



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEETING AGENDA **Thursday, July 20, 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 – June 15, 2017
6. CHAIRMAN’S REPORT (and Council Member Reports)
 - Presentation – New Jersey Statewide Water Supply Plan
7. EXECUTIVE DIRECTOR’S REPORT
8. RMP AMENDMENT COMMITTEE
 - CONSIDERATION OF RESOLUTION – Authorizing Council Staff To Conduct The “Five, Plus One” Public Hearings Before The “Procedure For Considering Proposals To Amend The Highlands Regional Master Plan” Can Be Adopted As An Addendum To The Highlands RMP (*voting matter with public comment*)
9. BUDGET & FINANCE COMMITTEE
 - CONSIDERATION OF RESOLUTION - Approval To Extend The Fiscal Year Budgets 2017 At The Same Average Monthly Spending Level (*voting matter with public comment*)
 - CONSIDERATION OF RESOLUTION – Approval of Water Use and Conservation Management Plan and Stormwater Program Development Funding for the Township Of Denville, Morris County (*voting matter with public comment*)
 - CONSIDERATION OF RESOLUTION –Approval of an Initial Assessment Grant for the Town of Boonton, Morris County (*voting matter with public comment*)
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, *if deemed necessary*
12. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JULY 20, 2017

PRESENT

JIM RILEE) CHAIRMAN
KURT ALSTEDE) VICE CHAIR
TRACY CARLUCCIO) COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY)
ROBERT HOLTAWAY)
CARL RICHKO)
MICHAEL SEBETICH)
JAMES VISIOLI)
RICHARD VOHDEN)
ROBERT G. WALTON)

VIA-TELECONFERENCE

MICHAEL R. DRESSLER)
BRUCE JAMES)
MICHAEL TFANK)

ABSENT

MICHAEL FRANCIS)

CALL TO ORDER 155TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:04pm.

ROLL CALL

Roll call was taken. Members Dressler, James, and Tfank were present via tele-conference. Member Francis was absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Dicton, Maryjude Haddock-Weiler, Herbert August, Ranji Persaud, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Daren Eppley, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

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Chairman Rilee held a moment of silence for a member of the Highlands Council Staff who passed away last week.

James Humphries, Director of Planning and Science, had some words to say about Chris Ross:

“Chris worked here since 2006. She was a principal and part in writing the RMP. She was devoted to the Highlands Council and she was a good friend and great staff member. She was very important in writing the Comprehensive Mitigation Plan for the PSE&G project which ultimately lead to our Open Space program and HDC Purchase Program and she will be sorely missed as a friend and a staff member.”

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JUNE 15, 2017

Chairman Rilee asked for a motion on the Minutes of June 15, 2017.

Member Holtaway made a motion to approve the Minutes of June 15, 2017. Member Visioli seconded it.

A roll call vote was taken. The Minutes of June 15, 2017 were APPROVED 12-0, with one abstention by Member James.

CHAIRMAN’S REPORT

As part of the Chairman’s report, Chairman Rilee introduced New Jersey Department of Environmental Protection (NJDEP) representatives Dan Kennedy, Assistant Commissioner, and Jeff Hoffman, New Jersey State Geologist. Mr. Hoffman provided a presentation to Council on the draft New Jersey Statewide Water Supply Plan (Plan). A copy of this presentation can be found on the NJDEP website along with the draft Plan: www.nj.gov/dep/watersupply/wsp.html. Council received in their packets last month and again this month a memorandum to the NJDEP with staff’s draft comments to the Plan.

After the presentation, various questions/comments were made by Council regarding the draft Plan. After much discussion, the Council agreed to include additional comments in staff’s memorandum before formally submitting the comments to the NJDEP.

- The Draft NJSWSP provides limited detail on water quality issues and climate change. There may be a surplus of water available for use, but if water quality is impaired, this water is not necessarily available for use. Also, there is little mention of climate change and associated potential impacts to water supply in the plan.
- Improvements to and funding for water infrastructure should be prioritized towards the Highlands Region, where the protection of water resources is required in areas of limited water availability. *[Suggested by Member Alstede – see further below]*
- The Highlands Council is aware of the ongoing contamination concerns regarding the Ringwood Mine site and the Wanaque Reservoir. Given the significant potential for disruption of northern New Jersey water supply should the reservoir become contaminated, the NJDEP, EPA and North Jersey District Water Supply Authority should continue to monitor the situation and prepare potential contingency plans to protect the reservoir.

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- When the Highlands Act was passed in 2004, the State Legislature recognized that implementation of the strict land use controls imposed by the Highlands Act would inevitably have an impact on landowner expectations regarding future land use potential and recognized the need to provide just compensation to the owners of lands affected by the Highlands Act. The Highlands Council recommends that the NJSWSP include support for efforts to enact a water user fee imposed on water purveyors who derive water from Highlands Region sources and to dedicate funds raised by such fee to assist in compensating landowners in the Highlands Region whose future land use expectations have been impacted by the Highlands Act.

Council comments submitted to NJDEP may be found on Council's website:
www.nj.gov/njhighlands/about/calend/2017_meetings/jul20/njwsp_hcomments.pdf

EXECUTIVE DIRECTOR'S (ED) REPORT

Ms. Nordstrom reported on some staff activities:

HDC Bank Credit Allocation

- Allocation Determinations
 - Bethlehem Township, Hunterdon County, Block 46 Lot 2
 - Determination: 7.50 HDCs.
 - Hampton Borough, Hunterdon County, Block 11 Lots 1 and 2.2
 - Determination 8.75 HDCs
 - Hampton Borough, Hunterdon County, Block 11 Lot 2
 - Determination 8.25 HDCs
 - Glen Gardner Borough, Hunterdon County, Block 1 Lot 1.01
 - Determination 21.25 HDCs
 - Glen Gardner Borough, Hunterdon County, Block 5 Lot 2 and Hampton Borough Block 8 Lot 2
 - Determination 21.25 HDCs
 - Glen Gardner Borough, Hunterdon County, Block 2 Lot 7 and Hampton Borough Block 7 Lot 2
 - Determination 21.25 HDCs
 - Glen Gardner Borough, Hunterdon County, Block 2 Lot 6
 - Determination: ineligible
 - Bethlehem Township, Hunterdon County, Block 32 Lot 33
 - Determination: 18.75 HDCs
 - Bethlehem Township, Hunterdon County, Block 47 Lots 4 and 4.16
 - Determination: 31.75 HDCs
 - Union Township, Hunterdon County, Block 28 Lot 24
 - Determination: 16.50 HDCs
 - Mansfield Township, Warren County, Block 101.01 Lot 1
 - Determination: Pending
 - Independence Township, Warren County, Block 14 Lot 12
 - Determination: Pending
 - Independence Township, Warren County, Block 14 Lot 14

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- Determination: Pending

Mr. Nordstrom reported that on June 29, 2017 Council staff submitted our application for the next round of funding of the federal Highlands Conservation Act Grant Program, administered by the United States Fish and Wildlife Service (USFWS). Council applied for the maximum request of \$2.4M.

