



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
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(908) 879-6737
(908) 879-4205 (fax)
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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEETING AGENDA Thursday, February 18, 2016 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – January 21, 2016
- CHAIRMAN’S REPORT (and Council Member Reports)
- EXECUTIVE DIRECTOR’S REPORT
- COMMITTEE REPORTS:

LANDOWNER EQUITY & LAND PRESERVATION:

- Report
- CONSIDERATION OF RESOLUTION - Authorization And Approval Of The Publication Of Notice Of Adoption In The New Jersey Register Of The Highlands Open Space Partnership Funding Program And Highlands Development Credit Purchase Program Administrative Rule N.J.A.C. 7:70-1 et seq. (*voting matter with public comment*)

REGIONAL MASTER PLAN UPDATE:

- Staff Presentation
- 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



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MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: Roxbury Water Quality Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes – January 13, 2016
Date: February 4, 2016

A Roxbury Water Quality Committee meeting was held on Wednesday, January 13, 2016 at the Highlands Council office in Chester. Committee Members present: Committee Chair Dressler, Committee Members Francis and Richko

Staff Members present: Margaret Nordstrom, John Maher, Chris Danis, Chris Ross, and Annette Tagliareni.

On-phone: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit; and Matthew Kelly, DAG

NJDEP Representatives: Bruce Freidman and Dean Bryson

Roxbury Township Representatives: Chris Rath and Richard Blood

Raritan Headwaters Association: Bill Kibler, Kristi MacDonald, and Angela Gorczyca

Committee Chair Dressler opened the meeting at 2:36pm.

Committee Chair Dressler reported that this committee was formed by the Highlands Water Protection and Planning Council (the Council) to gather as much information/data as possible regarding water quality conditions in Roxbury Township. The committee met separately with NJDEP, Roxbury, and Raritan Headwaters Association (RHA) representatives and are now meeting as a group to review any new updates and come up with some solutions.

Raritan Headwaters Association

Bill Kibler, Director of Policy at Raritan Headwaters Association (RHA) provided the committee with an updated PowerPoint and updated 2015 Stream Monitoring Report: Conference Summary. The data presented in the report were from stream macroinvertebrates samples collected in June, 2015. Mr. Kibler gave an overview of RHA's report and noted that the Ledgewood Brook Site 1 score dropped from 18 (moderately impaired score) in 2014 to 15 (also moderately impaired score) in 2015. Mr. Kibler noted that RHA expects to see a New Jersey Impairment Scoring system of 27-30 in a stream this high up in the headwaters. Ms. Gorczyca of RHA noted that the score needs to drop 9 points to be severely impaired. Regarding Flanders Brooke Site 1, which is within the same subwatershed as Ledgewood Brook Site 1, Mr. Kibler noted that the data shows moderate impairment which is not surprising in that the site is adjacent to Route 206.

Committee Chair Dressler asked Mr. Kibler for his overall assessment regarding Ledgewood Brook Site 1. Mr. Kibler responded that the results of the stream monitoring indicate that the water quality of Ledgewood Brook Site 1 is impaired and has shown no improvements since the prior year's monitoring. When asked what he believes next steps should be, Mr. Kibler suggested that further testing be taken to characterize the extent of impairment, which could include groundwater, surface water monitoring, and chemical monitoring. Mr. Kibler also suggested that it would be useful to review NJDEP historical records regarding the materials found within the former Fenimore and Combfill North and South landfill sites.

Mr. Blood of Roxbury Township noted that changes in the impairment score might occur from 2015 to 2016 since the landfill has since been covered and capped.

Mr. Friedman commented that there are lots of stressors that impair streams and the integrity of streams. Mr. Friedman added that the landfill is also a stressor. There are four years of data that points to a scoring of moderately impaired and the Department looks at all the scores.

Mr. Kibler added that he is of the opinion that the landfill is not the only stressor but a primary stressor.

Committee Chair Dressler asked Roxbury representatives if there is any evidence of benzene in monitoring wells. Mr. Rath responded that no benzene has been evident in surface water quality. One out of four wells has been tested and private drinking wells have been tested with additional testing per requests from residence.

Representatives from Raritan Headwaters Association left the meeting at 3:43pm.

