



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)



JIM RILEE  
Chairman

MARGARET NORDSTROM  
Executive Director

### MEETING AGENDA Thursday, September 17, 2015 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF HIGHLANDS COUNCIL MINUTES – July 16, 2015
- APPROVAL OF THE HIGHLANDS DEVELOPMENT CREDIT BANK MINUTES – August 6, 2015
- CHAIRMAN'S REPORT (and Council Member Reports)
- EXECUTIVE DIRECTOR'S REPORT
- COMMITTEE REPORTS:

#### **RMP UPDATE COMMITTEE**

- Report

#### **PERSONNEL COMMITTEE**

- CONSIDERATION OF RESOLUTION - Executive Session
- CONSIDERATION OF RESOLUTION – Appointment Of Chief Council (*voting matter with public comment*)
- 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.*)
- EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

# RESOLUTION 2015-17 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; and

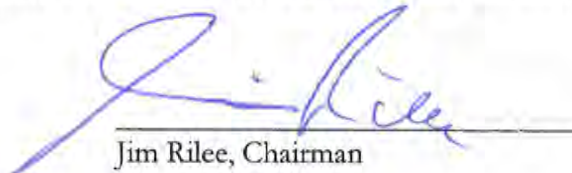
**WHEREAS**, the Council will discuss personnel matters concerning a prospective employee within the meaning of N.J.S.A. 10:4-12(b)(8);

**NOW, THEREFORE, BE IT RESOLVED**, that the Council may enter into closed session at its public meeting of September 17, 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 privileged matter will not be disclosed.

This Resolution shall become effective upon a roll-call vote of the Council.

### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of September, 2015.

  
Jim Rilee, Chairman

**Vote on the Approval of  
This 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 Tfank			✓			
Councilmember Visioli			✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			

**RESOLUTION 2015-18**  
**HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPOINTMENT OF CHIEF COUNSEL**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) empowers the Highlands Water Protection and Planning Council (Highlands Council) to appoint, retain and employ personnel, including attorneys, as it may require without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for those purposes; and

**WHEREAS**, the Highlands Act authorizes the Highlands Council to conduct its business as needed, subject to the statute, to effectuate the purposes of the enabling legislation; and

**WHEREAS**, pursuant to II. Section 5.b. of the Highlands Council adopted bylaws, the Executive Director can recommend for approval by the Personnel Committee one candidate to fill management positions as identified in the organization chart; and

**WHEREAS**, the position of Chief Counsel is a management position as identified in the organization chart; and

**WHEREAS**, the Executive Director has recommended to the Personnel Committee John A. Maher for the position of Chief Counsel; and

**WHEREAS**, the Personnel Committee supports the recommendation of the Executive Director as provided by the bylaws; and

**WHEREAS**, the Personnel Committee and the Executive Director request affirmation of this recommendation by the full Highlands Council;

**NOW, THEREFORE, BE IT RESOLVED**

1. The Highlands Council hereby affirms the appointment by the Executive Director of John A. Maher as Chief Counsel, at an annual basis of \$107,500.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 17<sup>th</sup> day of September 2015.

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

**RESOLUTION 2015-18**  
**HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPOINTMENT OF CHIEF COUNSEL**

**Vote on the Approval of  
This Resolution**

	<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	_____	_____	✓	_____	_____	_____



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Executive Director

## MEMORANDUM

**To:** RMP Update Committee  
**From:** Margaret Nordstrom, *MN* Executive Director  
**Subject:** Record of RMP Update Committee Meeting of July 15, 2015  
**Date:** August 4, 2015

The RMP Update Committee met on Wednesday, July 15, 2015 at the Highlands Council office in Chester. Committee Members present: Council Chairman Rilee (on phone), Committee Chair Alstede, Member Vohden, and Member Sebetich.

Highlands Council Staff Members present: Margaret Nordstrom, Chris Danis, Judy Thornton, Corey Piasecki, Carole Ann Dicton, and Annette Tagliareni.

Also present via phone: Lisa LeBoeuf, Assistant Counsel

*Committee Chair Alstede called the meeting to order at 1:08pm.*

The following topics were discussed:

### Fiscal Impact Assessment (FIA)

Ms. Nordstrom reported that Steve Gunnells, for health reasons, is unable to attend Council's July 16<sup>th</sup> meeting to present the second phase of the Fiscal Impact Assessment, the "Demographic and Real Estate Analysis."

