



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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



KURT W. ALSTEDE
Acting Chair

MARGARET NORDSTROM
Executive Director

**NOTICE OF MEETING LOCATION CHANGE
NEW JERSEY HIGHLANDS COUNCIL**

Please be advised that the location for the meeting of the New Jersey Highlands Water Protection and Planning Council scheduled on Thursday, May 17, 2018 at 4:00pm has been changed to Chester Borough Town Hall (Court Room), 50 North Road, Chester, NJ.

DATE OF NOTICE: May 7, 2018



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CARL J. RICHKO
Chairperson

MARGARET NORDSTROM
Executive Director

MEETING AGENDA **Thursday, May 17, 2018 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 – March 15, 2018
6. EXECUTIVE DIRECTOR'S REPORT
7. CHAIR'S REPORT (and Council Member Reports)
8. CONSIDERATION OF RESOLUTION – Election of Vice Chair (*voting matter with public comment*)
9. CONSIDERATION OF RESOLUTION – Election of Treasurer (*voting matter with public comment*)
10. CONSIDERATION OF RESOLUTION - Appointment of Highlands Development Credit Bank Chair (*voting matter with public comment*)
11. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
12. EXECUTIVE SESSION, *if deemed necessary*
13. ADJOURN

RESOLUTION 2018-2
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL ELECTION OF VICE-CHAIR

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

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

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

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

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of May 2018.



 Carl J. Richko, Chair

**Vote on the Approval of
 This Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty						✓
Councilmember Dressler		✓	✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James	✓		✓			
Councilmember Sebetich			✓			
Councilmember Visioli			✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chair Richko			✓			

RESOLUTION 2018-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF TREASURER

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

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

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

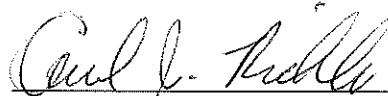
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of May 2018.


 Carl J. Richko, Chair

**Vote on the Approval of
 This Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	✓		✓			
Councilmember Carluccio			✓			
Councilmember Dougherty						✓
Councilmember Dressler			✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember James			✓			
Councilmember Sebetich			✓			
Councilmember Visioli			✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chair Richko			✓			

RESOLUTION 2018-4

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPOINTMENT OF HIGHLANDS DEVELOPMENT CREDIT BANK CHAIR

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 13.i of the Highlands Act authorizes the Highlands Council to establish a development transfer bank for the purpose of facilitating a transfer of development rights (TDR) program for the Highlands Region; and

WHEREAS, consistent with this authority, on June 26, 2008, the Highlands Council established the Highlands Development Credit Bank by Resolution 2008-24; and

WHEREAS, the Highlands Development Credit Bank Bylaws (Bylaws) were adopted on March 5, 2009; and

WHEREAS, under the Bylaws and Council Resolution 2008-24, the Chairman of the Highlands Council is authorized to appoint a nine-member Board of Directors for the Highlands Development Credit Bank; and

WHEREAS, under the Bylaws and Council Resolution 2008-24, the Highlands Council is authorized to appoint one member of the Highlands Development Credit Bank Board of Directors to serve as Chair.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that it hereby appoints Robert G. Walton to serve as Chair of the Highlands Development Credit Bank Board of Directors.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of May 2018.



 Carl J. Richko, Chair

**Vote on the Approval of
This Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty						✓
Councilmember Dressler		✓	✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James	✓		✓			
Councilmember Sebetich			✓			
Councilmember Visioli			✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chair Richko			✓			

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 17, 2018

PRESENT

CARL J. RICHKO)	CHAIR
KURT ALSTEDDE)	VICE CHAIR
TRACY CARLUCCIO)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

ABSENT

TIMOTHY P. DOUGHERTY)

CALL TO ORDER 160th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

ROLL CALL

Roll call was taken. Members Dougherty and Vohden were absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Kim Ball Kaiser, Maryjude Haddock-Weiler, Corey Piasecki, Keri Green, Casey Ezyyske, Christina Petagna, Carole Ann Diction, Drew Siglin, Rachel Posavetz, Ranji Persaud, Sabina Tighe, and Tom Tagliareni. Also present were Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit, and Jennifer Moriarty, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting was 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.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF MARCH 15, 2018

Chair Richko asked for a motion on the Minutes of March 15, 2018.