Highlands Council Stream Corridor Guidance – Grant Funding - Scope of Work

Ms. Nordstrom then gave an overview of Highlands Stream Corridor Protection/Restoration Study which was awarded to Roxbury Township as part of its Plan Conformance Petition approval on May 16, 2013. The grant funding is for \$35,000 and additional funds may be allocated for a municipal-wide plan and it would be best if surrounding Highlands conforming municipalities partnered with Roxbury Township on this effort. The guidance provided is intended to be used by technical planning and science professionals to collect and analyze stream corridor data. Mr. Rath responded

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that this would be a great regional opportunity to get a bigger picture of the area. Mr. Rath asked for a copy of the Stream Corridor Guidance document. Staff referred him to a link within the “Draft Scope of Work Outline – Working Document” which was provided to all attendees present at the meeting at this time. Committee Chair Dressler commented that a regional partnership is a good idea, but do not lose sight of why we are here. Committee Chair Dressler added that if there is a potential health issue in the area we need to know about it. Mr. Friedman added that we need to protect the residents and ensure there are no health issues. Ms. Nordstrom emphasized that remediation is not the Highlands purview. Ms. Nordstrom noted that the first thing that needs to be developed is a scope of work. Highlands staff will work with Roxbury to develop a scope of work.

Committee Chair Dressler asked Mr. Friedman if new data may be collected by the Department. Mr. Friedman responded that he will bring this request back to the Department.

The committee adjourned at 4:03pm.

RESOLUTION 2016-4

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION AND APPROVAL OF THE PUBLICATION OF NOTICE OF ADOPTION IN THE NEW JERSEY REGISTER OF THE HIGHLANDS OPEN SPACE PARTNERSHIP FUNDING PROGRAM AND HIGHLANDS DEVELOPMENT CREDIT PURCHASE PROGRAM ADMINISTRATIVE RULE N.J.A.C. 7:70-1 et seq.

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-2 includes, among its findings, that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

WHEREAS, the Highlands Council established a Land Owner Equity and Land Preservation Committee whose mission, among other things, is to consider, evaluate and recommend to the full Council, programs and policies to advance and enhance, where possible, the statutory commitment to compensate Highlands property owners where appropriate; and

WHEREAS, the Council received, reviewed, and considered a final draft Landowner Equity and Land Preservation Program (the Program) that has been vetted through the Land Owner Equity and Land Preservation Committee; and

WHEREAS, the Program provides for an open space matching grant program that would incentivize property owners to seek out contributions from entities interested in land conservation by having the Council match such contributions and also provide that the Highlands Development Credit Bank, would purchase Highlands Development Credits on a priority basis identified in the Program, from certain landowners; and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-6(y), authorizes the Council to prepare, adopt, amend, or repeal, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (N.J.S.A. 52:14B-1 et seq. (APA) such rules and regulations as may be necessary in order to exercise its powers and perform its duties and responsibilities under the provisions of this act; and

WHEREAS, the Council determined that it would be appropriate to promulgate the Program as an administrative rule, pursuant to the APA; and

WHEREAS, on January 22, 2015 by Resolution 2015-3, the Highlands Council authorized and directed the Executive Director to initiate the rulemaking process in connection with the Program and to keep the Council advised and informed as to the status and progress of the promulgation of the program, and

WHEREAS, that prior to the Program being finally adopted under the APA, the Executive Director will provide a summary of the responses received in connection with the promulgation of the

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proposed APA rules, and that the full Council will be called upon to vote to authorize the adoption of the Program as an administrative rule.

WHEREAS, on August 17, 2015, Proposed New Rule N.J.A.C. 7:70 was published in the New Jersey Register for public comment; and that the public comment period was open from August 17, 2015 to October 16, 2015; and

WHEREAS, a public hearing was held at the Highlands Council office in Chester, New Jersey on September 17, 2015 where public comment was taken; and

WHEREAS, public comment period was closed on October 16, 2015; and

WHEREAS, a Comment and Response summary document was prepared by Highlands Council staff, reviewed by the Executive Director and presented to the Highlands Council for review prior to the full Council being called upon to vote to authorize the adoption of the Program as an administrative rule; and

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby authorizes the adoption of the Program as an administrative rule and directs the Executive Director to publish the Program's Notice of Adoption in the New Jersey Register upon which date the Program rule will become effective.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of February, 2016.



Jim Rilee, Chairman

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION AND APPROVAL OF THE PUBLICATION OF NOTICE OF ADOPTION IN THE NEW JERSEY REGISTER OF THE HIGHLANDS OPEN SPACE PARTNERSHIP FUNDING PROGRAM AND HIGHLANDS DEVELOPMENT CREDIT PURCHASE PROGRAM ADMINISTRATIVE RULE N.J.A.C. 7:70-1 et seq.