Committee Chair Alstede asked if Mr. Gunnells has a back-up associate. Since this news was received just a few days ago, staff needs to have a conversation with Mr. Gunnells to find out the status of the FIA. Ms. Nordstrom added that moving forward an outline was created for the committee.

### Monitoring Program Recommendation Report

#### Indicators

Staff expects to receive the draft indicators back from RPA shortly.

### Public Comment Web Portal

Prior to returning the draft indicators list to RPA, staff compiled indicators from the comments received through the web portal. Staff plans to respond to the comments received over the Summer.

The web portal will reopen for 30 days at the same time the public outreach sessions (North, Central, and South regions) are held (late Fall/early Winter) to gather comments on the draft indicators and milestones.

### Technical Advisory Committee Meetings (TACs)

Staff reported that the TACs will receive the proposed indicators and data sources in early October, prior to the first TAC meeting.

The second TAC meeting will be held in early Spring 2016. At this time, the final indicators and analysis will be presented, and all indicators will appear in an appendix and may not be analyzed.

Committee Member Vohden asked if all indicators will be listed. Ms. Nordstrom responded that staff will keep track of all suggested indicators, some will be grouped, some will stand alone, and some will not be used, but will remain in the database and coded that the indicator is not being used and why it is not being used. Based on the second TAC meeting, revisions will be made as needed before presenting a Draft Monitoring Program Recommendation Report to the committee and then to Council for consideration, at which time the web portal will reopen again and public outreach sessions will be held.

### Public Outreach Sessions

The public outreach sessions will be scheduled late Fall/early Winter. The meetings will be a round table format for dialogue purposes.

Committee Chair Alstede asked what the status is regarding the TACs resume collecting, review, etc. Staff responded that a letter has been prepared, all email addresses have been gathered, and we anticipate the invitation will be sent sometime next week.

The next committee meeting is tentatively scheduled for either September 9<sup>th</sup> or 16<sup>th</sup> at 1:00pm.

*The meeting was adjourned at 1:42pm.*



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## **PUBLIC HEARING**

### **Proposed Rule 2015-100 Highlands Open Space Partnership Funding Program and Highlands Development Credit Bank Program**

**Thursday, September 17, 2015 at 4pm**

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- PUBLIC HEARING: Rule 2015-100
  - 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, however, all comments will be addressed by the Council in the Comment and Response document.)*
- ADJOURN



# Public Hearing

## Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program Proposed Rule

Thursday, September 17, 2015



# Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program

- Addresses preservation and land owner equity goals of Highlands Act and RMP
- Two primary components:
  - Open Space Matching Grant Program
  - Highlands Development Credit (HDC) Purchase Program
- Highlands Council will review Open Space Grants, HDC Bank will review HDC purchases



# Open Space Matching Grant

- Eligible partnership entities
  - State, county, or municipal government
  - Nonprofit/charitable organizations
- Eligible properties/activities
  - Fee simple acquisition of land for conservation and/or passive recreation purposes
  - Acquisition of development easements for conservation purposes
- Up to 50% contribution of total purchase price.



# HDC Purchase Program

- For individual property owners
- In coordination with HDC Bank
- Purchase of HDCs on priority basis:
  - As established by this Rulemaking process
  - Any resource- specific mitigation funding requirements
- Conservation restriction on property prohibits future development



# Rule Public Comment Period

- August 17 to October 16: Public Comment Period
- Submit written comments by email, fax or mail by October 16 to:
  - Copy of Rule available at: [www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)
  - [james.humphries@highlands.nj.gov](mailto:james.humphries@highlands.nj.gov)
  - 100 North Road, Chester, NJ 07930
  - Fax: 908-879-4205
- September 17: Highlands Council Public Hearing
- December 3 (anticipated): Highlands Council review of public comments and responses, vote on resolution approving program



# Public Comments

## Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program

- Please limit comments to 3 minutes
- Written comments accepted through October 16 via email, mail or fax:
  - [james.humphries@highlands.nj.gov](mailto:james.humphries@highlands.nj.gov)
  - 100 North Road, Chester, NJ 07930
  - Fax: 908-879-4205
- Responses will be provided at close of comment period via comment/response document posted on Highlands Council website