Municipal-Issues Exemptions:

- Califon Borough, Hunterdon County: Exemption 5 – 1 issued.
- Harmony Township, Warren County – 1 issued.
- Hopatcong Borough, Sussex County: Exemption 5 – 1 issued.
- Montville Township, Morris County: Exemption 5 – 1 issued; Exemption 2 – 1 issued.
- Mount Olive, Morris County: Exemption 6 – 1 issued; Exemption 4 – 1 issued; Exemption 2 – 1 issued.
- West Milford Township, Passaic County: Exemption 5 – 6 issued.

Ms. Nordstrom also added that the Monitoring Program Recommendation Report (MPRR) was released for public comment on Tuesday, July 11, 2017. Council received the MPRR as part of their packets. Comments will be accepted through Sunday, September 10, 2017.

In closing, Ms. Nordstrom acknowledged the passing of Highlands Council colleague Chris Ross:

“Chris Ross, as many of you know, was a senior resource management specialist at the Highlands Council for 11 years. Her specialization was aquatic ecology and her role involved reviewing proposed projects for alignment with the natural resource protections outlined in the Regional Master Plan. She also served as a municipal liaison for several towns, working with professional planners to help ensure those protections were integrated with local planning and regulatory documents.

Originally from Monmouth County, Chris loved the Jersey Shore and for many years commuted more than an hour to lend her passion for protecting this great garden state to the New Jersey Highlands. She was a strong advocate of the Regional Master Plan and believed deeply in the mission of this agency. Staff here tell me that over the years, the more time she spent in the Highlands, the more she became part Jersey Shore Girl, part Highlands Girl, eager to explore all North Jersey has to offer.

Beyond her professional achievements, Chris was a delight to be around. Anyone who had the pleasure of working with her knows that work was made easier by her positive disposition and focus on getting things done.

Her contributions to this organization in both a professional and personal capacity were significant and she will be greatly missed.”

At this time there was a round of applause.

RMP AMENDMENT COMMITTEE UPDATE

Resolution – Authorization Highlands Council Staff To Conduct “Five Plus One” Public Hearings Before The “Procedure For Considering Proposals To Amend The Highlands Regional Master Plan” Can Be Adopted as an Addendum to the Highlands Regional Master Plan

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Chairman Rilee stated that the resolution on the agenda will be held. The resolution is anticipated to be considered by Council at its next meeting.

BUDGET AND FINANCE COMMITTEE UPDATE

Resolution – Approval to Extend the Fiscal Year Budgets 2017 at the Same Average Monthly Spending Level

Committee Chair Holtaway reported that there are three resolution for Council's consideration. Mr. Holtaway noted that as is done every year, the Council is being asked to extend the previous year's (FY2017) budgets until the next year's (FY2018) budgets are approved, which is anticipated in October.

Ms. Nordstrom reported that the monthly spending level for each budget is:

- General Operating Budget - \$205,994.80
- Grant Budget - \$25,298.65

Member Holtaway made a motion on the Resolution. Member Vohden seconded it.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp asked how much the rent is for Council's office building. Mr. Holtaway responded that the rent is paid out of the General Operating budget. Ms. Nordstrom responded that the rent is approx. \$20,000/month.

Council Comment

There was no Council comment.

A roll call vote was taken. The resolution was APPROVED 12-1.

Resolution – Approval of Water Use and Conservation Management Plan and Stormwater Program Development Funding for the Township of Denville, Morris County

Ms. Nordstrom reported that the Township of Denville completed their basic Plan conformance activities, but never asked for, nor received, any grant funding for the implementation of Plan Conformance. Executive Order 114 requires that they now complete a Water Use & Conservation Management Plan and Stormwater Management Plan. The Council resolution for this grant funding is not to exceed \$85,000 for these implementation requirements. As this is a reimbursement grant, no funding is released without staff review/approval of associated deliverables.

Member Holtaway made a motion on the Resolution. Member Visioli seconded it.

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Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers asked if Township of Denville is now interested in the Planning Area. Mr. Humphries responded that as part of EO 114, the Township is required to complete their Water Use and Conservation Management Plan and Stormwater Program Development.

Deborah A. Post, Chester Township – Ms. Post spoke in opposition of this grant funding for Denville Township and instead recommend Council to have all conforming towns be required to implement non-structural stormwater management strategies.

Council Comment

There was no Council comment.

A roll call vote was taken. The resolution was APPROVED 13-0.

Resolution – Approval of an Initial Assessment Grant for the Town of Boonton, Morris County

Ms. Nordstrom reported that the Town of Boonton recently adopted a resolution to petition the Council for Plan Conformance. The Town is 100% in the Planning Area, which is voluntary. The first step is for the Town to complete an Initial Assessment Grant that will indicate the work required by the Town to conform to the RMP. The resolution is for a grant not to exceed \$15,000. To date, the Highlands Council has worked with 72 Highlands municipalities on this grant. As this is a reimbursement grant, no funding is released without staff review/approval of the final report deliverable.

Member Holtaway made a motion on the Resolution. Member Visioli seconded it.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that the Coalition has been working with Mayor DiLauri and are delighted that the Town is taking the next step. Ms. Somers believes they will conform.

Council Comment

There was no Council comment.

A roll call vote was taken. The resolution was APPROVED 13-0.

