



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



PHILIP D. MURPHY
Governor

CARL J. RICHKO
Chairperson

SHEILA Y. OLIVER
Lt. Governor

LISA J. PLEVIN
Executive Director

MEETING AGENDA Thursday, January 14, 2021 at 4pm

Video:

<https://zoom.us/j/96498316696>

Audio only:

Phone number: 1 (929) 436-2866

Meeting ID: 964 9831 6696

Participant ID: when prompted for a participant ID, press #

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. CHAIR'S REPORT
 - a. CONSIDERATION OF RESOLUTION - Election of Vice Chair *(voting matter with public comment)*
 - b. CONSIDERATION OF RESOLUTION - Election of Treasurer *(voting matter with public comment)*
6. EXECUTIVE DIRECTOR'S REPORT
7. APPROVAL OF HIGHLANDS COUNCIL MINUTES – December 3, 2020
8. BUDGET & FINANCE COMMITTEE – Bob Holtaway
 - a. CONSIDERATION OF RESOLUTION – Approval of Fiscal Year 2021 General Operating Budget *(voting matter with public comment)*
 - b. CONSIDERATION OF RESOLUTION – Approval of Fiscal Year 2021 Highlands Protection Fund Capital Budget *(voting matter with public comment)*
 - c. CONSIDERATION OF RESOLUTION – Approval of Fiscal Year 2021 Highlands Protection Fund Capital Budget for Plan Conformance Funding *(voting matter with public comment)*
9. OLD & NEW BUSINESS
10. 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.)*
11. EXECUTIVE SESSION
 - Communications Workers of America contract update
12. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 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)	
ROBERT G. WALTON)	

ABSENT:

TIMOTHY P. DOUGHERTY)

CALL TO ORDER 179th meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm by teleconference due to COVID-19.

ROLL CALL

Roll call was taken. Members Dougherty and Dressler were absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, Maryjude Haddock-Weiler, Keri Green, Corey Piasecki, Ranji Persaud, Kelley Curran, Herbert August, Annette Tagliareni, Carole Ann Diction, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior 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

There was no Chairman's report.

Resolution – Election of Vice Chair

Chair Richko asked for a nomination and motion on the Election of Vice Chair.

Member James nominated Kurt Alstede and moved to adopt a resolution appointing him as Vice Chair. Member Holtaway seconded the motion.

**DRAFT - FOR CONSIDERATION AT THE FEBRUARY 18, 2021
MEETING OF THE HIGHLANDS COUNCIL
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 2021**

Member Vobden was present via Zoom at 4:09pm.

There was no public comment.

There was no Council discussion.

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

Resolution – Election of Treasurer

Chair Richko asked for a nomination and motion on the Election of Treasurer.

Member Alstede nominated Robert Holtaway and moved to adopt a resolution appointing him as Treasurer. Member Visioli seconded the motion.

There was no public comment.

There was no Council comment

Member Dressler was present at 4:17pm.

A roll call vote was taken. The resolution was APPROVED 11-0.

EXECUTIVE DIRECTOR'S (ED) REPORT

Ms. Plevin highlighted the following updates and staff activities:

COVID-19 Response

Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work remotely and are fully functional.

Project Highlights

State Plan Endorsement of Regional Master Plan (RMP)

Ms. Plevin also reported that the State Planning Commission has endorsed the Highlands RMP, which provides a great opportunity for us to promote the advantages of working with Highlands Council to our constituent municipalities and counties. A communication to highlight this information will be going out shortly.

Open Space/HDC Update

The HDC Bank issued a request for proposals for technical assistance related to the establishment of a “municipal average value.” The deadline for responses is February 19th.

Plan Conformance Updates

Parsippany-Troy Hills Township, Morris County - Petition for Plan Conformance was approved by

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 2021

Highlands Council at our last meeting.

Washington Borough, Warren County - Petition for Plan Conformance was posted for public comment November 23 through December 23. No comments were received. Ms. Plevin reported that she anticipates that this Petition will come before the Council for consideration at its February meeting.

