



**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**State of New Jersey**  
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**JIM RILEE**  
*Chairman*

**MARGARET NORDSTROM**  
*Executive Director*

**MEETING AGENDA**  
**Thursday, March 16, 2017 at 4pm**

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF HIGHLANDS COUNCIL MINUTES – February 16, 2017
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. LANDOWNER EQUITY AND LAND PRESERVATION COMMITTEE REPORT
  - CONSIDERATION OF RESOLUTION – Approval Of Applications Under The Highlands Open Space Partnership Funding Program (*voting matter with public comment*)
9. REGIONAL MASTER PLAN AMENDMENT COMMITTEE REPORT
  - Discussion - Monitoring Program Recommendation Report (MPRR) Status
10. EXECUTIVE SESSION
11. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
12. ADJOURN

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS  
COUNCIL MEETING ON MARCH 16, 2017

①

My name is Hank Klumpp. I own 150 acres in the Highlands Preservation Area.

I have been standing before the Highlands Council for over 12 years now.

Something has been brought to my attention that I find really disturbing if I am understanding it correctly.

I found out that Tracy Carluccio is an employee of the Delaware River Keepers Network.

The Delaware River Keepers Network received Grant Money from five foundations between 2009 and 2015 to the tune of over five million dollars. The Delaware River

(2)

Keepers are advocates and lobbyists similar to the Highlands Coalition.

Tracy Carluccio should excuse herself from voting on any land use matters.

The seat she has on the Highlands Council is intended as a general public seat and not intended for a lobbyist.

Even Chairman Rilee excused himself from voting on the Fena more Landfill matter because of a conflict of interest. Tracy Carluccio should do the same because she should not be voting on any land use

3

matters due to a conflict of interest.

I am totally confused as to why this conflict has not raised the eyebrows of anyone on this council if they are aware of this. I do not understand how this can be justified and not addressed in some way.

I have been looking for an answer to the question of what is the monetary value of one acre of land in the Highlands Preservation area. This land has no equity - what is the land worth? I am curious because I own 150+ ~~acres~~ of these worthless acres. I meet all requirements for farmland assessment. My property was forceably put into preservation with no money changing hands. When I am too old to farm should my property <sup>taxes</sup> be based on Tewksbury real estate tax value? No equity - unrealistic restrictions. What will my taxes be? The Lebanon and

⑤

Tewksbury tax offices both have no answers for me. They told me nothing has been clearly spelled out for my forced preserved property. Maybe the new Regional Master Plan should have a page answering these questions under a chapter called Highlands Act Disasters.

Thank you!

Hank Klumpp

24 Longview Road  
Lebanon, NJ 08833



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## MEMORANDUM

**TO:** The New Jersey Highlands Council

**FROM:** The RMP Update Committee of the New Jersey Highlands Council

**SUBJECT:** Response to comments regarding the Draft Procedures for Considering Proposals to Amend the Highlands Regional Master Plan

**DATE:** February 6, 2017

The Committee responds to the following concerns raised at the January 19, 2017 Council meeting regarding the draft Procedure that the Council approved as a guideline moving forward with the finalization of the Monitoring Program Recommendation Report (MPRR) and any proposals to amend the Regional Master Plan (RMP) arising therefrom.

### **Public Comment Period**

*That a public comment period of no less than 30 days on the draft MPRR is not sufficient time for the public to digest and then comment on the MPRR or RMP amendments.*

The intention was that the 30-day period would be the minimum duration of any public comment period, and that the draft Procedure would provide flexibility to the Council to provide a longer public comment period. We therefore recommend that the language in the draft Procedure be amended to provide that the public comment would be “for a minimum period of 30 days, unless extended by the Council up to 60 days.” This change makes clear that when the Council approves the draft MPRR to be released to the public for comment, it can stipulate the length of the public comment period, as long as it is at least 30 days long. The Committee believes that the public comment period on the draft MPRR will need to be longer than 30 days and expects that it will recommend a 60-day public comment period to the Council when it recommends that the Council release the MPRR for public comment.

### **Public Participation- Submitting Recommendations for Amendments to the RMP**

*That the list of information (on page 3 of the Procedure) required to be provided by a proponent in support of a RMP amendment poses an unrealistic burden on the proponent.*

Our intention is that the proponent provide as much information possible to tie the proposal to a specific goal, policy, or objective in the RMP. If the proposal is not clear on



this point, the staff will work to tie the proposal to a specific section of the RMP and/or will attempt to obtain additional information from the proponent. It is not our intention that the Committee will summarily reject a proposal because of the proponent's failure to provide some of the information listed at page 3 of the Procedure.

Prior to final adoption of the Procedures, Council staff recommends the last sentence of the first full paragraph on page 3 be amended to read:

“Anyone wishing to suggest additional or different changes to the RMP than those proposed in the draft Recommendation Report will be asked to provide the information outlined below to support such changes to the best of their ability. Changes will not be rejected or discarded due to a lack of information; rather supporting information will be used by Council staff to provide context for any such amendment to the Committee.”