Council Discussion

Member Alstede requested that Council add language to the memorandum to NJDEP regarding the draft New Jersey Statewide Water Supply Plan. Mr. Alstede suggested that Council add a comment

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to support the concept of investing in infrastructure to ensure that there is future water supply statewide and in the Highlands region. Ms. Carluccio was opposed to this comment. Members Walton and Visioli supported Mr. Alstede's suggestion. Chairman Rilee took a poll vote of Council members and Council agreed to add Member Alstede's recommendation to the memorandum to NJDEP.

Chairman Rilee opened the meeting to the general public for comments.

Public Comment

Member Holtaway left the meeting and Member Visioli temporarily left the meeting at 5:39pm.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that the draft New Jersey Statewide Water Supply Plan currently does not speak about conservation. Ms. Somers requests that the Council include conservation and leadership in its comments regarding the Plan.

Member Visioli returned to the meeting at 5:40pm.

Deborah A. Post, Chester Township, NJ – Ms. Post alleged that the HDC Estimator Tool has disappeared from Council's website. Ms. Post also commented that her OPRA request was denied regarding a data set. Ms. Post urged Council to direct staff to respond to her OPRA request. Ms. Post requested that Council make agricultural tourism a requirement for conforming towns who must honor the RMP or lose grants.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey asked to what extent Council has consulted with the NJDEP regarding the draft New Jersey Statewide Water Supply Plan, in particular, water supply and water quality. Ms. Frey urged Council to defend its turf.

George Cassa, Califon, NJ – Mr. Cassa was in favor of Member Alstede's recommendation regarding the draft New Jersey Statewide Water Supply Plan.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented in opposition of the Highlands Act. Mr. Klumpp spoke of the potential application for their renewal/increase of water by The Hamilton Farm Golf Club in Gladstone. Mr. Klumpp submitted his comments for the record.

David Shope, Lebanon Township, NJ – Mr. Shope commented that trees are the biggest use of water so he suggests that the state cut down trees.

Member Richko made a motion to adjourn the meeting. Member Vobden seconded it. All were in favor. The meeting was adjourned at 5:53pm.

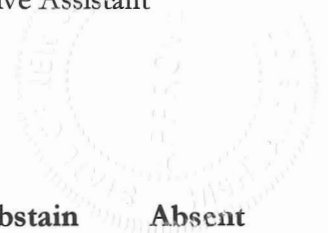
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CERTIFICATION

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: 8/18/17

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant



Vote on the Approval of These Minutes

	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	_____	_____	✓	_____	_____	_____

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON JULY 20, 2017

① I'm Hank Klumpp - I own 150 acres in the Highlands Preservation Area.

The "save the water" land grab almost 13 years ago continues to be an on going disgrace called the Highlands Act. The New Jersey Water Supply Authority gets its water supply for free - while I, along with others, no longer have any equity in our property. We are paying the price for the golf courses in the Raritan Basin System to water their lush grass, paying peanuts a day for this water.

The Hamilton Farm Golf Club in Gladstone has applied for renewal of their

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contract with an increase to the millions of gallons per year (10 years) and if approved would be in place through June, 2027. The water would come from within the Raritan Basin System and used for golf course irrigation purpose. Was anyone on this council against the granting of this application? Or, does anyone on this council question the waste of water?

In 2004, McGreevy signed the poorly written Highlands Act convincing so many people that it would "save the water" for babies that would soon be dehydrated. Water is

(3)

being wasted - The Highlands Act
is a joke - Political - not scientific -
No one can find any scientific
study that put my property in the
Highland Preservation Area, and I
would be laughing at the Act if it
were not hurting so many so badly.

Hank Klumpp

24 Longview Road
Lebanon, NJ 08833

RESOLUTION 2017-11

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION FOR HIGHLANDS COUNCIL STAFF TO CONDUCT THE 'FIVE PLUS ONE' PUBLIC HEARINGS BEFORE THE "PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN" CAN BE ADOPTED AS AN ADDENDUM TO THE HIGHLANDS REGIONAL MASTER PLAN

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act or 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, Section 8(a) of the Highlands Act mandates that the Council prepare and adopt a Regional Master Plan (RMP) for the Highlands Region; and also states that the RMP "shall be periodically revised and updated at least once every six years, after public hearings"; and

WHEREAS, the Highlands Council is completing the six-year review of the RMP required by the Highlands Act and has released a draft Monitoring Program Recommendation Report (MPRR) for public comment, which includes one or more recommendations to amend the RMP; and

WHEREAS, the Council prepared a document entitled "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan" (Procedure); and

WHEREAS, on January 19, 2017 the Council approved a Resolution stipulating that the Highlands Council shall utilize the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and that the Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP; and

WHEREAS, the Highlands Council must adopt the Procedure as an addendum to the RMP before the Council can consider and adopt any other amendments to the RMP arising out of the MPRR; and

WHEREAS, the Highlands Act provides that the RMP may be periodically revised and updated after "public hearings"; 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 the 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 staff is hereby authorized and directed to hold five (5) public hearings in various locations in the Highlands Region, and at least one (1) public hearing in Trenton on the Procedure before it can be adopted by the Highlands Council as an amendment of, and addendum to, the RMP.

RESOLUTION 2017-11

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION FOR HIGHLANDS COUNCIL STAFF TO CONDUCT THE 'FIVE PLUS ONE' PUBLIC HEARINGS BEFORE THE "PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN" CAN BE ADOPTED AS AN ADDENDUM TO THE HIGHLANDS REGIONAL MASTER PLAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17TH day of August, 2017.



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			✓			

DRAFT



Draft RMP Addendum 2017-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

~~July~~
~~June~~January
2017

PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

Executive Summary

The Highlands Regional Master Plan (RMP) outlined a Monitoring Program to meet the statutory requirement of the Highlands Water Protection and Planning Act (Highlands Act) to review the RMP every six years. The RMP proposed development of a Monitoring Program to track and monitor regional indicators, and the preparation of a Monitoring Program Recommendation Report (MPRR or Recommendation Report) to present a summary of the data gathered and evaluated as part of the Monitoring Program and facilitate the Council's consideration of revisions to the RMP.

The MPRR is prepared by the Highlands Council staff based on ongoing monitoring of identified indicators, and may include recommendations to amend the RMP. The Highlands Council will consider amendments to the RMP only after proposed changes to the RMP have been reviewed by the RMP Amendment Committee and ample opportunity for public comment on proposed amendments.