Lebanon Borough, Hunterdon County – On December 8, the Borough adopted a “Functional Value Assessment and Stream Corridor Plan” as a sub-element of the Conservation Element in the Borough’s Master Plan. Highlands Council staff found the plan to be consistent with the RMP.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following:

- Harmony Township, Warren County issued one (1) exemption #5
- Bethlehem Township, Hunterdon County issued one (1) exemption #5
- Califon Borough, Hunterdon County issued one (1) exemption #4
- Montville Township, Morris County issued one (1) exemption #2

Project Review Updates

Ms. Plevin then reported on the following project review updates:

Water Quality Management Plan Amendment

Staff conducted two (2) Water Quality Management Plan Amendment reviews:

- Harding Township, Morris County
 - An applicant is seeking a site-specific amendment to the Northeast Water Quality Management Planning Area to accommodate development of multiple multi-family buildings totaling 96 units
 - Highlands Council staff review pending.
- Chester Township, Morris County
 - An applicant is seeking a site-specific amendment to the Upper Raritan Water Quality Management Plan to accommodate the development of agricultural labor housing.
 - Highlands Council staff finding: Not subject to Highlands Council review.

Highlands Redevelopment Area Designation Review

- Rockaway Township, Morris County
 - Applicant, Cibao Meats, in Rockaway Twp., is seeking to expand its facility with additional parking and a solar car port.
 - Project is in the Preservation Area, does not qualify for an exemption, and so will require a Highlands Preservation Area Approval with Redevelopment Waiver.
 - Highlands Council must first designate a Highlands Redevelopment Area.
 - Site meets the 70% Impervious Coverage requirement.
 - The public comment period announcement regarding this project was forwarded to Council members last week.
 - Staff currently anticipates that the Council will review and consider this project at its February meeting.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 2021

Planning Area Consistency Review

Staff is currently reviewing four (4) projects in the Planning Area for consistency with the RMP:

- 295 Route 17 North – Mahwah Township, Bergen County
 - Applicant is seeking to construct a parking storage area for an existing car dealership on the adjacent lot.
- Bridge Point 78 – Phase III – Lopatcong Township, Warren County
 - Applicant is seeking to construct 1.1 million square feet of warehousing in two buildings, in the Lopatcong Township Highlands Center.
- NFI Real Estate - Lopatcong Township, Warren County
 - Applicant is seeking to construct an approximately 550,000 sq ft warehouse in the Lopatcong Highlands Center.
- Lebanon Town Center – Lebanon Borough Hunterdon County
 - Applicant is seeking to construct 280 apartment units, 20% of which will be affordable housing, in the Lebanon Borough Highlands Center.

Preservation Area Exemption Review

Staff conducted one (1) Highlands Applicability Determination – Exemption 11 in Kinnelon Borough, Morris County. Applicant, Kinnelon Water Department must upgrade its water treatment system within a right of way. A small concrete building, housing pumps and associated materials is to be constructed. Highlands Council staff finding: Consistent with Goals of Highlands Act

Personnel Update

In the process of working to fill the full-time Land Preservation Coordinator/Regional Planner position. Four (4) candidates were interviewed in mid-December and will conduct 2 follow-up interviews.

In addition, the Highlands Council is currently seeking a part-time IT Coordinator to fill a vacant position. The job posting closed last Friday, January 8th.

Lastly, Ms. Plevin reported that the next Council Meeting is scheduled for February 18, 2021.

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

Member Visioli asked if the project in Rockaway Township meets the 70% impervious surface. Ms. Plevin responded, yes, the project meets the 70% impervious coverage standard.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 3, 2020

Chairman Richko asked for a motion on the Council Minutes of December 3, 2020

Member Holtaway made a motion to approve the Highlands Council Minutes of December 3, 2020. Member Visioli seconded it.

A roll call vote was taken. The Highlands Council Minutes of December 3, 2020 were APPROVED 11-0.

BUDGET & FINANCE COMMITTEE

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 2021

Resolution - Approval of Fiscal Year 2021 General Operating Budget

Committee Chair Holtaway reported that the Highlands Council received the same state appropriation of \$2,315,000 as in previous years. Carryover bank balance of \$213,877.67 from FY20 to FY21 for an expected FY21 General Operating Budget of \$2,531,877.67. The budget remains generally flat except for three categories: salary expense, IT, and other equipment/improvements to address the potential need to procure safety equipment, supplies and professional services for a safe return to work related to COVID-19.

Chairman Richko asked for a motion on the resolution.

