

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 19, 2015

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
MICHAEL R. DRESSLER)	
TIMOTHY P. DOUGHERTY)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
CARL RICHKO)	
MICHAEL SEBETICH)	
RICHARD VOHDEN)	

TELECONFERENCE

BRUCE JAMES)
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ABSENT

MICHAEL TFANK)
JAMES VISIOLI)
ROBERT G. WALTON)

CALL TO ORDER 138th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:01pm.

ROLL CALL

Roll call was taken. Council Members Dressler, Tfank, Visioli and Walton were absent. Council Member James was present via teleconference. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, Chris Danis, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Chris Ross, Kelley Curran, Carole Ann Dicton, and Tom Tagliareni. Also present was Michael Collins, Assistant Counsel, 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.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JANUARY 22, 2015

Chairman Rilee asked for a motion on the Minutes of January 22, 2015.

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Mr. Vobden introduced a motion to approve the Minutes of January 22, 2015. Mr. Francis seconded it.

All members present voted to approve the Minutes of January 22, 2015. The minutes were APPROVED 10-0.

CHAIRMAN'S REPORT

Chairman Rilee reported that he has received compliments in regards to Highlands Council staff.

COUNCIL MEMBER REPORTS

Member Richko shared with Council members a copy of a letter from the Pequannock River Coalition to the Mayor and Council of Bloomingdale Borough expressing concerns regarding potential development on a portion of Federal Hill. Member Richko read an excerpt from the letter and requested that Council members review letter in the coming month for possible discussion at next month's meeting.

Member Sebetich agreed with Member Richko's concerns.

Landowner Equity & Land Preservation Committee

Due to Committee Chair Walton's absence, Ms. Nordstrom provided the Landowner Equity & Land Preservation Committee report. Ms. Nordstrom reported that the Open Space program is underway. As part of the rulemaking process, we have reached out to various non-governmental stakeholders and counties for their input on our draft document. We also invited Susan Payne and Greg Romano to a committee meeting for input on the program because of their experiences with Green Acres program. The Open Space program has been sent down to the Office of Administrative Law for an informal review and we await their response for next steps.

EXECUTIVE DIRECTOR'S REPORT

Plan Conformance update: Ms. Nordstrom announced that Council will consider Boonton Township's Petition for Plan Conformance next month. Also, Oxford Township (Warren County) adopted its Municipal Exemption Determination resolution and a certificate was issued.

Ms. Nordstrom also announced that Highlands Council staff will be offering two training sessions in support of Plan Conformance implementation. Council members are invited to attend these training sessions:

- April 23: Highlands Stormwater Management Mobile Application Training
- April 29: Highlands Municipal Exemption Determination Certification Training

HDC Credit allocation & purchase update: The following HDC allocations were received: Washington Township, Morris County – 10.89 acres; and Lebanon Township, Hunterdon County – 29.65 acres.

Personnel update: Ms. Nordstrom announced that Andy Davis resigned as Chief Counsel effective February 27, 2015. Ms. Nordstrom added that Matt Kelly of the AG's office will provide coverage

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for this position until a permanent replacement for Mr. Davis is hired. Ms. Nordstrom would like to review the chief counsel job description with the Personnel Committee before we move forward. A copy of the draft job description will be shared with Council members.

Lastly, Ms. Nordstrom noted that on March 2, 2015 a presentation was given by staff member Corey Piasecki to Passaic County Realtors Association on Highlands exemptions. The presentation was well received and the association would like to put the presentation on their website.

Member Carluccio asked about the project review activities in the Executive Director's report, in particular a Planning Area exemption 11 review and asked if RMP standards will be applied. Ms. Danis responded that we are currently looking at resources in accordance with the Regional Master Plan and that the application is still under review. A review usually takes about 4-6 weeks to finalize, but could take longer if additional materials are requested of the applicant. Ms. Carluccio would like to know the outcome of the review of this application.

Member Dougherty asked what the timeline is for the Chief Counsel position and if the job description will change. Ms. Nordstrom responded that we hope to hire as soon as possible.

Member Dressler was present at 4:14pm.

COMMITTEE REPORTS

RMP Update Committee

Vice-Chair and Committee Chair Alstede provided a report.

Monitoring Program Recommendation Report (MPRR)

Technical Advisory Committees:

Staff continues to work to coordinate the ten Technical Advisory Committees (TACs). TACs will be non-voting, non-policy making committees coordinated to provide advice to the Council and our consultants regarding proposed indicators for completeness, relevancy, accuracy, and available data based on their expertise. There will be a total of two meetings for each of the 10 TACs for a total of 20 meetings. A number of interested persons have submitted resumes to date and Member Alstede encourages anyone who wants to serve on the TACs to provide a resume. Technical Advisory Committee meetings are currently anticipated to take place in late-Spring.

Public Comment Web Portal

Staff has negotiated a no-cost extension for the submittal of public comments through the web portal. The web portal will now remain open for public comment through April 30th. Comments will also continue to be accepted through other means during this time.