Member Holtaway made a motion to approve the Minutes of March 15, 2018. Member Visioli seconded it.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 17, 2018

A roll call vote was taken. The Minutes of March 15, 2018 were APPROVED 10-0.

EXECUTIVE DIRECTOR'S REPORT

Ms. Nordstrom thanked Chester Borough for use of their meeting room. Ms. Nordstrom updated Council that the HVAC renovation project is moving along; however, she does not foresee having a Council meeting in our building again until possibly as late as the August meeting.

Ms. Nordstrom then highlighted the following staff activities:

Municipal-Issued Exemptions:

- Bethlehem Township, Hunterdon County: Exemption 2 – 1 issued.
- Byram Township, Sussex County: Exemption 4 – 1 issued.
- Clinton Township, Hunterdon County: Exemption 4 – 1 issued.
- Harmony Township, Warren County: Exemption 1 – 1 issued.
- Jefferson Township, Morris County: Exemption 4 – 1 issued.
- Mahwah Township, Bergen County: Exemption 1 – 5 issued; Exemption 2 – 15 issued; Exemption 4 – 9 issued; Exemption 5 – 2 issued.

HDC Bank Credit Allocation & Purchase Update

- HDC Allocations
 - Union Township, Hunterdon County, Block 2, Lot 1.06
 - 3.98 acres non-residential
 - Rockaway Township, Morris County, Block 20001, Lot 4
 - 158.70 acres residential

Ms. Nordstrom also updated the Council on the following items:

Lake Hopatcong Commission Planning Grant

Ms. Nordstrom noted that, as discussed at Council's March meeting, the Highlands Council has finalized contract materials with the Lake Hopatcong Commission for a Lake Management Planning Grant for the Upper Musconetcong Watershed. Grant funding in an amount not to exceed \$109,000 will be used to assist the Lake Hopatcong Commission in the development of a Watershed Implementation Plan. This funding is provided through the Highlands Protection Fund, per resolution 2017-13. The grant will provide the Commission with access to additional grant funding from USEPA and NJDEP. Council staff is also working with the Greenwood Lake Commission on a potentially similar project.

Open Space Program

On Tuesday, May 1 the Highlands Council opened a new funding round in the Highlands Open Space Partnership Funding program – the Council's matching grant program. A public notice was issued, and notice was sent to officials at every Highlands municipality and county. The deadline for applications is Friday, June 1.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 17, 2018

Annual Report

On April 19, the Highlands Council released its 2017 Annual Report. As required by the Highlands Act, copies of the report were sent to the Governor, the Legislature, and the governing bodies and chief executive officers of each municipality and county in the Highlands Region.

In closing, Ms. Nordstrom thanked Kurt Alstede for his service as Acting Chair and congratulated new Chairman Richko.

CHAIRMAN'S REPORT

Chair Richko thanked Governor Murphy for appointing him as chairperson. Chair Richko met with Pete Cammarano, Governor Murphy's Chief of Staff, and Catherine McCabe, Acting Commissioner of the Department of Environmental Protection (DEP). Chair Richko looks forward to working with the present administration, DEP, Governor's office, his fellow Council members, and Highlands staff. Chair Richko asked the public to continue sharing their ideas/comments with the Council. Chair Richko looks forward to working with any new appointed members to the Council, which he anticipates will be three.

At this time, Members Holtaway, Dressler, and Visioli congratulated Chair Richko on his appointment.

Resolution – Election of Vice Chair

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

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

No public comment was taken.

A roll call vote was taken. The resolution was APPROVED 9-1.

Resolution – Election of Treasurer

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

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

No public comment was taken.

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

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 17, 2018

Resolution – Appointment of Highlands Development Credit Bank Chair

Chair Richko asked for a nomination and motion on the appointment of the Highlands Development Credit Bank Chair.

Member Dressler nominated Robert Walton and moved a resolution appointing him as Highlands Development Credit Bank Chair.

No public comment was taken.

A roll call vote was taken. The resolution was APPROVED 9-1.