This document summarizes the procedures the Council plans to follow in its review of the RMP and its consideration of amendments thereto.

Introduction

The Highlands Act requires the New Jersey Highlands Water Protection and Planning Council (Highlands Council) to review and update the Highlands Regional Master Plan RMP¹ “at least once every six years, after public hearings”.² The Act contemplates that amendments to the RMP will arise principally out of this six-year reexamination. This document sets forth the process the Highlands Council will follow to review and update the RMP in a manner that is consistent with the Highlands Act and ensures robust public participation.

Standards Governing the Review of the RMP

The goals, policies and objectives that comprise the RMP reflect the synthesis of applicable law, policy science, economics and relevant considerations from other disciplines. As such, the RMP and any amendments proposed to the RMP will be reviewed by the Highlands Council with these considerations in mind. Specifically, the RMP must conform to the Highlands Act. Further, the RMP was developed with the benefit of data drawn from multiple sources and disciplines to inform the judgements made by the Council in its adoption of the RMP in 2008. Accordingly, the Highlands Council's review of the RMP at this six-year interval will take into consideration changes observed since 2008 in water resource conditions, land use patterns, demographics and other benchmarks, as indicated by relevant data, as well as data that was not available when the RMP was adopted in 2008.

¹ The 2008 Regional Master Plan (including Addendum A, January 2011), 15 Technical Reports, and guidance documents that can be found at www.nj.gov/njhighlands/master/.

² N.J.S.A. 131:20-8(a)

The Highlands Council will also take into consideration public comment received through the procedure described further below.

Accordingly, all amendments to the RMP that are presented to the Highlands Council for consideration will be accompanied by a detailed analysis and justification that, among other things and to the extent applicable, sets forth: (1) the purpose/intent of the proposed amendment; (2) the text of the proposed amendment; (3) an explanation of how the proposed amendment is consistent with the Highlands Act and other applicable law; (4) any data that supports the proposed amendment, including the data considered by the Council in its adoption of the RMP in 2008, and any changes observed in the data or new data developed since 2008; (5) a summary of public comment received related to the proposed amendment.

Monitoring Program and Recommendation Report

The RMP calls for the development of a Monitoring Program to track and evaluate regional conditions, and to identify emerging issues and discern changes and trends, as observed in relevant data, which will “inform the development of future iterations”³ and “guide potential amendments.”⁴

The RMP contemplates the compilation of this information in a Monitoring Program Recommendation Report (Recommendation Report), together with any recommendations for potential changes to the RMP. To this end, the Highlands Council staff, under the direction of the Highlands Council, will gather and evaluate relevant data, which will be summarized and presented to the Highlands Council in the Recommendation Report for its review and consideration as part of the 6-year review of the RMP, in accordance with the process outlined below. A draft Recommendation Report will be available for public review and comment, and any proposed amendments to the RMP will be subject to public hearings, as further described below.

Review of the Recommendation Report by the RMP Amendment Committee

Action by the RMP Amendment Committee

The Highlands Council staff will prepare a draft Recommendation Report for review and approval by the RMP Amendment Committee (Committee). The draft Recommendation Report may include suggested changes to the RMP. Upon the Committee’s review and recommendation and the Council’s approval, the draft Recommendation Report will be published on the Highlands Council website for

³ See, Chapter 6, Part 3, Subpart B. Specifically, Chapter 6 "Implementation" provides, at page 366: "[T]he RMP Monitoring Program will allow the Highlands Council to identify significant successes and continuing issues related to RMP policies, objectives, and programs, so that periodically the RMP may be improved through amendments, including the required six-year updates." Further, Part 3 "Improvement of the Master Plan," Subpart B "Regional Master Plan Monitoring" provides, at page 416: "Monitoring and research are vital to understanding the impact and effectiveness of the RMP over time. Monitoring will ensure that the RMP continues to provide effective polices and programmatic approaches in an ever changing landscape. In order to evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities, indicators will be identified and tracked by the Highlands Council.... Conclusions drawn from the findings of the monitoring program may result in updates or amendments to policies and programs of the RMP. The monitoring program is necessary to ensure the RMP's goal of long-term sustainability in the Highlands Region."

⁴ RMP at 418

public review and comment for a minimum period of 30 days, unless extended by the Council up to 60 days, ~~period of 30 days~~, as further outlined below.

Public Participation

The Highlands Council will accept written comments on all aspects of the draft Recommendation Report, including any changes to the RMP suggested therein, as well as suggestions for additional or different changes to the RMP than those proposed in the Recommendation Report. ~~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 following information in support of such changes~~ 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:

1. The proponent's name and contact information;
2. The purpose/intent of the proposed amendment;
3. The suggested- text of the proposed amendment;
4. A summary of how the proposed amendment is consistent with the Highlands Act and other applicable law; and
5. A summary of any data supporting the suggested amendment, together with a reference to the actual data so it may be reviewed by staff.

Following the conclusion of the public comment period, the Highlands Council staff will provide to the Committee for its consideration a summary and evaluation of the public comments received. Thereafter and subject to any changes approved by the Committee, the Committee shall send the final Recommendation Report to the Council, together with its recommendation that the Council authorize release of the final Report to the public. The Recommendation Report will include the summary and evaluation of public comments received on the draft Recommendation Report.

Review of RMP amendments by the Committee and adoption by the Highlands Council

Action by the RMP Amendment Committee

The Committee shall review and discuss the merits of the suggested changes to the RMP in the Recommendation Report, request additional information from Highlands Council staff as may be necessary to develop a proposed RMP amendment and determine the merits of the proposal, or take any other step(s) it determines necessary to evaluate the proposal. Any meeting of the Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open to the public, but the public shall not be entitled to participate or make comments at the Committee meeting. The public will have an opportunity to make public comments at Highlands Council meetings and at the public hearings held before any amendment to the RMP may be adopted.

