

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF DECEMBER 9, 2021

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
TIMOTHY DOUGHERTY)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
RICHARD VOHDEN)	

ABSENT:

JAMES VISIOLI)

CALL TO ORDER 186TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:02pm via Zoom videoconference.

ROLL CALL

Roll call was taken. Member Visioli was absent. All other Council Members were present via video conference. *The following staff members were present via videoconference: Lisa J. Plevin, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Herb August, Annette Tagliareni, Carole Ann Dicton, and Karen Castanhas. Also present via teleconference were Jeffry Nielsen, Associate Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

OPEN PUBLIC MEETINGS ACT was then recited.

PLEDGE OF ALLEGIANCE was then recited.

CHAIRMAN'S REPORT

Chair Richko wished everyone Happy Holidays and a Happy New Year. Chair Richko asked Highlands Development Credit (HDC) Bank Board Chair Holtaway to provide a brief report from the December 1, 2021, HDC Bank meeting.

HDC Bank Board Chair Holtaway reported that several years ago discussions began regarding the use of municipal average values in the Highlands. A subcommittee was formed to discuss this valuation. A Request for Proposal (RFP) was issued seeking a vendor to help with this. After much work, the subcommittee recommended the approval of a contract with Integra Realty Associates, which was

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subsequently approved by the HDC Bank Board. HDC Bank Board Chair Holtaway thanked the SADC for their funding contribution to the project, which is expected to get started in the new year.

Chair Richko asked if there were any Council comments/questions. There were none.

Chairman Richko and Ms. Plevin thanked HDC Bank Board Chair Holtaway for his briefing.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following updates and staff activities:

Return to Office/Remote Work /Operations Update (COVID-19)

Ms. Plevin reported that staff returned to office full-time as of November 29, per guidance from the Governor's office.

Climate Resilience Update

Ms. Plevin noted that the Highlands Council released a Request for Proposals (RFP) to develop a Climate Hazard Vulnerability Assessment guidance document earlier this year. This guidance document will provide a much-needed template for Highlands municipalities to use in meeting the new requirements of the Municipal Land Use Law, which focuses on climate change impacts. The Highlands Council Staff has completed its review of the responses and expects to submit a recommendation to the Council at the January 2022 meeting.

In Green Infrastructure News

Ms. Plevin was pleased to share that Tewksbury Township (Hunterdon Co.) is moving forward with a Highlands Council funded Green Infrastructure Implementation Plan for Oldwick Park and the Oldwick Library. The project will be completed under Tewksbury's existing Plan Conformance funding allocation for stormwater management. This project was recommended in the Impervious Cover Reduction Action Plan for Tewksbury and furthers the goals of the RMP which call for the use of Low Impact Development techniques to control stormwater and Green Infrastructure projects.

Ms. Plevin noted that the plan will include necessary design and engineering drawings of the improvements for each site, a proposed construction budget for each site, and a review of potential funding sources for construction, timelines for grants and loans, and a strategy for securing funding for construction. Best Management Practices will be designed for each area within the Oldwick Park & Library sites that will capture and remove the maximum amount of impervious area feasible, in accordance with the Impervious Cover Reduction Action Plan.

Ms. Plevin then noted that in partnership with the Tewksbury Green Team, the project will also include preparation and distribution of materials to explain the site and the benefits of green infrastructure. The Township anticipates that actual site work will include local volunteers such as students, residents, Green Team members, and other organizations. Once complete, the Township will explore constructing informational kiosks at the sites that depict the green infrastructure techniques used and how they operate.

Lastly, Ms. Plevin added this is exactly the type of project that the Highlands Council is hoping the Rutgers stormwater management project would encourage, and the Council is hoping that more municipalities will follow suit.

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Plan Conformance Updates

Plan Conformance Implementation Activities:

Ms. Plevin advised that Washington Borough Adopted a Planning Area Petition Ordinance on November 9, 2021.

Municipally Issued Exemptions

Ms. Plevin advised that since the date of her prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- Hardyston Township: one (1) exemption #5.
- Lebanon Township: one (1) exemption #2.
- Ringwood Borough: one (1) exemption #4.
- Byram Township: one (1) exemption #5.
- Chester Township: one (1) exemption #2.
- Jefferson Township: one (1) exemption #2.