Member Holtaway made a motion. Member Visioli seconded it.

Council Discussion

Member Van Abs inquired about the legal services line item and that Council typically comes under the amount allocated. Member Holtaway responded that the similar amount is used over the years and our legal expenses have been under control. Member Holtaway added that we are able to carryover what is not expended.

A roll call vote was taken. The resolution was APPROVED 10-1.

Resolution - Approval of Fiscal Year 2021 Highlands Protection Fund Capital Budget

Committee Chair Holtaway reported that the Highlands Council received the same state appropriation of \$2,182,352 as in previous years. Committee Chair Holtaway noted that Plan Conformance Petition Planning and Implementation grants will be made available to both municipalities not currently participating in the Plan Conformance Grant process and also those who have approved petitions and are planning to continue the RMP conformance process. Total estimated need is \$1,561,825. The Council has already taken action and approved grants totaling \$877,800. Staff estimates additional need of \$511,525 for new project allocations in the balance of the fiscal year.

Chairman Richko asked for a motion on the resolution.

Member Visioli made a motion. Member James seconded it.

There was no Council discussion.

Public Comment

Hank Klumpp, Tewksbury, NJ - Mr. Klumpp had questions regarding the funding for lake management grants. Chair Richko asked Mr. Klumpp to call Ms. Plevin to explain lake management funding.

A roll call vote was taken. The resolution was APPROVED 10-1.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 2021

Resolution - Approval of FY2021 Highlands Protection Fund Capital Budget for Plan Conformance

Committee Chair Holtaway reported on some grant requests:

- Independence Township requests \$10,000 to complete an initial assessment of the impacts Plan Conformance will have on the Township. The assessment will focus on the ability of the Township to redevelop its commercial corridors, conformance in the Preservation and Planning Areas, as well as a Center Designation.
- Rockaway Township requests \$175,525 to take an active role in the management of the surrounding watersheds of numerous small and medium sized lakes to conduct a watershed assessment of the watersheds surrounding lakes.
- Randolph Township is a fully-conforming Highlands region municipality. For all subwatersheds, municipal plan conformance requires the development of Water Use and Conservation Management Plans (WUCMPs) that will set priorities for the use of available water.

Chairman Richko asked for a motion on the resolution.

Member Holtaway made a motion. Member Visioli seconded it.

There was no Council discussion.

Public Comment

Patricia Seger, Business Administrator, Rockaway Township – Ms. Seger thanked the Council for considering a grant to develop a Rockaway Township Watershed Management program. Ms. Seger submitted her comment for the record.

A roll call vote was taken. The resolution was APPROVED 11-0.

OLD/NEW BUSINESS:

Member Vohden followed up on last month's discussion regarding receiving zones and feasibility grants regarding the TDR program.

Chair Richko commented that an informational session was held with Highlands Council officers and Highlands Council staff on the TDR program. It was suggested at that meeting to offer this session to other members. Ms. Plevin added that she will send an email out to see who wishes to participate in a briefing on the TDR program.

Vice Chair Alstede encouraged Member Vohden to participate and made additional comments on the TDR program.

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

Public Comment

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 14, 2021

George Cassa, Califon, NJ – Mr. Cassa followed up on the information posted on Council’s website regarding the State Planning Commission’s (SPC) Endorsement of the RMP. Mr. Cassa asked what the status is on the relationship regarding the SPC Endorsement of the RMP and if the Memorandum of Agreement (MOA) is signed and/or if it is contingent on a Plan & Implementation agreement. Chair Richko asked Mr. Cassa to call Ms. Plevin to answer any questions regarding the SPC’s Endorsement of the RMP.

Jim Duffy, Concerned Citizens of Chester Township – Mr. Duffy followed up Council’s discussion at its last meeting regarding synthetic turf fields installation anywhere in the Highlands region. Mr. Duffy asked: 1) if Council began taking any steps regarding the formulation of a policy on a construction of a synthetic field anywhere in the Highlands; and 2) is there anything Concerned Citizens of Chester Township can do to assist in the creation and advancement of that policy. Chair Richko asked Mr. Duffy to call Ms. Plevin to answer his questions regarding synthetic turf fields.

Hank Klumpp, Tewksbury, NJ - Mr. Klumpp spoke in opposition of the Highlands Act and the promise to compensate landowners.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers thanked Council for going on Zoom for Council meetings.