The Committee may recommend that the Council take any of the following actions on each proposed amendment under consideration:

- Take no action
- Refer proposal to Council staff and RMP Amendment Committee for additional information on the proposal
- Refer proposal to the Science & Research Agenda for further review
- Conduct the public hearings required by the Highlands Act prior to adoption of the amendment

Public Participation

The Council will hold five public hearings in various locations in the Highlands Region, and at least one public hearing in Trenton. Testimony offered during public hearings will be limited to the proposed amendment(s). The public hearings may be conducted as part of a regular Highlands Council meeting, or they may be conducted by staff in which case the hearings will be chaired by the Executive Director. At least one of the public hearings will be conducted in the evening hours for the convenience of the public.

The Council will also consult with the State and local government entities, as required N.J.S.A. 13:20-9, by: (1) transmitting copies of the proposed RMP amendment(s) to the clerk for each municipality and clerk for each county located entirely or partially in the Highlands Region, (2) inviting the submission of written comments within 30 days, and (3) scheduling one or more meetings with such officials.

The Highlands Council may, in its discretion, schedule one or more public meetings with stakeholders to discuss the RMP and any amendments proposed thereto.

Action by the Highlands Council

At the conclusion of the public hearings, Highlands Council staff will provide to the Committee for its consideration a summary of the testimony received during the public hearing. The Committee will provide the Highlands Council with its final recommendation of the proposed amendment(s), including any proposed changes thereto based upon public comments.

The Highlands Council may act upon the proposal by adopting the proposed amendment(s) to the RMP. Alternatively, the Highlands Council may choose to take no action, refer the proposed amendment(s) back to the Committee for additional information, or place it on Science and Research Agenda for further review.

Upon adoption of any amendment to the RMP, a copy of the RMP amendment will be sent to the Governor, the Legislature, the governing body of every municipality and county located in the Highlands Region, and the State Planning Commission pursuant to N.J.S.A. 13:20-9 (d).



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

TO: Council Members

FROM: John A. Maher, Chief Counsel 

SUBJECT: Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

DATE: July 13, 2017

With respect to the Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (Procedure), Executive Director Nordstrom has asked me to briefly summarize for you what we have done so far and where we go from here.

What have we done so far?

- On January 19, 2017, the Council adopted a resolution to use the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and to adopt a final version of the Procedure as an amendment to the RMP. A copy of the 1/19/17 resolution is attached.
- At the January 19 meeting, the Council heard comments on the draft Procedure from members of the public. The RMP Amendment Committee considered those comments and recommended two revisions to the draft Procedure which are incorporated in the current draft and which are shown in the track changes version in your meeting material. A copy of the Committee's 2/6/17 memorandum recommending these changes is attached.
- On July 12, the Committee met in a public session to consider the draft Resolution. The Committee voted to recommend that the Council authorize Council staff to conduct the "five, plus one" hearings required before the Procedure can be adopted by the Council as part of the RMP.

Where do we go from here?

- At its July 20 meeting, the Council will be voting on a resolution to authorize Council staff to conduct the “five, plus one” hearings. **The Council’s vote does not adopt the Procedure, but simply authorizes public hearings so members of the public can be heard.** The Procedure will come back before the Council, after the public hearings, for final adoption.
- Staff anticipates that it will conduct the public hearings in September. One hearing will be in Trenton, the others will be in various locations in the Highlands Region.
- After the hearings, staff will prepare a Response to Comments document for the RMP Amendment Committee, which will review the comments, make suggestions for any revisions, and recommend adoption of the final Procedure.
- The Council will vote to adopt the final Procedure as part of the RMP.
- It is my opinion, which I shared with the RMP Amendment Committee, that the Procedure must be adopted as part of the RMP **before** the Council begins to consider any proposed amendments to the RMP that may arise out of the final MPRR.

If any members of the Council have any questions concerning the Procedure or the Resolution, I will be happy to address them at the 3:00pm sub-quorum meeting or at the Council meeting.

Attachments

RESOLUTION 2017-3**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING
PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act or 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, Section 8(a) of the Highlands Act mandates that the Council prepare and adopt a Regional Master Plan (RMP) for the Highlands Region; and also states that the RMP “shall be periodically revised and updated at least once every six years, after public hearings;” and

WHEREAS, the Council has prepared draft Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (draft Procedure); and

WHEREAS, the Highlands Council is in the middle of the six-year review of the RMP required by the Highlands Act and is preparing a Monitoring Program Recommendation Report (MPRR), which may include one or more recommendations to amend the RMP;

WHEREAS, the Highlands Council staff and the RMP Update Committee (Committee) have developed a procedure for considering proposals to amend the RMP that may arise out of the Monitoring Program, and the Committee has recommended that the Council utilize these procedures going forward to finalize the MPRR and to consider any proposals to amend the RMP recommended in the MPRR; and

WHEREAS, the Council believes that the draft Procedure should be utilized by the Highlands Council going forward to finalize the MPRR and to consider any proposals to amend the RMP, and that the final Procedure be adopted by the Council as an amendment to the RMP at such time that the Council adopts other proposed amendments to the RMP arising out of the MPRR;


NOW, THEREFORE, BE IT RESOLVED, that

1. The Highlands Council shall utilize the draft Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR; and
2. The Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP in accordance with the Procedure at such time as the Council adopts any other amendments to the RMP arising out of the MPRR.

RESOLUTION 2017-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING
PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January, 2017.



 Jim Riley, 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 Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Riley	_____	_____	✓	_____	_____	_____



State of New Jersey

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CHRIS CHRISTIE
 Governor

JIM RILEE
 Chairman

KIM GUADAGNO
 Lt. Governor

MARGARET NORDSTROM
 Executive Director

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.



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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: RMP Amendment Committee
From: Margaret Nordstrom, Executive Director
Subject: Record of RMP Amendment Committee Meeting of July 12, 2017
Date: July 14, 2017

The RMP Amendment Committee met on Wednesday, July 13, 2017 at the Highlands Council office in Chester. This meeting was public noticed and opened to the public to attend.

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

Highlands Council Staff Members present: Margaret Nordstrom, John A. Maher, James Humphries, Kim Ball Kaiser, Corey Piasecki (via phone), and Carole Ann Dicon

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

Public present: Sean Gilson, George Stafford, Wilma Frey, David Shope, and Deborah Post

Committee Chair Alstede called the meeting to order at 4:03pm.

A moment of silence was held for the passing of Highlands staff member Chris Ross.

