

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 21, 2021

**PRESENT**

**VIA TELECONFERENCE:**

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

**ABSENT:**

TIMOTHY P. DOUGHERTY )

**CALL TO ORDER** 185<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:01pm via Zoom videoconference due to COVID-19.

**ROLL CALL**

Roll call was taken. Members Dougherty and Dressler were absent. All other Council Members were present via videoconference. *The following staff members were present via videoconference: Lisa J. Plevin, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Corey Piasecki, Ranji Persaud, Judy Thornton, Herb August, Keri Green, Annette Tagliareni, Carole Ann Diction, Tom Tagliareni, and Karen Castanbas. Also present via teleconference were Jeffrey 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 thanked Keri Green for her invaluable 12 years of service to the Highlands Council.

Member James requested that the Council have a moment of silence for Colin Powell, former United States Secretary of State, who passed away this week. Chair Richko agreed and the observance proceeded.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following updates and staff activities:

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**COVID-19 Response**

Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work in the office on a staggered schedule and that full-time return to office has been delayed until November 29 pursuant to state directives regarding institution of a Covid-19 testing program. Public meetings continue to be held virtually per guidance by the Governor's office.

**Climate Resilience Update**

Ms. Plevin noted that since Council's last meeting, the Governor's office released the Final Climate Change Resiliency Strategy and highlighted our participation by including a quote in the associated press release. Highlands staff continues to serve on the Interagency Council on Climate Resilience. Recently we were briefed on the Intergovernmental Panel on Climate Change's (IPCC) 6th report, which details the likely global impacts of Climate Change. Highlands Council staff is working to develop a Climate Resilience Action Plan that we will share with members soon.

Ms. Plevin advised that the Highlands Council released a Request for Proposal (RFP) to develop a Climate Hazard Vulnerability Assessment guidance document in July. This document would provide a much-needed template for Highlands municipalities to use in meeting their Municipal Land Use Law requirements to address Climate Vulnerability, Environmental Justice, and Environmental Sustainability. The RFP response period closed in September and six responses were received. Staff is reviewing the responses and hopes to interview candidates soon.

**Highlands Regional Economic Sustainability Plan Update**

Ms. Plevin then noted that the Highlands Region Economic Sustainability Plan is moving closer to completion and is on schedule for release at the December 9<sup>th</sup> Council meeting. In the meantime, release of the draft plan is scheduled for next week (October 29) for review and feedback from the public, as well as the Council.

**Brownfield Redevelopment Webinar with NJIT**

Lastly, Ms. Plevin reported that the Highlands Council hosted a 2-hour Brownfields Learning Lab webinar on September 28, 2021, which was attended by 70 participants. Information on this webinar can be found on the NJIT website [www.njit.edu/njbrownfields/resources](http://www.njit.edu/njbrownfields/resources) under the Resources tab.

**Plan Conformance Updates**

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.

- Montville Township, Morris County: one (1) exemption #5.
- West Milford, Passaic County: nine (9) exemption #5s.
- Parsippany-Troy Hills, Morris County: one (1) exemption #5 and one (1) exemption #4.
- Franklin Township, Warren County: one (1) exemption #2.

**Project Review Updates**

Ms. Plevin reported the following project review updates:

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Planning Area Consistency Reviews

Parsippany-Troy Hills, Morris County (2 Hilton Court)- Applicant Onyx Equities, seeks to demolish an existing office building and replace it with a new 113,400 sq. ft. warehouse building along with associated interior driveway, parking areas, and stormwater management facilities. The Highlands Council staff review is pending.

Washington Township, Morris County (River Valley Apartments) - Applicant William Hotz Development Group Inc., is seeking to construct 4 buildings containing 32 apartments, along with pervious parking and driveway access along Route 46. The Highlands Council staff review is pending.

Highlands Preservation Area Approval (HPAA) Review

Washington Township, Morris County (Well No. SM-23) - Washington Township MUA is seeking an HPAA with Public Health and Safety Waiver from NJDEP for upgrades to a municipal wellhouse, including construction of a new access roadway. The Highlands Council staff review is pending.

Highlands Applicability Determination (HAD) Exemption #11

Vernon Township, Sussex County (Vernon Lake Glenwood Water Main Replacement) – SUEZ Water NJ is applying to NJDEP for a HAD #11 in the Preservation Area for the replacement of approximately 2,250 linear feet of water main in Vernon Township within right of way of County Route 515. The Highlands Council staff finding is Consistent.