Project Review Updates

Ms. Plevin reported the following review updates:

Highlands Applicability Determination (HAD) Exemption #11s

Kinnelon Borough, Morris County - Butler Water Department applied to NJDEP for HAD #11, in the Preservation Area for the completion of upgrades to a public water treatment facility. This matter was discussed with the Plan Conformance Committee on November 30, 2021 and the project was released for a 30-day public comment period on Friday, December 3, 2021. The comment period will end on January 3, 2022.

Hardyston Township, Sussex County - Aqua NJ applied for a HAD #11 on behalf of the Aqua NJ Summit Lake project. This project will replace 4,500 linear feet of existing water main. The Highlands Council staff has determined that this project is consistent with the Regional Master Plan (RMP).

WQMP Amendment Review

The applicant, Lincoln Equities, is seeking a Water Quality Management Plan Amendment related to the construction of three (3) warehouse buildings totaling almost 844,000 (eight hundred and forty-four thousand) square feet and generating 8,250 gpd of wastewater. This project is located in Franklin Township, Warren County. Highlands Council staff review is pending.

Personnel Update

Ms. Plevin is pleased to share that Kelley Curran has been promoted to the Science Manager position, which was vacated by Keri Green. Additionally, the Senior Resource Management Specialist position vacated by Kelley Curran was recently posted.

Ms. Plevin added that interviews are currently being conducted to fill the Senior Counsel position, vacated by Gabrielle Gallagher, in her recent promotion.

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Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for January 20, 2022.

Chairman Richko congratulated Ms. Curran on her promotion and asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

There were no Council comments/questions.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF OCTOBER 21, 2021

Chairman Richko asked for a motion on the Council Minutes of October 21, 2021.

Member Van Abs made a motion to approve the Highlands Council Minutes of October 21, 2021. Member James seconded it.

A roll call vote was taken. The Highlands Council Minutes of October 21, 2021 were APPROVED 10-0.

APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT BANK MINUTES OF DECEMBER 1, 2021

Chairman Richko asked for a motion on the Bank Minutes of December 1, 2021.

Member Holtaway made a motion to approve the Highlands Development Credit Bank Minutes of December 1, 2021. Member Van Abs seconded it.

A roll call vote was taken. The Highlands Development Credit Bank Minutes of December 1, 2021 were APPROVED 9-0, with one abstention by Member James.

Resolution – Approval to Release Economic Sustainability Plan

Ms. Plevin provided a brief history of the project and introduced Ms. Haddock-Weiler who provided additional background information. Ms. Haddock-Weiler then introduced Ms. Tranmer and Ms. Selsky of Camoin Associates who gave a presentation. The presentation may be found on Council's website at the following link: https://www.nj.gov/njhighlands/master/economic-sustainability/econsustplan_ppt_120921.pdf

Chairman Richko thanked Camoin Associates for their presentation, as well as Maryjude Haddock-Weiler, Member Holtaway and all the volunteers that worked on this Plan. Chairman Richko then reintroduced Member Holtaway to say a few words about the plan.

Member Holtaway thanked Camoin Associates and Maryjude Haddock-Weiler for all their hard work on this Plan.

Council Comment

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Member Dougherty commended the group on this Plan and he looks forward to its implementation.

Member Alstede complimented the Highlands Council staff and the team for putting this Plan together and hopes this will be supported by all Council members.

Member James moved the resolution. Member Sebetich seconded it.

Public Comment

Ken Dolsky, Parsippany, NJ - Mr. Dolsky commented that he noticed the emphasis of natural resource protections all throughout the Plan. In his opinion and based on his observations, the Council does not adhere to this goal while there is logging taking place throughout New Jersey.

David Shope, Lebanon Township – Mr. Shope commented he did not review the complete package that was mailed to him, however, asked if the issue of the inability to borrow on devalued lands is taken into account in this Economic Sustainability Plan.

Bill Kibler, Raritan Headwaters Association - Mr. Kibler commended the Council staff and folks on the committee with this Plan. Mr. Kibler added that the industry standard regarding sustainability is to think in terms of the triple bottom line: economic sustainability, environmental sustainability, and social sustainability (people, profits, and planning). Mr. Kibler noted that he didn't hear a great deal of discussion on environmental and social sustainability in regards to the Plan.