Monitoring Program Recommendation Report (MPRR)

Ms. Nordstrom reported that on Tuesday, July 11, 2017 the MPRR was released to the public for a 60-day public comment period. An email was sent to all 88 municipalities, as well as Technical Advisory Committees (TACs). Committee Chair Alstede asked what the last day is to submit comments. Ms. Dicon responded that the deadline to submit comments is Sunday, September 10, 2017.

RMP Addendum – Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Mr. Maher stated that the Council, at its January 19, 2017 meeting, approved a resolution to utilize the draft “Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (RMP)” (Procedure) going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and to adopt a final version of the Procedure as an amendment to the RMP.

At that meeting, the Council heard concerns from members of the public regarding the length of the public comment period on proposed amendments, and other issues. The Committee responded to these comments by recommending that the Procedure be revised in two respects, which revisions are reflected in the tracked changes version provided to the Committee. Mr. Maher reviewed the two revisions for the Committee members.

Mr. Maher stated that, in his opinion, the Procedure must be adopted as a part of the RMP before the Council considers any proposed amendment to the RMP that may arise out of the MPRR. He therefore recommended that the Committee vote to recommend to the Council that it adopt a resolution at its next meeting authorizing Council staff to conduct 5+1 public hearings that are required by the Act before the draft Procedure may be adopted by the Highlands Council as an amendment of, and addendum to, the RMP. Mr. Maher added that it is expected that the public hearings will be held in September after which time a Comment Response Document will be drafted by staff and presented to the Committee. The Committee in turn would make a recommendation to the Council to adopt the final Procedures as an Addendum to the RMP.

Committee Member Vohden asked if one of the meetings will be held in Trenton. Ms. Nordstrom responded that it is expected that one of the hearings will be held in the public hearing room at the New Jersey Department of Environmental Protection (NJDEP), two will be held at the Highlands Council office (a.m. and p.m.) and the others will be held in various locations in the Highlands region.

It was clarified that the MPRR is not an amendment of the RMP, and therefore would not go through the hearing process required for amendments. It was further clarified that Council will review all amendments prior to conducting the 5+1 public hearing process.

Committee Member Holtaway had one revision to the Procedure document and that was on page 3, “3. The text of the proposed amendment.” Mr. Holtaway recommended that it be revised to “3. “The suggested text of the proposed amendment.”

Mr. Maher recommended that Committee Member Holtaway’s revision be made to the Procedure document as part of the resolution the Council will consider at its July 20, 2017 meeting.

Committee Chair Alstede asked for a motion to make Member Holtaway’s revision to the Procedure document. Member Holtaway made a motion. Member Vohden seconded it. All were in favor.

Committee Chair Alstede asked for a motion to recommend that Council approve a resolution authorizing Highlands Council staff to conduct 5+1 public hearings on the draft Procedure, as revised. Member Vohden made a motion. Member Holtaway seconded it. All were in favor.

Report out to Council

Committee Chair Alstede noted that Council staff will conduct a 3:00pm sub-quorum meeting on July 20, 2017 (prior to the Council Meeting) to answer any questions Council members may have regarding the MPRR and the Procedure document.

Next Committee Meeting

The Committee meeting tentatively scheduled on July 20, 2017 at 12 noon has been cancelled. Mr. Vohden asked when the next meeting will be scheduled. Ms. Nordstrom responded that as we receive comments to the MPRR, staff will reach out to the Committee. Mr. Vohden suggested that the Committee receive comments as they come in for the MPRR. It was noted that as comments are received for the MPRR, Highlands staff will provide these comments to the Committee ahead of time and/or on a weekly basis.

The meeting adjourned at 4:23pm.

RESOLUTION 2017-8
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2017
AT THE SAME AVERAGE MONTHLY SPENDING LEVEL

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 General Operating and Grants Budgets for Fiscal Year 2018; and

WHEREAS, the New Jersey State Budget for Fiscal Year 2018 has only recently been passed; and

WHEREAS, several material budget components for Fiscal Year 2018, while substantially complete, remain subject to final determination and, in an effort to avoid subsequent revisions, Highlands Council staff is requesting the extension of the current Fiscal Year 2017 General Operating and Grants Budgets until the Fiscal Year 2018 Budget is approved; and


WHEREAS, the Budget and Finance Committee recommends the approval of the extension of the approved General Operating and Grants Budgets for Fiscal Year 2017; 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 extension of the approved Fiscal Year 2017 General Operating Budget at the same average monthly spending level (\$205,994.80), and the extension of the approved Fiscal Year 2017 Grants Budget at the same average monthly spending level (\$25,298.65) until such time as the Highlands Council adopts a General Operating Budget and Grants Budget for Fiscal Year 2018, which is expected to occur at its October 19, 2017 meeting.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of July, 2017.



Jim Rilee, Chairman

RESOLUTION 2017-8
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2017
AT THE SAME AVERAGE MONTHLY SPENDING LEVEL

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			✓			

RESOLUTION 2017-9
APPROVAL OF WATER USE AND CONSERVATION MANAGEMENT PLAN AND
STORMWATER PROGRAM DEVELOPMENT FUNDING FOR THE
TOWNSHIP OF DENVILLE, MORRIS COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has 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, 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 (RMP) within 15 months of adoption thereof, or December 8, 2009; 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, 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, the Highlands Regional Master Plan (RMP) requires that conforming municipalities develop Water Use and Conservation Management Plans (WUCMPs), as well as Stormwater Management Plans, that reflect the policies and objectives of the RMP; and

WHEREAS, Denville Township, Morris County has successfully petitioned the Highlands Council for Plan Conformance and 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 funding; and

WHEREAS, Denville is in need of additional funding, not to exceed \$85,000, in order to address WUCMP funding and Stormwater Management Plans; and

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of an Amended Plan Conformance Grant Agreement with Denville Township for the funding allotted to the above-referenced tasks in an amount not to \$85,000; 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

RESOLUTION 2017-9
APPROVAL OF WATER USE AND CONSERVATION MANAGEMENT PLAN AND
STORMWATER PROGRAM DEVELOPMENT FUNDING FOR THE
TOWNSHIP OF DENVILLE, MORRIS COUNTY

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 an Amended Plan Conformance Grant Agreement with Denville Township, in an amount not to exceed \$85,000 and stipulating that the funds will be expended at the same average monthly spending level as set forth in Resolution 2017-8.