Kinnelon Borough, Morris County (Butler Water Treatment Plant Upgrades) – The Butler Water Department is applying to NJDEP for a HAD #11 in the Preservation Area for the completion of upgrades to a public water treatment facility. The Highlands Council staff review is pending.

Mansfield Township, Warren County (Elizabethtown Gas Line Relocation) – Elizabethtown Gas Company is applying to NJDEP for a HAD #11 in the Preservation Area for the relocation of a gas line within Rockport Road in Mansfield Township. The Highlands Council staff review is pending.

**Personnel Update**

Ms. Plevin reported that the Senior Counsel position, vacated by Gabrielle Gallagher upon her appointment as Chief Counsel, was posted to the Highlands Council and state websites on Tuesday, October 12, 2021. Also, the Science Manager position, which was posted on September 23 and closed on October 15, received 4 applications. Candidates are currently being vetted. Ms. Plevin wished Keri Green all the best in her home in Virginia.

Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for December 9, 2021.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

Member Sebetich commented on the Climate Change Resiliency Strategy and asked how it will be

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distributed to our municipalities. Mr. Piasecki noted that the link to the program website has been sent around along with the press release and materials to help municipalities read the documents and work on their adaptation strategies, which is what our RFP is looking to support. Ms. Plevin added that Council staff will follow up directly with municipalities in the Highlands region.

*Member Dressler joined the meeting at 4:16pm.*

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 23, 2021**

Chairman Richko asked for a motion on the Council Minutes of September 23, 2021.

*Member Holtaway made a motion to approve the Highlands Council Minutes of September 23, 2021. Member Alstede seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of September 23, 2021 were APPROVED 10-0.*

**BUDGET & FINANCE COMMITTEE**

**Resolution – Approval of Fiscal Year 2022 General Operating Budget**

Committee Chair Holtaway reported that the first resolution for Council consideration is the Approval of Fiscal Year 2022 General Operating Budget. Committee Chair Holtaway introduced Ranji Persaud to provide the details and discuss changes in budget since last year.

Mr. Persaud reported that the Council received \$2,429,000 in State Appropriations, with a carryover bank balance of \$359,041.08, and miscellaneous revenue projected at \$1,000. The Council is expected to have an operating budget for fiscal year 2022 of \$2,789,041.08. Mr. Persaud noted some significant items within this budget:

- Council received an increase of \$114,000.00 from the state for operational costs to address the anticipated increase in salary and expenses due to the CWA contract agreement with the State of New Jersey, affecting covered employees. Reserve also includes potential salary adjustments consideration for non-CWA employees;
- At the close of fiscal year 2021, a remaining bank balance of \$359,041.08 was rolled over to the fiscal year 2022 proposed budget. The roll-over bank balance was higher than usual due to return of \$82,160 of unexpended salary funds from Treasury back to the Council; and
- Audit fees were increased by \$3,214, as per the new audit contract.

Council Comment

There was no Council Comment.

*Member Holtaway made a motion. Member James seconded it.*

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Public Comment

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp asked how many union and non-union employees were included in the budget and what the total number of employees is. Mr. Klumpp also had a problem providing his comment virtually. Mr. August explained the process for making comments in a virtual meeting.

Council Comment

There was no Council Comment.

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

**Resolution – Approval of Fiscal Year 2022 Highlands Protection Fund Capital Budget**

Committee Chair Holtaway presented the next resolution for the Approval of Fiscal Year 2022 Highlands Protection Fund Capital Budget and introduced Grants Manager, Herb August to provide the details.

Mr. August reported that the Highlands Protection Fund Capital Budget was adopted on July 1, 2021 in the amount of \$2,182,352 for Plan Conformance grants for municipalities and counties. Highlands Council staff estimates a need of approximately \$1.9M for municipalities in the Highlands for this fiscal year and an additional \$225,000 for counties. Staff also anticipates nearly \$250,000 in closures. These are grants that have expired due to inactivity in the contract. Mr. August reported that figures are based on how much has been reimbursed to date in the first quarter. Approximately \$1.4M in reimbursements will be going to municipalities and counties in the Highlands this fiscal year.