David Shope, Lebanon Township – Mr. Shope spoke about the North Jersey Water Supply Authority 2004 Action Plan, which he presumes does not exist.

Resolution – Executive Session

Chair Richko announced that Council would enter into an executive session. Chief Counsel Christine LaRocca 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 Highlands Water Protection and Planning Council (“Council”) is of the opinion that those circumstances presently exist; and

WHEREAS, the Council will discuss a collective bargaining agreement within the meaning of N.J.S.A. 10:4 12(b)(4);

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of January 14, 2021 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.

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

Chair Richko requested a motion on the resolution.

Member James made a motion. Member Holtaway seconded it.

A roll call vote was taken. The Resolution was approved 11-0.

Public portion of the meeting was temporarily dismissed at 5:26pm.

[EXECUTIVE SESSION]

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

MEETING MINUTES OF JANUARY 14, 2021

The New Jersey Highlands Water Protection and Planning Council meeting resumed at 5:43pm.

Members Visioli left the meeting at 5:43pm.

Chair Richko asked for a motion to adjourn the meeting.

Member Walton made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:44pm.

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: 1/29/2021

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

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												
Councilmember Walton												
Chairman Richko												

PUBLIC COMMENT SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON JANUARY 14, 2021



SINCE 1844

ROCKAWAY TOWNSHIP

65 MOUNT HOPE ROAD, ROCKAWAY, NEW JERSEY 07866

January 14, 2021

Highlands Council
100 North Road (Route 513)
Chester, New Jersey 07930

RE: Plan Conformance Grant Application
Rockaway Township Watershed Management Program

Dear Members of the Highlands Council,

I wish to thank you for this opportunity to briefly discuss our great interest in obtaining a grant to develop a Rockaway Township Watershed Management Program, the application for which is before you this evening.

As depicted on the Lake Study Location Map, which you will find on page two, Rockaway Township – like so many other communities within the Highlands Region – is riddled with surface water bodies of varying characteristics, many of which are interconnected. If one examines the bigger picture, it is easy to see how the sub-watersheds within Rockaway Township are connected to and directly impact adjacent municipalities and the greater northern New Jersey region.

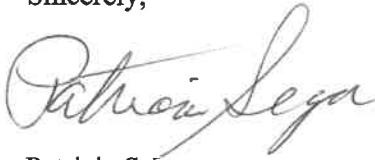
As public servants, we have a sacred civic responsibility to utilize our training, tools and available resources for the greater good. This includes studying the health of surface waters, which provide a vital and fragile resource, particularly in our part of the State. Today, it is widely understood that ponds and lakes not only provide recreational or aesthetic benefits to a community, but are also an integral of the wellbeing of the natural ecosystem. In addition, nature does not recognize if a lake is public or privately owned, so *all* bodies of water deserve our attention and, as appropriate, management.

With your support, and as outlined in our grant application, Rockaway Township officials wish to work with representatives from our private lake communities to aggregate preexisting efforts and current, real-time data. By doing so, we intend to build a strong and sound understanding regarding the current status and health of Rockaway Township's water bodies. Armed with this comprehensive information, strategic water quality mitigation techniques may be planned for and ultimately implemented.

The grant to assist with the Watershed Management Program would help Rockaway Township's Administration and smaller private lake communities defray the cost of gathering necessary data, assessing whether a problem exists, and determining how we may best address it.

On behalf of Mayor Michael Puzio and the Rockaway Township Administration, I thank you again for your consideration of our grant application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Seger".

Patricia Seger

Cc.

Mayor Michael Puzio

Allison Ferrante, Municipal Engineer

Peter Tabbot, Health Officer

RESOLUTION 2021-01
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF VICE-CHAIR

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

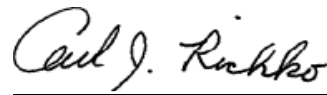
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby elects Kurt W. Alstede as Vice-Chair of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 14th day of January 2021.


Carl J. Richko, Chairman

Vote on the Approval of This Resolution	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			✓			
Councilmember Walton			✓			
Chairman Richko			✓			

RESOLUTION 2021-02

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ELECTION OF TREASURER

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

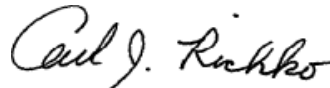
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby elects Robert F. Holtaway as Treasurer of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 14th day of January 2021.