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedules of Denville Township, 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 Schedule 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 20th day of July, 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 Tbank			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			

RESOLUTION 2017-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF AN INITIAL ASSESSMENT GRANT FOR THE
TOWN OF BOONTON, MORRIS COUNTY

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, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities within the seven Highlands counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

WHEREAS, the Highlands Council staff has reviewed the following grant applications and recommends approval by the Highlands Council;

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 by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Town of Boonton for an Initial Assessment Grant in an amount not to exceed \$15,000.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of July, 2017.



Jim Rilee, Chairman

RESOLUTION 2017-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF AN INITIAL ASSESSMENT GRANT FOR THE
TOWN OF BOONTON, MORRIS COUNTY

**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			✓			



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

TO: New Jersey Department of Environmental Protection

FROM: Margaret Nordstrom, Executive Director

SUBJECT: New Jersey Statewide Water Supply Plan - Draft 2017

DATE: July 21, 2017

In accordance with P.L.1981, c.262 (C.58:1A-13d) the New Jersey Department of Environmental Protection (DEP) is required to consult with the Highlands Water Protection and Planning Council (Highland Council) concerning the possible effects and impacts of the New Jersey Statewide Water Supply Plan (NJSWSP) on the Highlands Regional Master Plan (RMP). The Highlands Council appreciates the NJDEP's attendance and presentation of the draft NJSWSP at the July 2017 Council meeting. On behalf of the Highlands Council please accept the following comments regarding the 2017 Draft NJSWSP:

The Highlands Act (C.13:20-6.u.) states that the Highlands Council shall promote, in conjunction with the DEP and the Department of Agriculture, conservation of water resources both in the Highlands Region and in areas outside of the Highlands Region for which the Highlands is a source of drinking water. The Draft NJSWSP should include a reference to the Highlands Council's work on the development and implementation of Water Use and Conservation Management Plans (WUCMPs), the requirements of EO114, and should identify the need to extend the requirements for WUCMPs to areas outside the Region for which the Highlands is a source of drinking water, particularly those areas receiving water from WMA3 (Appendix A, page A.21), which has large water exports to urban areas such as Newark and Jersey City.

Section 74 of the Highlands Act, N.J.S.A 58:1A-15.1-10 (Actions consistent with Pinelands, Highlands regulation) provides that no action taken by the DEP pursuant to the Water Supply Management Act shall be inconsistent with the provisions of the Highlands Act or the Highlands Regional Master Plan. The most effective way to comply with Section 74 of the Highlands Act is to incorporate the RMP results for Net Water Availability into the Draft NJSWSP by reference. The Council is responsible for updating and improving the RMP over time so that its Net Water Availability results remain current, are scientifically defensible based on methods available at the time, and are applied in a common sense manner. The current Net Water Availability results are supported by the RMP and the Water Resources Technical Report, and will continue to be monitored and updated as necessary

as part of the mandated updates to the RMP. In addition, the Net Water Availability results are updated on an individual HUC14 basis as WUCMPs are completed.

The Highlands Act and the RMP establish the special status of all waters in the Highlands Region. The Draft NJSWSP should incorporate language specifically recognizing the existence of stream systems with sensitive ecosystems for which a more protective approach is appropriate. The RMP recognizes the ecological sensitivity of waters in the less developed subwatersheds (i.e., Protection and Conservation Zones) of the Highlands Region through use of lower thresholds and enhanced standards. The Low Flow Margin method thresholds should recognize the lower thresholds established in the RMP for these areas.

The RMP utilizes a HUC14 scale to calculate Net Water Availability. A discussion of the Highlands Council use of the HUC14 scale and the lower thresholds used for the Low Flow Margin should be added. Although the HUC11 scale may be more manageable at a statewide level, the Highlands Council believes that the use of a HUC11 basis skews the amount of water available. The Highlands Council's ability to use a HUC14 subwatershed scale at a regional level better determines Water Availability and causes of corresponding deficits/surpluses than on a HUC11 scale.

Appendix A includes population projections to estimate future demand, but doesn't provide any estimated commercial growth. The North Jersey Transportation Planning Authority's projections for the Highlands Region indicate an overall 0.4% annualized population change, but also indicate a 0.9% annualized employment change. In addition, non-residential growth in the areas outside the region that receive water from the Highlands is expected to be substantial. This growth would produce greater stresses on the water available from the Highlands Region.

Appendix A states that "the water availability values have been 'grayed' out in the HUC11 watersheds that are wholly located in the Highlands Region as the Highlands Regional Master Plan presents availability values for these areas by HUC14 sub-watershed." (See Table A.1.4.) A note should be added to the table indicating that the Highlands Council uses HUC14s to calculate water availability and it should also refer readers to the Highlands RMP for those HUC11s partially located in the Highlands Region.

Due to the noted discrepancy of using HUC14s vs. HUC11s in the Highlands Region and the presence of multiple HUC11s only partially located in the Highlands Region, it would be helpful if the maps included in Appendix A showed the location of the Highlands boundary overlain on the appropriate WMA maps. In addition, the description of the WMAs in Appendix A should include references to the Highlands Region.

The surface water reservoirs discussed in Chapter 3 B.1 should be noted as receiving their water supply from, and being located in, the Highlands Region.

Figures 3.10(a) and 3.10(b) show blank areas over substantial portions of the Highlands Region. Although it is understood that this area includes the HUC11s located entirely within the Highlands Region, it is not clear to a reader why they are blank as the areas do coincide with the Highlands boundaries. Boundaries of the Highlands Region should be included and the figure should note that the RMP water availability applies in the Highlands Region.

The Draft NJSWSP states that one of the greatest stresses involves water being lost to out-of-basin wastewater transfers. However, no policies or guidance are set forth in the Draft NJSWSP regarding these out-of-basin wastewater transfer issues.

A reference to the Highlands Council website should be included in Chapter 5.

We suggest expanding the Water Savers Program (p. 58) to include the Highlands Region.

There is limited mention of stormwater as a resource. The Draft NJSWSP should discuss coordination with the DEP Stormwater Management Rules regarding groundwater recharge and the use of green infrastructure/low impact development.