Council Comment

There was no Council Comment

*Member Holtaway made a motion. Member Visioli seconded it.*

Public Comment

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp asked about his previous questions regarding Highlands Council employees. Mr. Klumpp also spoke in opposition to the \$8M Highlands Protection Fund Capital Budget and how the system works regarding no funding in the TDR Bank.

Council Comment

Chair Richko responded that the Council has 23 staff members and instructed Mr. Klumpp to reach out to the Executive Director regarding his other question.

Member Dressler commented that he does not have a problem with providing the number of union and non-union employees. Ms. Plevin reported that Council has 23 staff members and 6 are not covered under CWA contract. Ms. Plevin also confirmed that Highlands staff is not civil service.

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

**Resolution - Approval of Plan Conformance Grant Funding for Stormwater Management Plan, Sustainable Economic Development Plan, Highlands Master Plan and Land Use Plan elements for Washington Borough (Warren County)**

Committee Chair Holtaway presented the description of the grant requested by Washington Borough (Warren County) and introduced Principal Planner, Corey Piasecki to provide details.

Mr. Piasecki reported that Washington Borough has taken a proactive role in completing its Plan Conformance tasks since approval of its Petition earlier this year, with Master Planning, Redevelopment Planning, and Center Planning already underway. As Member Holtaway mentioned in his description of the grant, Washington Borough is looking to complete several additional tasks in FY2022 meeting multiple goals, policies, and objectives of the Highlands Regional Master Plan (RMP).

*Member Holtaway moved the resolution. Member James seconded it.*

Council Comment

There was no Council Comment.

Public Comment

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp questioned how much Washington Borough has received in grant funding so far, and whether all the work has been completed to the satisfaction of the Council. Mr. Klumpp noted that this grant is for \$105,000. Chair Richko instructed Mr. Klumpp to contact the Executive Director for that information.

**David Shope, Lebanon Township** – Mr. Shope commented that Mr. Klumpp answered his question but not totally. Mr. Shope noted that he is not on the Internet and would like to have meeting materials sent to him in the mail. Mr. Shope asked what the amount is for agenda item 8c. Ms. Plevin responded that the amount for agenda item 8c is a maximum of \$105,000.

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

**Resolution - Approval of Plan Conformance Grant Funding for Lake Management Plan for Byram Township (Sussex County)**

Committee Chair Holtaway presented the description of the grant requested by Byram Township (Sussex County) and introduced Principal Planner, Judy Thornton to provide details.

Ms. Thornton reported that Byram Township is interested in a Lake Management grant in the amount of \$150,000. Byram is known as the “Township of Lakes.” The Township Council wishes to take an active role in the management of its watersheds and to do so in accordance with RMP goals for protection of

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Highlands lakes and lake water quality. Recently, the Highlands Council approved similar grants for Ringwood Brough, West Milford, and Rockaway Township. A watershed assessment of the watersheds surrounding 15 lakes will be conducted to:

- identify, quantify, and prioritize watershed-based factors that may cause eutrophication;
- identify the watershed management measures needed to address general causes of water quality impairments; and
- identify the relative costs of the recommended measures and generate a schedule based on priority for implementation.

The work will include historic data review, desktop modelling, pollutant removal analysis, a stream/watershed water quality sampling event, in-lake water quality monitoring, trophic state analyses, and final reporting.

*Member Holtaway moved the resolution. Member Vobden seconded it.*

Council Comment

Member Sebetich asked if Byram has determined who will do the water assessment or if there will be a request for bids. Ms. Thornton replied that Byram Township will be looking for proposals.

Public Comment

**David Shope, Lebanon Township** – Mr. Shope spoke in opposition to this resolution because he felt the work should be under the purview of and completed by the NJDEP.

Council Comment

To answer the above question, Council Member Sebetich commented that years ago the NJDEP did have a lake management program and they sampled lakes and streams, but it ended, so the work now needs to be contracted for.

*A roll call vote was taken. The resolution was APPROVED 9-0.*

**Resolution - Approval of Plan Conformance Grant Funding for Stormwater Management Plan for Chester Township (Morris County)**

Committee Chair Holtaway presented the description of the grant requested by Chester Township (Morris County) and introduced Principal Planner, Corey Piasecki to provide details.