Carl J. Richko, Chairman

Vote on the Approval of This Resolution	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			✓			
Councilmember Walton			✓			
Chairman Richko			✓			

RESOLUTION 2021-04
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2021
HIGHLANDS PROTECTION FUND CAPITAL BUDGET

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program from funding created by the Highlands Protection Fund to reimburse municipalities and counties for reasonable expenses associated with Plan Conformance; and

WHEREAS, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a Highlands Protection Fund Capital Budget; and

WHEREAS, the Budget and Finance Committee has reviewed a proposed Highlands Protection Fund Capital Budget; and

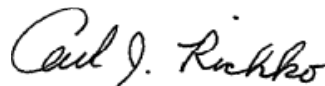
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the attached Highlands Protection Fund Capital Budget for Fiscal Year 2021; and

BE IT FURTHER RESOLVED that the Budget and Finance Committee shall review the budget periodically and recommend adjustments to the Council, as appropriate.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 14th day of January, 2021.



Carl J. Richko, Chairman

RESOLUTION 2021-04
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2021
HIGHLANDS PROTECTION FUND CAPITAL BUDGET

Vote on the Approval of This Resolution	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			√			
Councilmember Walton				√		
Chairman Richko			√			

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS PROTECTION FUND CAPITAL BUDGET ESTIMATES FY2021

Revenues:

Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: Plan Conformance	\$	4,568,409.05
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: TDR	\$	116,001.50
Highlands Unencumbered Funds (rollover from FY2020)	\$	-
State of New Jersey FY2021 Appropriation - Highlands Protection Fund		
Regional Master Plan Compliance Aid	\$	2,182,352.00
Total Revenues	\$	6,866,762.55

Expenditures:

Municipal Plan Conformance Petition Planning and Implementation	\$	1,561,825.00
County Plan Conformance Grants	\$	371,400.00
Highlands Protection Fund Grants - Projected Closure of Unexpended Encumbrances	\$	80,000.00
Highlands Protection Fund Grants - Projected Reimbursements of Encumbered Funds	\$	1,000,000.00
Highlands Protection Fund Grants - Projected Balance of Encumbrances	\$	3,853,537.55
Total Highlands Protection Fund Grant Encumbrances	\$	6,866,762.55

Approved at the January 14, 2021 Highlands Council Meeting

RESOLUTION 2021-03

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF FISCAL YEAR 2021 GENERAL OPERATING BUDGET

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a General Operating Budget for Fiscal Year 2021; and

WHEREAS, the Budget and Finance Committee has reviewed a proposed general operating budget for Fiscal Year 2021; and

WHEREAS, the Budget and Finance Committee recommends the approval of the proposed general operating budget for Fiscal Year 2021; and

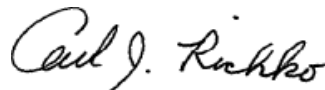
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the attached Fiscal Year 2021 General Operating Budget; and

BE IT FURTHER RESOLVED that the Budget and Finance Committee shall review the budget periodically and make recommended adjustments to the Council, as appropriate.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 14th day of January, 2021.



Carl J. Richko, Chairman

RESOLUTION 2021-03
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2021 GENERAL OPERATING BUDGET

Vote on the Approval of This Resolution	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			√			
Councilmember Walton				√		
Chairman Richko			√			

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS GENERAL OPERATING BUDGET FY2021

Revenues:

State of New Jersey Appropriation	\$	2,315,000.00
Balance from prior fiscal year	\$	213,877.67
Miscellaneous Revenues & Reimbursements	\$	3,000.00
Total Revenues	\$	2,531,877.67

Expenditures:

Salaries	\$	1,918,170.12
Materials and Supplies	\$	33,145.00
Other Operating Expenses	\$	163,506.78
Rent, Maintenance and Repairs	\$	281,900.00
Equipment, Additions, and Improvements	\$	135,155.77
Total Expenditures:	\$	2,531,877.67

Approved at the January 14, 2021 Highlands Council Meeting

RESOLUTION 2021-05
APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET
FOR PLAN CONFORMANCE FUNDING

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, every Highlands municipality that has successfully petitioned the Highlands Council for Plan Conformance has an Implementation Plan and Schedule that includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance; and