At this time, Chair Richko announced Council committee updates and new designations* to the Highlands Development Credit Bank:

Council Committees	Chair	Members
Audit	Robert Walton	Michael Sebetich, Tim Dougherty
Audit Evaluation	Tracy Carluccio	Michael Francis, Mike Dressler
Budget & Finance	Bob Holtaway	Bruce James, Jim Visioli, Carl Richko
Personnel - <i>On hold</i>	--	--
Bylaws	Richard Vohden	Tim Dougherty, Michael Francis, Bruce James, Michael Dressler
Plan Conformance	Michael Dressler	Tracy Carluccio, Richard Vohden, Carl Richko
Roxbury Water Quality – <i>ending this committee, reinstate if needed</i>	--	--
RMP Amendment	Kurt Alstede	Michael Dressler, Michael Sebetich, Robert Holtaway, Richard Vohden, Carl Richko
Landowner Equity and Land Preservation	Rob Walton	Robert Holtaway, Michael Francis, James Visioli
Affordable Housing	Jim Visioli	Bruce James, Robert Walton

2018 HIGHLANDS DEVELOPMENT CREDIT BANK CRITERIA	BANK BOARD OF DIRECTORS
Highlands Council Chairperson	Carl Richko
Two Members of the Highlands Council	Robert Holtaway & Robert Walton
Member of the State TDR Bank or Bank's Executive Director	Susan E. Payne
Member of Garden State Preservation Trust	Greg Romano
Member of general public, expertise in land development & redevelopment	Rusty Fricke*
Member of general public, expertise in land conservation and stewardship	Richard Nieuwenhuis*
Member of the public – farmer	Dale Davis III
Member of the public, expertise in banking, finance, or land economics	Andrew R. McElroy

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

Public Comment

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 17, 2018

Deborah Post, Chester Township – Ms. Post commented on the new Council leadership, today's agenda, and Governor Murphy's current administration and, in her opinion, platform regarding growth.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in opposition of the Highlands Act, which due to a scientific study put his property in the Presentative Area of the Highlands. Mr. Klumpp also commented on the legislature's promise to compensate landowners.

David Shope, Lebanon Township, NJ – Mr. Shope commented regarding the new workload of COAH requirements. Mr. Shope asked what progress has been made regarding these settlements.

Member Visioli responded that as chair of the Affordable Housing committee, the committee will discuss these settlements.

Monique Purcell, Department of Agriculture – Ms. Purcell congratulated Chair Richko and Vice Chair Alstede and looks forward to working with them.

Member Vohden was present at 4:29pm.

Member Holtaway made a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 4:29pm.

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: 7-19-18

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MAY 17, 2018

**Vote on the Approval of
The Minutes**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty			✓			
Councilmember Dressler	✓		✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember James			✓			
Councilmember Sebetich			✓			
Councilmember Visioli			✓			
Councilmember Vohden						✓
Councilmember Walton						✓
Chair Richko			✓			

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON MAY 17, 2018

① My name is Hank Klumpp. I own 150 acres in the unjust Highlands Preservation Area.

In August, it will be fourteen years that Highland landowners have been waiting for the compensation that was promised them when the Highlands Act was signed. At the Senate Environment Committee Assembly Environment and Solid Waste Committee meeting on March 30, 2004, Senator Bob Smith and Assemblyman John McKeon referred to Tom Cruise once saying, "Show me the money" and said they pledged to show the people the money. It was said, "We're currently working with the Governor's office to put together the dedicated and guaranteed source of funding so that the Highlands, which

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is making a sacrifice for the rest of the state, is properly compensated. We will show you the money." The Highlands landowners have been watching their property values fall with ridiculous restrictions and their equity drained putting farmers out of business. How can lawmakers justify not delivering on the promise that was made?

I have been standing before the Highlands Council, monthly, for almost fourteen years now asking to see the scientific study that put my farm into the Highlands Preservation Area and no one seems to be able to find such a study. Could this have

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been "political" and never "scientific"? The Highlands Act was to safeguard a regional watershed that provides "drinking" water to millions of New Jerseyans. Mc Greevey pushed this Act and got it passed by implying that small children would end up dehydrated. Now, what a joke! The water, people had to sacrifice their property values for, is being used to water dozens of golf courses using millions of gallons of water, daily, unrestricted, for only 336 dollars per million gallons with some having 10 year contracts.

Perhaps Governor Murphy should

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face the fact that people who have been forced into the Highlands Preservation Area with no compensation are paying a huge price, and he should be concerning himself with helping and supporting these people of New Jersey to put an end to this injustice.

Governor Murphy must remember that New Jersey is the "Garden State" and his priority should be supporting farmers who have lost their equity and not the concept of making New Jersey the "Sanctuary State" where his interests seem to be the strongest. It is time to step up and get priorities in place.

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Hank Klumpp
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