Fiscal Impact Assessment

Regional Economic Evaluation:

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Fiscal Impact Assessment consultant Steve Gunnells was present at the meeting to present findings. Vice-Chair and Committee Chair Alstede reminded Council and the public that this is the first part of Mr. Gunnells' work and the final Fiscal Impact Assessment will consist of 3 additional components:

- Demographic and Real Estate Analysis
- Municipal/Regional Fiscal and Financial Analysis
- Municipal Fact Book

Mr. Gunnells' presentation may be found on Council's website:

http://www.highlands.state.nj.us/njhighlands/about/calend/2015_meetings/mar_19/regional_economic_evaluation_preso_20150311.pdf

Following the presentation, Chairman Rilee reiterated that this is the first component of the assessment and more analysis will follow. Council members provided additional comments and questions related Mr. Gunnells' presentation.

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, 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 March 19, 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.

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

Public portion of the meeting was temporarily dismissed at 5:07pm.

[EXECUTIVE SESSION]

Vice-Chair Alstede resumed the New Jersey Highlands Water Protection and Planning Council meeting at 6:06pm. Chairman Rilee left the Chairman's seat at this time.

Members Dougherty and Francis were not present.

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Vice-Chair Alstede announced that a brief report will be given on Fenimore, open up the public comment portion of the meeting to comments on Fenimore only, and then continue with public comments on other matters.

Fenimore Report

Vice-Chair Alstede reported that Council has been receiving a large number of public comments regarding the Fenimore tract in Roxbury Township. While Council has no jurisdiction over the ongoing remediation and closure occurring at the site, the Council is charged with the oversight of water resource in the Highlands region. As a result of considering recent comments received and consultation with several members of the Council, Mr. Alstede proposed the formation of a committee to review and study any and all water quality issues associated with the Fenimore property. This committee will be titled the Fenimore Water Quality Committee and it will be chaired by the Honorable Michael Dressler and served by Members Francis and Richko. Vice-Chair Alstede recommended that the Council send a letter to Commission Martin regarding the Council's concerns related to water quality at the Fenimore site and asked the Council's Executive Director to prepare such a letter. Vice-Chair Alstede distributed the letter to the full Council. Vice-Chair Alstede thanked the members for serving on this committee.

Member Richko commented that Council should also look at water tests from everyone, not only NJDEP.

Member Carluccio commented that this is a committee she would have liked to serve on.

Vice-Chair Alstede then opened the meeting to public comments on Fenimore only. Vice-Chair Alstede noted that Council will now have a time clock to keep comments to a three-minute limit. The clock will start after a name is introduced.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp asked Council to consider an additional minute for public comments.

Public Comment – Fenimore

Bob Schultz, REACT – Mr. Schultz thanked Council and asked how Council would like to receive their data. Mr. Schultz also asked if the waiver is transferable or can be sold to someone else. Vice-Chair Alstede referred Mr. Schultz to Ms. Nordstrom and DAG Kelly for his questions.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer complimented Council on forming the committee for the water issues on Fenimore.

Bill Kibler, Raritan Headwaters Association – Mr. Kibler commented that he has the details/data which corresponds to the slides he submitted at Council's January meeting.

David Shope, owns property in Lebanon Township – Mr. Shope commented that all data should be certified.

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Wilma Frey, New Jersey Conservation Foundation – Ms. Frey congratulated Council on setting up the committee and urged Council to add Member Carluccio.

Chairman Rilee returned to the meeting at 6:21pm.

Chairman Rilee opened the meeting for general public comments.

Public Comment

Hank Klumpp, owns 150 property in the Highlands Preservation Area – Mr. Klumpp commented on information requested of Council regarding how his property will be taxed in the future. Mr. Klumpp submitted his comments for the record.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers thanked Council for today's presentation [Fiscal Assessment] and looks forward to learning more. Ms. Somers also urged Council to pay attention to the Federal Hill proposal in Bloomingdale.

Member Vohden left the meeting at 6:28pm.

Richard Plambeck, Chatham, NJ – Mr. Plambeck spoke in opposition to the proposed Pilgrim pipeline. Mr. Plambeck submitted his comments for the record.

Greg Gorman, Hamburg, NJ – Mr. Gorman spoke in opposition to the proposed Pilgrim pipeline. Mr. Gorman submitted his comments for the record.

Brendan Keating, Chatham Township, NJ – Mr. Keating spoke in opposition to the proposed Pilgrim Pipeline.

Chairman Rilee commented that Council is not taking a position on the proposed pipeline. Council has not yet received any formal proposal for review. The Council's position regarding this matter will be reflected in such a review if and when a formal project and any alignment is determined and submitted for review.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey spoke in opposition of the proposed quarry on Federal Hill in Bloomindale.

Randall I. Charles, Kinnelon, NJ – Mr. Charles spoke in opposition to turf fields in the Highlands region and Highlands exemption #6. Mr. Charles submitted his comments for the record.

Jack Glaser, Kinnelon, NJ – Mr. Glaser spoke in opposition to turf fields, outlining environmental and health issues.

David Shope, owns property in Lebanon Township – Mr. Shope commented on today's presentation [Fiscal Assessment] and his opinion that the study should start in 2003. Mr. Shope also spoke about exemptions.

Mr. Richko made a motion to adjourn the meeting. Mr. Sebetich seconded it. The meeting was adjourned at 6:50pm.

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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: 4/17/15

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote on the Approval of
The 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			✓			