WHEREAS, the following municipalities are in need of additional reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance funding:

RESOLUTION 2021-05
APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET
FOR PLAN CONFORMANCE FUNDING

Plan Conformance Funding (not-to-exceed amounts):

Municipality/County	Purpose	Amount
Independence Township	Initial Assessment Grant	\$10,000.00
Randolph Township	Water Use and Conservation Management Plan	\$60,000.00
Rockaway Township	Lake Management Planning	\$175,525.00
Total		\$245,525.00

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Supplemental Amended Plan Conformance Grant Agreement with each of the aforementioned municipalities, for the funding allotted to the above-referenced tasks in the amounts so designated, not to exceed in the aggregate, \$245,525; and

WHEREAS, the Highlands Council approved the FY2021 Highlands Protection Fund Capital Budget pursuant to Resolution 2021-04 on January 14, 2021; and

WHEREAS, the above-referenced \$245,525 allocation is included in the FY 2021 Highlands Protection Fund Capital Budget; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby authorizes the Executive Director to execute Supplemental Amended Plan Conformance Grant Agreements with the above listed municipalities, at not to exceed amounts as set forth above;

BE IT FURTHER RESOLVED, that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2020 in order to provide grant funding for those Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan, not to exceed \$580,000 in the aggregate; and

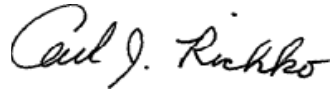
BE IT FURTHER RESOLVED, that the Highlands Council hereby authorizes, ratifies and approves the Highlands Implementation Plan and Schedules for the above-referenced municipalities, including the reallocation of their existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete their Plan Conformance conditions; and

RESOLUTION 2021-05
APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET
FOR PLAN CONFORMANCE FUNDING

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedules of the above listed municipalities, and to amend their Plan Conformance Grant Agreements consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plan and Schedules on behalf of the Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 14th day of January, 2021.



Carl J. Richko, Chairman

Vote on the Approval of This Resolution	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			√			
Councilmember Walton			√			
Chairman Richko			√			

RESOLUTION 2021-06
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-7 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Highlands Water Protection and Planning Council ("Council") is of the opinion that those circumstances presently exist; and

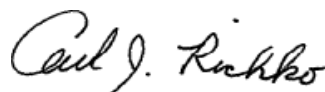
WHEREAS, the Council will discuss a collective bargaining agreement within the meaning of N.J.S.A. 10:4-12(b)(4);

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of January 14, 2021 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.

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

CERTIFICATION

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Highlands Water Protection and Planning Council at its regular meeting held on the 14th day of January 2021.



Carl J. Richko, Chairman

Vote on the Approval of This Resolution	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			√			
Councilmember Walton			√			
Chairman Richko			√			



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
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(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CARL J. RICHKO
Chairperson

LISA J. PLEVIN
Executive Director

MEMORANDUM

To: Budget & Finance Committee
From: Lisa J. Plevin, Executive Director
Subject: Committee Meeting Minutes – December 18, 2020
Date: January 4, 2021

A Budget and Finance (B&F) Committee meeting was held via teleconference on Friday, December 18, 2020 at 11:00 a.m. The following participants were in attendance:

Committee: Council Chair Richko, Committee Chair Holtaway, Members James and Visioli.

Highlands Staff: Lisa J. Plevin, Christine LaRocca, James Humphries, Gabrielle Gallagher, Keri Green, Kelley Curran, Ranji Persaud, Herb August, and Annette Tagliareni.

Committee Chair Holtaway opened the meeting at 11:00a.m.

FY2021 Highlands Protection Fund Capital Budget

Herb August, Grants Manager, reported that the Highlands Protection Fund Capital Budget (Plan Conformance Grants) is an estimate of potential expenditures between the date of July 1, 2020 and June 30, 2021 on tasks required by either the Regional Master Plan or the Department of Environmental Protection. While grant funds were frozen due to COVID-19, all appropriations were restored on October 1, 2020, after the signing of the FY2021 Appropriations Act. Highlands Council staff has budgeted for the use of almost all the appropriated funds with a balance of \$249,127.00 left to address unanticipated but required programs that may need to be funded prior to the end of the fiscal year.