### **Public Hearings Outside of the Highlands Region**

*That the Highlands Council conduct additional public hearings on a proposed RMP amendment outside of the Highlands region.*

The Committee appreciates this comment and will discuss the feasibility of conducting additional public hearings in addition to the ones required by the Highlands Act. Some proposed amendments may be appropriate for a hearing outside the Highlands, depending on topic. Council may make a determination on this point when it recommends a RMP amendment go out for public hearings.

## RESOLUTION 2017-6

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL EXECUTIVE SESSION


**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, specifically the need to discuss matters falling within the attorney-client privilege; and

**WHEREAS**, the Council is seeking legal advice concerning a pending petition for a redevelopment area designation in Bloomsbury Borough, which may result in litigation involving the Council, and 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 16, 2017, 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.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of March, 2017.

  
\_\_\_\_\_  
Jim Rilee, Chairman

#### Vote on the Approval of The Resolution

|                         | 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 Tfrank    | _____  | _____  | ✓   | _____ | _____   | _____  |
| Councilmember Visioli   | _____  | _____  | ✓   | _____ | _____   | _____  |
| Councilmember Vohden    | _____  | _____  | ✓   | _____ | _____   | _____  |
| Councilmember Walton    | ✓      | _____  | ✓   | _____ | _____   | _____  |
| Chairman Rilee          | _____  | _____  | ✓   | _____ | _____   | _____  |



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Executive Director

## MEMORANDUM

**To:** Landowner Equity and Land Preservation Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes – March 8, 2017  
**Date:** March 13, 2017

A Landowner Equity and Land Preservation Committee meeting was held on Wednesday, March 8, 2017 at the Highlands Council office in Chester. Committee Members present: Committee Chair Walton, Committee Members Dressler, Francis, and Visioli.

Staff Members present: Margaret Nordstrom, John Maher (via phone), James Humphries, Kim Ball Kaiser, Drew Siglin, Keri Green, Carole Ann Dicton, and Annette Tagliareni

Also present by phone: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit.

### Introduction

Ms. Nordstrom opened the meeting at 2:00 pm and stated that at this meeting the committee will review current funding availability for the Open Space Partnership Funding Program (OSP) and the Highlands Development Credit Purchase Program (HDCPP), review the new OSP applications, and review previously unfunded HDCPP applications. The committee will be asked to make recommendations regarding the allocation of available funding to each program and funding of specific OSP applications to the Highlands Council, and make a recommendation regarding outstanding HDCPP applications to the HDC Bank Board.

### Update on Highlands Development Credit Purchase Program (HDCPP)

Highlands staff updated the committee on the status of the HDCPP program. Of the twenty-eight (28) applications approved by the HDC Bank on November 3, 2016, twenty-seven (27) applicants submitted signed offer letters indicating the intent to move forward with the closing

process. The applicant who did not return a signed offer letter voluntarily withdrew the application to pursue other options for the property, but indicated that he may reapply for future funding rounds.

#### Available Funding Overview and Allocation for the HDCPP and OS Programs

The committee reviewed the availability of funding for the HDCPP and OSP from four sources:

- Federal Highlands Conservation Act Grant Program
- HDCPP funding remaining from 11/3/16 approval
- Highlands Penalties Fund
- PSE&G Mitigation funding remaining

Out of the four funding sources listed above, the committee recommends that the Council approve funding as follows:

- \$2,735,653 towards the OSP applications; and
- \$6,108,000 towards the HDCPP

\$3,514,001 was not recommended for allocation to either the OSP or HDCPP at this time. This remaining funding will be reserved as matching funds for the next Federal Highlands Conservation Act Grant Program application and for future allocation to the programs.

#### Report out to Council on March 16, 2017

Committee Chair Walton will provide an update to Council at its next meeting scheduled on March 16, 2017. Council will consider the committee's recommendation to allocate funding to the programs (amounts as noted above) by a voice vote; and Council will consider by resolution to approve the following OSP applications and associated parcels:

| County | Municipality           | Block | Lot   |
|--------|------------------------|-------|-------|
| Morris | Kinnelon Borough       | 57101 | 120   |
| Warren | Oxford Township        | 2     | 15    |
| Warren | Frelinghuysen Township | 1301  | 3     |
| Warren | Frelinghuysen Township | 1201  | 34    |
| Sussex | Byram Township         | 263   | 692   |
| Sussex | Byram Township         | 343   | 9     |
| Sussex | Byram Township         | 343   | 12.01 |
| Sussex | Byram Township         | 344   | 4     |
| Sussex | Byram Township         | 344   | 13    |
| Sussex | Byram Township         | 344   | 14.01 |
| Sussex | Byram Township         | 344   | 14.03 |
| Sussex | Byram Township         | 344   | 28    |