Mark Saluk, Economic Development Director of Hunterdon County – Mr. Saluk commented he was very happy with the process from Camoin Associates and was happy to be part of the Economic Sustainability Plan Steering Committee and commends the Highlands Council staff for this Plan.

Walter Lane, Director of Office of Planning, Policy and Economic Development, Somerset County – Mr. Lane thanked the Highlands Council for the great planning effort of the Economic Sustainability Plan, and welcomes the opportunity to work with the Council in the future as this Plan is implemented.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on the efforts of Leslie Bensley, Executive Director of Morris County Tourism Bureau in Morris County. You cannot have a tourism destination without a beautiful place. She noted that Mr. Dolsky's comments are true and that the Council should engage on the issue of forestry. The region of the Highlands is a great opportunity.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented the report received via mail is great work and a lot of effort went into working on this Plan. Mr. Klumpp is concerned about compensation for the land being used and people should be compensated for their land.

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented this is a very thorough report and shows a lot of promise, however, there is not much focus in reference to the Regional Master Plan (RMP) in this document and he is concerned.

Council Comment

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Member Sebetich is concerned about the logging in Sussex County mentioned previously by Mr. Dolsky and asked Ms. Plevin in the past why the Council doesn't have any power to control the logging. The Council should be able to regulate the logging of the mature trees.

Member Dressler agreed with Member Sebetich about the logging in Sussex County. The Council should find out what exemption is in place from the Highlands Council staff.

Chairman Richko noted we can receive additional information from the Highlands Council staff for the exemption of the logging in Sussex County.

Member Alstede provided his comments on Highlands Act Exemption #7.

Member Dressler commented this is a very important issue and would like to find out more about the logging in Sussex County.

Chairman Richko stated we are getting away from the Economic Sustainability Plan and we will have the Highlands Council Executive Director speak with Member Dressler this week. The Council had discussions in the past and as Member Alstede has pointed out, the Council has to refer to the Highlands Act.

Ms. Plevin agreed with Member Alstede and clarified that exemption #7 automatically applies to lands that are under an approved woodland management plan or forest stewardship plan and therefore the Highlands Act does not apply. Ms. Plevin would be very happy to follow up with individual Members on this issue and want to remind people the Highlands Councils has the ability to provide Plan Conformance grants to municipalities to develop forest stewardship and woodland management plans.

Member Francis added the NJDEP does have best management practices for forest management and can be a starting point to understand forest management..

Member Van Abs agreed with Member Francis and would like to turn to a different issue. The Highlands region has a lot of small towns, boroughs, hamlets and looks forward to the use of this Economic Sustainability Plan to help these towns remain or become more viable places for people to live and work. Member Van Abs added from a historic prospective, these small towns are important to the quality and nature of the Highlands.

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

Member Sebetich left the meeting at 5:14pm

OLD/NEW BUSINESS:

Member Vohden commented about the current lack of applications being accepted and credits being allocated for the HDC Bank funding of compensation. If the Highlands Council does not have the funding, it should be provided by the state.

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Member Francis added the Highlands Councils should be aware of the of new drinking water standards for the chemicals PFOA and PFOS and that this issue is going to be a major concern in the Region.

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

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented that Senator Smith is developing legislation to provide guidance for forest stewardship for publicly owned land. Mr. Ruga added that the Coalition asked Senator Smith to write legislation that clarifies that Exemption #7 does not apply to publicly owned lands.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in opposition regarding landowner compensation in the Highlands region. Mr. Klumpp submitted his comments for the record.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on the best management practices on forest management and advised Council to not rely on those practices for public lands.

David Shope, Lebanon Township – Mr. Shope spoke in opposition regarding the issue of loss of development rights on lands and how it has affected our ability to borrow on the diminished land value. Mr. Shope shared information using USDA census bureau facts on the economic viability of farming in the Highlands and feels the Council has ignored this information.

Member Dressler disagreed with comments made by Mr. Shope regarding the Council and landowner compensation.

Chair Richko asked for a motion to adjourn the meeting.

Member Holtaway made a motion to adjourn the meeting. Member Dougherty seconded it. All were in favor. The meeting was adjourned at 5:35pm.

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: 1/20/2021

Name: Karen Castanhas
Karen Castanhas, Administrative 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			√			