At this time there was discussion regarding unencumbered funds over the years and if there is a formula used to close out these funds. Ms. Plevin reported that there is no formula and Council staff looks at unencumbered funds on a case-by-case basis. Mr. August added that some of the reasons why funds are stalled relate to:

- Turnover at municipal level
- New Mayors/Administrators

- Multi-phase projects
- Capacity issues
- Time lag with awards

FY2021 Highlands Protection Fund Grants

At this time Council staff gave overviews on four (4) grants to be considered by the Highlands Council at a future meeting.

Rockaway Township (Morris County) – Lake Management Planning (\$175,525)

Keri Green, Science Manager, gave an overview of Rockaway Township's request for a Lake Management Planning grant. Rockaway Township wishes to take an active role in the management of the surrounding watersheds of numerous small and medium sized lakes. This regional approach to lake management has recently been implemented in Ringwood Borough and West Milford Township. The scope of work proposes to conduct a watershed assessment of the watersheds surrounding eleven (11) public/private lakes all leading to Rockaway River.

At this time, there was some discussion regarding funding work on private lakes. The Committee concurred that this is the only way to conduct meaningful work on a watershed level.

Independence Township – Initial Assessment Grant (\$10,000)

James Humphries, Director of Planning & Science & GIS, gave an overview of Independence Township's request to complete an initial assessment of the impacts that Plan Conformance may have on the Township. Once complete the Township will evaluate possible next steps, including pursuing Plan Conformance.

Ms. Plevin commented that this can be the first step towards plan conformance.

White Township – Water Use and Conservation Management Plan (\$75,000)

Mr. Humphries gave an overview of White Township's Water Use and Conservation Management Plan (WUCMP) grant. As part of RMP Implementation, all towns are required to develop and adopt a WUCMP. Additionally, WUCMPs are required to be adopted if a project triggers the Highlands Council's review under Executive Order 114. The Highlands Council was notified by the NJDEP of an application for a site-specific amendment to the Upper Delaware Water Quality Management Plan (WQMP) in reference to a development proposed in White Township. This proposed development would require White Township to adopt a WUCMP.

At this time, there was some discussion regarding the proposed project and water demand.

Randolph Township – Water Use and Conservation Management Plan (\$60,000)

Mr. Humphries gave an overview of Randolph Township, a fully-conforming Highlands municipality, and proposed grant funding to develop a WUCMP. Randolph Township currently has a grant budget allocation of \$10,000, but it is estimated that a total of \$60,000 in additional funding will be needed to complete the WUCMP as required by the township's plan conformance petition.

At this time, there was some discussion on doing these WUCMPs one at a time. Mr. Humphries commented that Council staff tries to regionalize these where we can.

In conclusion, Committee Chair Holtaway asked for motions on the FY2021 Highlands Protection Fund Capital Budget and the four grants.

Committee Chair Holtaway asked for a motion to move the FY2021 Highlands Protection Fund Capital Budget to the Council for consideration. Member James made a motion and Member Visioli seconded it. A roll call vote was taken and all were in favor.

Committee Chair Holtaway asked for a motion to move the FY2021 Highlands Protection Fund Capital Grants to the Council for consideration. Member James made a motion and Member Visioli seconded it. A roll call vote was taken and all were in favor.

At 11:33am, all staff left the meeting, except Lisa Plevin, Christine LaRocca, Ranji Persaud, and Annette Tagliareni.

Highlands General Operating Budget – FY2021

Ranji Persaud, Manager of Human Resources, Fiscal and Office Services, gave an overview of the Highlands General Operating Budget for FY2021. Mr. Persaud noted that the Council's operating budget remains generally flat except for a small increase in salary expenses, IT hardware and software, and other equipment and services that may be needed for COVID-19 related expenses.

There was some discussion regarding Highlands Council staff salaries impacted by the current collective bargaining agreement but these matters are still under negotiation and could not be ascertained at this time.

Committee Chair Holtaway asked for a motion to move the FY2021 Highlands General Operating Budget to the Council for consideration. Member Visioli made a motion and Chair Richko seconded it. A roll call vote was taken and all were in favor.

The committee meeting adjourned at 11:50 a.m.