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## Rules and Permits

### \*PROPOSED NEW RULES\*

- **Open Space Partnership Funding Program and Highlands Development Credit Purchase Program**  
 Please be advised that the Highlands Water Protection and Planning Council is proposing Rules related to a Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase program. The complete Rules have been published in the August 17 edition of the New Jersey Register and are available for public comment through Friday, October 16, 2015. A copy of the proposed Rules is also available below. See Public Notice below for complete details.
  - [Copy of Proposed Rules as Published in New Jersey Register, Monday, August 17, 2015](#) - text begins in second column of page one (pdf)
    - Color, high resolution versions of appendices: [Appendix A](#) | [Appendix B](#) | [Appendix C](#) (12 MB pdfs)
  - Proposal date: August 17, 2015
  - Comment period closes: October 16, 2015
  - Public Hearing on Proposal: September 17, 2015 - Regular Highlands Council Meeting
  - [Public Notice - August 10, 2015](#) (pdf)

**Note:** Notices of Proposals are posted here by the New Jersey Highlands Water Protection and planning Council to comply with N.J.S.A. 52:14B-4 to inform the public about pending rules.

## Rules

There are a number of rules that relate to or affect the Highlands Region. The Highlands Council works in collaboration with other state agencies to ensure coordination of activities and programs affecting the Highlands.

- [New Jersey Department of Environmental Protection Highlands Water Protection and Planning Act Rules](#) (N.J.A.C. 7:38)
- [New Jersey Department of Agriculture - Agricultural Development in the Highlands](#) (N.J.A.C. 2:92)

## Permits

The Highlands Council does not issue permits, but does review proposed projects throughout the Highlands Region for consistency with the Highlands Act and Highlands Regional Master Plan (RMP) (See "Project Review" link at left). Applications involving projects in the Preservation Area are reviewed and permitted by the New Jersey Department of Environmental Protection (NJDEP), Division of Land Use Regulation. Additional information is available via the link below.

- Permitting: [New Jersey Department of Environmental Protection, Division of Land Use Regulation - Highlands Information](#)

## Permit Extension Act

Because the Highlands Council is not a permitting authority, it does not make jurisdictional determinations regarding the effect of the Permit Extension Act on permits in the Highlands. Permit holders should contact the municipality and/or agency that issued the permit/approval to determine whether it is subject to the Act. Additional guidance is available from the NJDEP via the link below.

- [NJDEP Permit Extension Act Information - NJDEP Note](#): This advisory guidance is non-binding. Any interested party or permit holder should not in any way rely to any extent on the advisory guidance provided herein. This advisory guidance should not be construed as legal advice.





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## **PUBLIC NOTICE**

### **Rules Regarding Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase Program Published for Public Comment**

**Please take notice** that the Highlands Water Protection and Planning Council will begin accepting comments on proposed Rules related to a Highlands Open Space Partnership Funding Program and Highlands Development Credit Purchase program on Monday, August 17. The proposed Rules will be published in the August 17 edition of the New Jersey Register and will be available for public comment through Friday, October 16, 2015. Instructions for comment will be provided in the proposal.

**As of August 17**, a complete copy of the proposed Rules will also be available on the Highlands Council website ([www.nj.gov/njhighlands/rules/](http://www.nj.gov/njhighlands/rules/)) or by contacting the Highlands Council office. A public hearing regarding the proposed Rules will be held at the regularly scheduled Highlands Council meeting on Thursday, September 17, 2015 at 4 p.m. in the Highlands Council office, located at 100 North Road, Chester, NJ.

The proposed Rules will create an Open Space Partnership Funding Program through which the Highlands Council will partner with government and non-profit land agencies to preserve privately owned land in the Highlands Region by contributing up to 50% of the total purchase price of the property for the acquisition of development rights. The Rules will also create a Highlands Development Credit Purchase Program that, in connection with the Highlands Development Credit Bank, would purchase Highlands Development Credits on a priority basis as established by the Highlands Regional Master Plan and any project-specific mitigation funding requirements.

**DATE OF NOTICE: Monday, August 10, 2015**