Mr. Piasecki reported that Chester Township is seeking funding in accordance with its approved Petition for Plan Conformance to complete a Stormwater Management Plan that will address the Highlands Stormwater requirements as well as the revised NJDEP Stormwater Management Rules. This will address RMP Goals, Policies and Objectives 2D-2G relating to water quality.

*Member Holtaway moved the resolution. Member James seconded it.*

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Council Comment

There was no Council Comment.

Public Comment

**David Shope, Lebanon Township** – Mr. Shope asked what the funding amount is for agenda item 8c. Ms. Plevin responded that the funding amount is a maximum of \$50,000.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp inquired if the Highlands Council has a way to check to see that all these grant funds are used properly.

Mr. August responded that no funding gets paid out until the Highlands staff receives deliverables, reviews those deliverables to ensure compliance with approved scopes of work, and carefully examines all associated invoices. In addition, staff assesses similar programs/projects to ensure that budget and a not-to-exceed amounts are appropriate for the type of work being proposed.

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

*Member Dressler left the meeting at 4:57 pm*

**Resolution - Approval of Plan Conformance Grant Funding for Economic Development Planning for Hunterdon County**

Committee Chair Holtaway presented the description of the grant requested by Hunterdon County and introduced Planning Manager, Maryjude Haddock-Weiler to provide details.

Ms. Haddock-Weiler reported that Hunterdon County has taken a positive leadership role in facilitating sustainable economic growth in the County, to include tourism initiatives, as well as land use and zoning analysis to anticipate where economic activities may fit within municipalities. As outlined in the Implementation Plan and Schedule, which was part of the approved Petition, we anticipated in FY2022 that the County would expect to continue these types of activities. The County anticipates furthering its tourism plan to help implement the action agenda that will be released as part of the Economic Sustainability Plan. It also intends to conduct corridor planning associated with Routes 78 and 22 with an expectation that it will develop inter-municipal policies aimed at appropriate land uses along that corridor. These projects will implement RMP Goal 8A for sustainable economic growth in the Region with a cost of \$75,000.

*Member Holtaway moved the resolution. Member Visioli seconded it.*

Council Comment

There was no Council Comment.

Public Comment



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**David Shope, Lebanon Township** – Mr. Shope spoke in opposition to this resolution because Hunterdon County’s corridor planning is only for Routes 22 & 78, and not Route 31.

*A roll call vote was taken. The resolution was APPROVED 9-0.*

**OTHER BUSINESS**

**Resolution – Highlands Development Credit (HDC) Bank Annual Meeting Schedule for 2022**

*Member Holtaway made a motion, and Member Francis seconded it.*

Council Comment

There was no Council comment.

Public Comment

**David Shope, Lebanon Township** – Mr. Shope spoke in opposition of this resolution since the HDC Bank has no funding.

*A roll call vote was taken. The resolution was APPROVED 9-0.*

**OLD/NEW BUSINESS:**

Member Visioli spoke in opposition to mailing meeting materials to the public. Member James felt that this should be discussed with the Council , in terms of the cost. Chair Richko responded that he will discuss this matter with the Executive Director and come to a conclusion.

Member James reported that on Tuesday night the Passaic County Commissioners will meet and likely adopt a resolution mirroring the Somerset County resolution regarding the Tennessee Gas Pipeline expansion; they will oppose the project as a board.

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

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers thanked Member James for his comment regarding the Tennessee Gas Pipeline. Ms. Somers also commended and thanked staff for the slight change in the way grant requests are being presented, specifically by identifying which parts of the Regional Master Plan (RMP) each grant project would address. Ms. Somers added that it is very helpful for everyone to be reminded that the funding provided to Highlands communities is all in connection with implementation of the RMP.

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**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on last month’s report on the Agricultural Advisory Committee and complimented the members on the committee. However, Mr. Klumpp noted that there are no small landowners on the committee. Mr. Klumpp feels that this group should have a say. Mr. Klumpp recommended that David Shope be on this committee. Mr. Klumpp also commented on the meeting materials and current virtual meeting format.

**David Shope, Lebanon Township** – Mr. Shope inquired what the term environmental justice means and where it fits into the work of the Highlands Council.

Chair Richko asked for a motion to adjourn the meeting.

*Member Holtaway made a motion to adjourn the meeting. Member Visioli seconded it. All were in favor. The meeting was adjourned at 5:20pm.*

**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: 12/9/2021

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

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