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 T'fank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____



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MEMORANDUM

To: Affordable Housing Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes– January 21, 2016
Date: February 8, 2016

An Affordable Housing Committee meeting was held on Thursday, January 21, 2016 (2:30pm) at the Highlands office in Chester. Committee Members James and Visioli were present. Committee Members Rilee and Walton were absent.

Staff Members present: Margaret Nordstrom, John Maher, Chris Danis, James Humphries, and Annette Tagliareni.

Also present: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matt Kelly, DAG.

Review of Highlands Council Affordable Housing Activities

Ms. Nordstrom noted that Chairman Rilee formed this committee at Council's December 3, 2015 meeting due to the Supreme Court ordering state judges to take over responsibility for oversight by COAH regarding affordable housing throughout the state, including in the Highlands Region.

James Humphries gave an overview of the Highlands Council activities and responsibilities on affordable housing in the Highlands Region under the Highlands Act, the RMP, the Fair Share Housing Act, and Executive Order 114.

Highlands staff also presented a status report on municipalities participating in the Plan Conformance process and which municipalities have prepared, or are in the process of preparing, Housing Element and Fair Share Plans along with Municipal Build Out reports which will inform growth share obligations. Staff explained that municipalities that have prepared such Plans and Build Out reports will have an easier time convincing the Court that these are an appropriate limit

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on affordable units, as opposed to municipalities which have not prepared any such plans in support of Plan Conformance.

Discussions of possible additional activities

Ms. Nordstrom noted that some Council members suggested that a letter might be sent to the state judges to assist with the Highlands region municipalities in meeting their fair share obligations in light of the Highlands Act. Members James and Visioli expressed their view that they did not feel that this would be appropriate at this time.

The meeting was adjourned at 2:48pm.



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MEMORANDUM

To: Land Owner Equity and Land Preservation Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes – January 20, 2016
Date: February 8, 2016

A Land Owner Equity and Land Preservation Committee meeting was held on Wednesday, January 20, 2016 at the Highlands Council office in Chester. Committee Members present: Committee Chair Walton, Chairman Rilee (via phone), Committee Members Dressler and Francis.

Staff Members present: Margaret Nordstrom, John Maher, Chris Danis, Jim Hutzelmann, James Humphries, Carole Diction and Sabina Martine

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

Committee Chair Walton opened the meeting at 2:40 pm.

Update on Highlands Water Usage

Committee Chair Walton explained that the committee is interested in the amount of water being taken from the Highlands Region by utilities, municipal water companies and water supply authorities and large industrial customers.

Staff presented an analysis titled *Potable Water Supplied in 2011 by New Jersey's Highlands*, which was prepared by NJGS. The report was released in December 2015. The report provides statistics on which municipalities are consuming Highlands water, the amount they consume, the percentage that this represents of their total water consumption. According to the report, 332 municipalities receive potable water from the Highlands.

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Committee members discussed in broad, conceptual terms how money might be generated and disbursed. A fee could be based on the percentage of water used which is from the Highlands for each purveyor in the state which uses water from the Highlands.

New Jersey Geological and Water Survey's NJ Water Tracking Data Model (NJWaTr) has permittee information. Staff will analyze this list to ensure the integrity of the report.

Committee Chair Walton requested recommendations from staff planners on how to compensate landowners for the lost value of their land. Staff explained the various valuation of properties in the Region, including values from the HDC Program, SADC and Green Acres, all of which could be used to estimate compensation. Zoning and the location of the land in the Region would also have to be taken into consideration when estimating.

The Committee adjourned at 3:35pm.

Highlands Council Meeting

Thursday, February 18, 2016

Master Plan Monitoring Program Update



What is the Monitoring Program?

- Not intended to amend the RMP, but rather develop factual foundation for potential amendments to the current or future iterations of the RMP.
- Based on factual outcomes, Council may choose to make policy or programmatic changes to the RMP or recommend further study.



MPPRR Process - Completed

1. Compile initial indicator list
 - Public & stakeholder input; review of RMP
2. Refine indicator list
 - Preliminary Indicator Analysis
 - Technical Advisory Committees (TACs), consultant, Highlands Technical staff
3. Public Outreach Sessions
 - Informational Sessions
 - Draft indicators presented



MPRR Process - Future

1. Analysis of draft indicators
 - Highlands Technical staff, TACs, Consultant
2. Develop Science and Research Agenda and Recommendations Report
3. Review findings with Technical Advisory Committees
4. MPRR released for public comment, followed by Council Action
 - Public Hearings



What are indicators and why are we using them?

