ringwood Borough, Passaic County: Exemption 4 – 1 issued.
- Montville Township, Morris County: Exemption 5 – 1 issued; Exemption 2 – 2 issued.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

Ms. Nordstrom asked permission to move Clinton Township's Petition for Plan Conformance as the next agenda item since representatives from the Township were in attendance. Chairman Rilee was in concurrence.

**Resolution – Approval of the Petition for Plan Conformance for the Township of Clinton, Hunterdon County**

Council Staff Member Corey Piasecki gave a presentation on Clinton Township's Petition for Plan Conformance. The presentation may be found on Highlands Council website at the link below:

[http://www.highlands.state.nj.us/njhighlands/planconformance/clinton\\_twp.html](http://www.highlands.state.nj.us/njhighlands/planconformance/clinton_twp.html)

Chairman Rilee asked for a motion on the resolution.

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

Chairman Rilee acknowledged Mayor John Higgins in attendance for Clinton Township.

**John Higgins, Mayor of Clinton Township** – Mayor Higgins thanked the Highlands Council staff and look forward to an affirmative vote on Clinton Township's Petition for Plan Conformance.

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

**Public Comment**

**David Shope, owns property in Lebanon Township** – Mr. Shope spoke in opposition of Clinton Township's Petition for Plan Conformance. Mr. Shope referred to the resolution and commented on the values of the resources to the landowners.

**Erica Van Auken, New Jersey Highlands Coalition** – Ms. Van Auken reiterated her written support of Clinton Township's Petition. Ms. Van Auken added that the Coalition encourages the Township to implement historic protections.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey reiterated her written support of Clinton Township's Petition. Ms. Frey encourages the Township to include a visual/scenic resource aspect to the Plan Conformance implementation.

**Deborah Post, property owner in Chester Township** – Ms. Post spoke in opposition of Clinton Township's Petition for Plan Conformance, because she feels conformance in the Planning Area constitutes a regulatory taking, and there is no compensation for landowners.

**Helen Heinrich, New Jersey Farm Bureau** – Ms. Heinrich commented that the Farm Bureau sees a lot of potential in Clinton Township's Plan Conformance for farmers and landowners.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

**David Peifer, Association of New Jersey Environmental Commission** – Mr. Peifer strongly supports Clinton Township’s Petition. Mr. Peifer urges the Council to approve this resolution for water supply reasons.

**Bill Honachefsky, Jr., resident of Clinton Township** – Mr. Honachefsky reiterate what Mayor Higgins said as this Petition is 15 years in the making. Mr. Honachefsky urges the Council to approve Clinton Township’s Petition for Plan Conformance.

**Council Comment**

Member Vohden commented that he plans to vote no on Clinton Township’s Petition for Plan Conformance since there are no means for landowner compensation.

Members Visioli and Francis commented on their support for Clinton Township’s Petition for Plan Conformance.

Member Walton asked where the Highlands Center will be located. Mr. Piasecki clarified that funding is for a center designation study near Annandale. No center has been designated, and should the study result in the desire to establish a center designation, that would come back to the Council for approval.

Member Carluccio commented that she strongly supports this Petition for a number of reasons.

Member Sebetich appreciates Member Vohden’s concerns for the landowners, but feels it is a good idea for the State and watershed protection. Member Sebetich supports this Petition.

Member Alstede asked if there is any consideration for a TDR grant. Mr. Piasecki responded not at this time. Member Alstede plans to vote no.

*All members present voted on the Resolution. The Resolution was APPROVED 9-3.*

**COMMITTEE REPORTS**

**Landowner Equity and Land Preservation (LOELP)**

Committee Chair Walton reported that the Committee anticipates the APA Rule that will govern and guide the new LOELP Program will be formally adopted by Council at its December meeting, following formal public comment period via the NJ Register. The Committee expects publication in the Register to take place August 17th. A Governors Authorities Unit review will precede publishing in the Register.

**RMP Update Committee**

Vice-Chair and Committee Chair Alstede provided the following report:

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

**Monitoring Program Recommendation Report (MPRR)**

Highlands Council staff has received and reviewed a draft set of indicators with supporting information provided by our consultant. Staff has prepared comments and recommendations on the indicators and associated goals, policies, and programs and returned the documents to our consultant for an update of the comprehensive database. The consultant will be developing sample indicator documents to guide discussions with the Technical Advisory Committees (TACs). The TACs will review all of the proposed indicators for completeness and sufficiency of the proposed data sources and provide recommendations for the final list of indicators.