| County | Municipality      | Block | Lot   |
|--------|-------------------|-------|-------|
| Sussex | Byram Township    | 344   | 34    |
| Sussex | Byram Township    | 344   | 35    |
| Sussex | Byram Township    | 352   | 1     |
| Sussex | Byram Township    | 354   | 1     |
| Sussex | Byram Township    | 355   | 1     |
| Sussex | Byram Township    | 357   | 2     |
| Sussex | Byram Township    | 358   | 2     |
| Sussex | Byram Township    | 362   | 3     |
| Sussex | Hopatcong Borough | 50001 | 1     |
| Sussex | Hopatcong Borough | 50002 | 7     |
| Sussex | Hopatcong Borough | 50002 | 7.01  |
| Sussex | Hopatcong Borough | 50002 | 12    |
| Sussex | Hopatcong Borough | 60001 | 7     |
| Sussex | Sparta Township   | 1003  | 1     |
| Sussex | Byram Township    | 226   | 26    |
| Sussex | Byram Township    | 226   | 26.08 |

### Highlands Development Credit (HDC) Bank Meeting

The next HDC Bank meeting is scheduled for Wednesday, April 5, 2017 at 4:00 pm. At this meeting the Bank will consider by resolution to approve the following HDCPP applications and associated parcels:

| County    | Municipality         | Block   | Lot   |
|-----------|----------------------|---------|-------|
| Hunterdon | Union Township       | 15      | 1     |
| Morris    | Washington Township  | 37      | 29    |
| Hunterdon | Lebanon Township     | 56      | 13.02 |
| Passaic   | Ringwood Borough     | 508     | 2.29  |
| Warren    | Pohatcong Township   | 117     | 13    |
| Warren    | Pohatcong Township   | 110     | 9     |
| Hunterdon | Tewksbury Township   | 16      | 13    |
| Warren    | Harmony Township     | 24      | 10.05 |
| Warren    | Harmony Township     | 24      | 10.06 |
| Morris    | Mount Olive Township | 5300    | 16    |
| Hunterdon | Tewksbury Township   | 13      | 8     |
| Hunterdon | Tewksbury Township   | 13      | 10    |
| Warren    | Mansfield Township   | 1001.01 | 20    |
| Warren    | Mansfield Township   | 1001.01 | 21    |
| Warren    | Mansfield Township   | 1001.01 | 22    |
| Morris    | Mount Olive Township | 5300    | 38    |

| County    | Municipality          | Block | Lot   |
|-----------|-----------------------|-------|-------|
| Hunterdon | Tewksbury Township    | 19    | 13.07 |
| Warren    | White Township        | 13    | 21    |
| Hunterdon | Bethlehem Township    | 33    | 12    |
| Warren    | Harmony Township      | 12    | 9     |
| Passaic   | West Milford Township | 11106 | 13    |
| Passaic   | West Milford Township | 11106 | 17    |

It was also noted that the Bank meeting scheduled on May 4, 2017 will be cancelled.

*The meeting adjourned at 2:32pm.*





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## MEMORANDUM

**To:** RMP Update Committee

**From:** Margaret Nordstrom, Executive Director

**Subject:** Record of RMP Update Committee Meeting of February 6, 2017

**Date:** February 17, 2017

The RMP Update Committee met on Monday, February 6, 2017 at the Highlands Council office in Chester.

Committee Members present: Committee Chair Alstede, Committee Members Holtaway, Sebetich and Vohden.

Highlands Council Staff Members present: Margaret Nordstrom, John Maher, Kim Ball Kaiser, James Humphries, Corey Piasecki, Carole Ann Diction, and Annette Tagliareni.

Also present: Council Chairman Jim Rilee (via phone), and Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit

*Committee Chair Alstede called the meeting to order at 2:08pm.*

### RMP Amendment Procedures

The committee members received a draft memorandum to the Highlands Council from the committee with responses to comments that were made at Council's January 19, 2017 meeting regarding the Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (the Procedures). Committee member Holtaway suggested clarifying the comment period language by adding the word "minimum" when referring to 30 days and "up to" when referring to 60 days. This memo will be provided to Council members at the February Council meeting. Ms. Nordstrom noted that the next action to be taken by Council via resolution will be when the Procedures go out for 5+1 public hearings.

### Monitoring Program Recommendation Report (MPRR)

Committee members were provided with a sample topic area chapter of the MPRR including the following components:

- Topic Area Introduction – explanation of foundation in Act and RMP
- Topic Area Indicator Reports - analysis of each indicator
- Example Recommendation – suggestions for possible amendments, ongoing monitoring, or referral to science and research agenda.

Ms. Nordstrom asked the committee to review the programs listed in the Regional Master Plan (RMP) and make recommendations to staff on any amendments they feel are necessary in accordance with the standards of the Act.

#### Report Out to Council

At Council's February 16, 2017 meeting, Council will receive the memo addressing comments made at Council January 19<sup>th</sup> meeting regarding the Procedures.

#### Work session

At the committee's next meeting, Highlands Staff and committee members will have a work session to review additional topic area chapters. It was noted that the MPRR will be large and multiple sessions will likely be required. Staff technical leads will attend these work sessions.

The meeting adjourned at 3:32pm.