- “Indicators” and “milestones” provide the framework for monitoring the Goals and Policies of the RMP
- Indicators and milestones will help identify where RMP policy is most effective, and where amendments may be called for.
- Quantitative, measurable, allow for tracking over time
- Provide factual foundation for action



Indicator Topic Areas

- Natural Resources
- Water Resources
- Water & Wastewater Utilities
- Transportation & Air Quality
- Economic Development
- Landowner Equity
- Agricultural Resources
- Future Land Use
- Historical, Archaeological, Scenic and Cultural Resources
- Implementation



Recommendation Report & Science and Research Agenda

- Analysis of RMP Policies and Programs to be addressed through implementation of the MPRR

Indicators and Milestones

The indicators in this report are grouped by 10 broad areas: Natural Resources, Water Resources, Water and Wastewater Utilities, Transportation & Air Quality, Economic Development, Landowner Equity, Agricultural Resources, Future Land Use, Historical, Archaeological, Scientific and Cultural Resources, and Implementation.

Many indicators belong to multiple topic areas. For example, the Agricultural Policy Views indicator is classified under the Agricultural Resources topic, but also applies to Landowner Equity. In cases like these, a primary topic area determines its location in this report. Within each section, an "indicator report" for the relevant topic area is highlighted.

Indicators

- Natural Resources
- Water Resources
- Water & Wastewater Utilities
- Transportation & Air Quality
- Economic Development
- Landowner Equity
- Agricultural Resources
- Future Land Use
- Historical, Archaeological, Scientific and Cultural Resources
- Implementation

Highlands Regional Master Plan Monitoring Program
CONFIDENTIAL AND DELIBERATIVE MATERIAL

Indicator Reports

The individual indicator reports in this document are presented in the same format, with the exception of the implementation section. Each report contains a graphic summary, a description, discussion of unit of analysis, status, trend, highlands investment actions and needs, and supporting maps or charts.

Status and Trend

Top of indicators, except for those in the implementation section of this report, a summary table is provided at the top of each indicator report, because indicators vary widely in their supporting data and analysis. An objective and broadly applicable method for determining status and trend is not possible. Additionally, the 2008 RMP goals are frequently qualitative and general rather than quantitative and specific.

The status is rated on a five-point scale, from very poor to very good.

Very Good	100% or more RMP goals are met, and objectives are achieved.
Good	75% or more of the RMP goals are met, and objectives are achieved.
Mixed	Between 50% and 75% of RMP goals are met, and objectives are achieved.
Poor	25% or less of the RMP goals are met, and objectives are not achieved.
Very Poor	0% of the RMP goals are met, and objectives are not achieved.

When applicable, trend is summarized in one of five ways:

Positive	The indicator has been a RMP goal, and the indicator is trending positively.
Negative	The indicator is not a RMP goal, but the indicator is trending negatively.
Neutral	The indicator is not a RMP goal, and the indicator is trending neutrally.
Stable	The indicator is not a RMP goal, and the indicator is trending neutrally.
Unknown	Insufficient data to determine if the indicator is trending positively, negatively, or neutrally.

Description and Analysis

The body of each indicator report is made up of a description and analysis section, including a general description, a description of the market and unit of analysis, and an evaluation of the status, trend, and other factors. The status and trend report also evaluates the current state of the indicator in question, while the trend evaluates its performance over time, if applicable. The evaluation refers to both the variability of data, but also to the relative evaluation of the indicator and its ability to track progress toward the goals of the Highlands Council.

Highlands Investment

Highlands investment refers to the financial, technical, and regulatory support that the Highlands Council provides toward achieving the goals and policies relevant to the indicators.

BMP Programs

For each indicator, Highlands Programs established by the RMP relevant to the indicator are listed. Programs are referenced according their number on the issue of priority. See the Highlands Programs indicator (p. 47) for more detail on the operations of these programs.

10 - Road Network Management and Safety

Highlands Regional Master Plan Monitoring Program
CONFIDENTIAL AND DELIBERATIVE MATERIAL



Fiscal Impact Assessment (FIA)

1. Phase 1- Regional Economic Evaluation
(Complete)
2. Phase 2- Real Estate and Demographic Analysis
(Complete)
3. Phase 3- Municipal Fiscal and Financial
Analysis (Spring 2016)
4. Peer Review Contract- Rutgers University
5. FIA and Peer Review released for public
comment followed by Council action
— Public Hearings