**Public Comment Web Portal**

The public comment web portal closed on April 30<sup>th</sup> and Highlands Council staff will be working to thoroughly review all comments and prepare responses to those comments in the coming months.

**Fiscal Impact Assessment (FIA)**

Committee Chair Alstede reported that at the committee's meeting yesterday, Steve Gunnells of PlaceWorks presented the second phase of the Fiscal Impact Assessment, the Real Estate and Demographic Analysis. The Committee expects Mr. Gunnells to present this report to the full Council at the July Council meeting.

**Roxbury Water Quality Committee**

Committee Chair Dressler reported that the committee has met three times: April 30, May 21, and June 11, 2015 with the following entities:

April 30 – Roxbury Township  
May 21 – NJDEP  
June 11 – Raritan Headwaters Association

The Committee has received information from all three entities and there are concerns about benzene in the wells. Committee Chair Dressler stated that this is not an overnight solution.

**Council Comment**

Member Sebetich asked if the data collected will be made available to the public. Committee Chair Dressler responded that everything will be made available.

Committee Chair Dressler thanked the Highlands Council staff and committee members for their efforts.

*Chairman Rilee opened the meeting to general public comments at 5:01pm. Public comments regarding Fenimore will be taken after the general comments.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

**Public Comment**

**Carl Panetta, Roxbury, NJ** – Mr. Panetta spoke in opposition of the Clinton Township petition due to lack of landowner compensation.

**Jerome Wagner, Wayne, NJ** – Mr. Wagner is employed by Food and Water Watch and spoke in opposition to the proposed Pilgrim Pipeline.

**Deborah Post, Chester, NJ** – Ms. Post spoke about the TDR Program and the lack of receiving area zones and funding for the program.

**Julia Somers, NJ Highlands Coalition** – Ms. Somers spoke about the Haberman tract in Hampton and its sensitive environment.

**Joady Anderson, owns a tree farm in Hunterdon County** – Ms. Anderson spoke about the significance of trees and their importance in relation to the water supply.

**Ken Collins, Andover, NJ** - Mr. Collins spoke in opposition of the proposed Pilgrim Pipeline project and would like the Council to do a thorough review of the Penn East Pipeline project. Mr. Collins also spoke about solar project scandals in both Morris and Sussex Counties.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp appreciates the work of the Landowner Equity and Land Preservation Committee. Mr. Klumpp also spoke about farmland assessment process.

**David Shope, Lebanon Township, NJ** – Mr. Shope spoke about construction occurring across the street from Muller Toyota which is close to Spruce Run.

*At this time, Chairman Rilee recused himself and Vice Chair Alstede opened the meeting at 5:23pm for public comments on Fenimore.*

**Fenimore Comments**

**Ken Collins, Andover, NJ** – Mr. Collins requested that the Redevelopment Designation be rescinded and thanked the Council for forming the Roxbury Water Quality Committee.

**Kathy Panetta, Ledgewood, NJ** – Ms. Panetta thanked the Council for the grant for water testing in Roxbury and for meeting with Raritan Headwaters Association. Ms. Panetta voiced concerns about future water testing and who would be conducting the tests.

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on the Roxbury Water Quality Committee and water sample collection.

**Carl Panetta, Roxbury and Dover, NJ** – Mr. Panetta would like the Redevelopment Designation rescinded.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

**Marion Emory, Ledgewood, NJ** – Ms. Emory lives at the bottom of the Fenimore landfill and requested that the Redevelopment Designation be rescinded.

**Bob Peslak, Ledgewood, NJ** – Mr. Peslak expressed concern about the wells situated near the landfill.

**Bob Schultz, Randolph, NJ** - Mr. Schultz thanked the members of the Roxbury Water Quality Committee and looks forward to the results of the water quality reports. He also stated that only 15 of 60 acres of Fenimore has been capped. Mr. Schultz would like the Redevelopment Designation rescinded.

*Public comment on Fenimore ended at 5:45pm at which time Chairman Rilee returned to the meeting.*

**Council Comment**

There was discussion about assigning TDR receiving areas, open space program, and a means to compensate landowners through a water fee.

*Mr. Richko made a motion to adjourn the meeting. Mr. James seconded it. 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: 7/16/15

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant





NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JUNE 18, 2015

<b>Vote on the Approval of The Minutes</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
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			✓			