The following comments were discussed by the Highlands Council as part of the July 20, 2017 presentation of the NJSWSP by the DEP:

The Draft NJSWSP provides limited detail on water quality issues and climate change. There may be a surplus of water available for use, but if water quality is impaired, this water is not necessarily available for use. Also, there is little mention of climate change and associated potential impacts to water supply in the plan.

Improvements to and funding for water infrastructure should be prioritized towards the Highlands Region, where the protection of water resources is required in areas of limited water availability.

The Highlands Council is aware of the ongoing contamination concerns regarding the Ringwood Mine site and the Wanaque Reservoir. Given the significant potential for disruption of northern New Jersey water supply should the reservoir become contaminated, the NJDEP, EPA and North Jersey District Water Supply Authority should continue to monitor the situation and prepare potential contingency plans to protect the reservoir.

When the Highlands Act was passed in 2004, the State Legislature recognized that implementation of the strict land use controls imposed by the Highlands Act would inevitably have an impact on landowner expectations regarding future land use potential and recognized the need to provide just compensation to the owners of lands affected by the Highlands Act. The Highlands Council has estimated that the total cost of implementing the Highlands Regional Master Plan's land preservation program, recognizing the use of the dual appraisal valuation, is approximately \$1.3 billion. The Highlands Council recommends that the NJSWSP include support for efforts to enact a water user fee imposed on water purveyors, at a rate of 0.1 cent per gallon, who derive water from Highlands Region sources and to dedicate funds raised by such fee to assist in compensating landowners in the Highlands Region whose future land use expectations have been impacted by the Highlands Act. (Attached please see Highlands Council Resolution 2016-8).

RESOLUTION 2016-8
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
SUPPORT FOR A WATER USER FEE AS A DEDICATED SOURCE OF FUNDING
FOR LAND CONSERVATION

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

WHEREAS, the Highlands Act designated and established an 860,000 acre region of New Jersey as a regional planning, land use, and water management area subject to stringent land use controls in order to protect “an essential source of drinking water, providing clean and plentiful drinking water for one-half of the State’s population, including communities beyond the New Jersey Highlands”; and

WHEREAS, the State Legislature recognized that implementation of the strict land use controls imposed by the Highlands Act would inevitably have an impact on landowner expectations regarding future land use potential and recognized the need to provide just compensation to the owners of lands affected by the Highlands Act; and

WHEREAS, at the time the State Legislature considered passage of the Highlands Act, and conducted public hearings to generate support for the legislation, proponents promised to provide funding for compensation to landowners adversely impacted by land use restrictions imposed by the Highlands Act, but the State Legislature has failed to fulfil those promises; and

WHEREAS, the State Legislature declared its intent that the land use restrictions resulting from passage of the Highlands Act should be accompanied, as a matter of public policy and “fairness to property owners,” by a strong commitment by the State to fund the acquisition of open space and to attempt to compensate landowners for lost development potential; and

WHEREAS, the Highlands Act provides several mechanisms that seek to mitigate negative impacts on property owners, including, but not limited to, State funding for land acquisition, and a transfer of development rights (“TDR”) program; and

WHEREAS, the voluntary nature and other uncertainties relating to the effective implementation of the TDR program and the limited funding available thus far for acquisition of lands in the Highlands region raise doubt whether the stated legislative goal of “fairness to property owners” in the administration of the Highlands Act has been achieved; and

WHEREAS, one of the principal reasons the State Legislature adopted the Highlands Act was in recognition that the Highlands region serves as an “essential source of drinking water, providing clean and plentiful drinking water for one-half of the State's population” (now 70 percent); and

WHEREAS, while implementation of the Highlands Act burdens some property owners within the Highlands region, it benefits water users who do not reside in the Highlands region; and

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WHEREAS, in 2011 the Highlands region supplied 136 billion gallons of water or approximately one-third of the total potable water used in the State; and that Highlands water was distributed to 332 municipalities in 16 counties; and that these municipalities are home to 70 percent of the State's population; and

WHEREAS, the total cost of implementing the Highlands Regional Master Plan's land preservation program, recognizing the use of the dual appraisal valuation, is approximately \$1.3 billion; and

WHEREAS, it is appropriate that the cost burden of implementing the Highlands Act be shared amongst all beneficiaries, including by users of water derived from Highlands region sources through imposition of an appropriate water user fee; and

WHEREAS, the equitable distribution of the benefits and burdens of the implementation of the Highlands Act requires that all beneficiaries, including water users, share in the cost of implementing the Highlands Act, and that a water user fee would provide an equitable means by which to share these benefits and burdens; and

WHEREAS, the Highlands Council is an advocate for the establishment of dedicated sources of funding for the preservation and stewardship of open space lands in the Highlands region, including enactment of a water user fee; and

WHEREAS, the Highlands Council has attempted to achieve fairness to property owners by adopting in 2016 a program by rule to purchase development potential from landowners (HDC Purchase Program) and an Open Space Matching Grant Program for the purchase of land in the Highlands region, and interest in the HDC Purchase Program has far exceeded the available funds to purchase such development credits; and

WHEREAS, the Highlands Council has over many years expressed its support, by Resolutions 2005-18, 2006-22, 2008-13, and 2013-10, for a dedicated source of State funding for land preservation and to address landowner equity issues, including the enactment of a water user fee; and

WHEREAS, the Highlands Council shares the conviction of the many individuals and representatives of groups who have repeatedly testified before the Highlands Council that there needs to be a dedicated, directed, and stable funding source sufficient to preserve and steward the lands protected by the Highlands Act.

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Council hereby supports efforts to enact a water user fee imposed on water purveyors, at a rate of 0.1 cent per gallon, who derive water from Highlands region sources and to dedicate funds raised by such fee to assist in compensating landowners in the Highlands region whose future land use expectations have been impacted by the Highlands Act; and

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2. The Highlands Council recommends that any such efforts to enact a water user fee include a review of the property owners' lost value due to the passage of the Highlands Act to ensure the provision of just compensation in accordance with the goals of the Highlands Act, and that a means of distribution of funds to affected landowners be developed; and
3. The Highlands Council recommends that any water user fee sunset in ten (10) years after its enactment; and
4. That a copy of this resolution be sent to the New Jersey Governor and Legislature in support of these initiatives.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of October 2016.



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