



## State of New Jersey

Highlands Water Protection and Planning Council  
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**PHILIP D. MURPHY**  
Governor

**CARL J. RICHKO**  
Chairperson

**SHEILA Y. OLIVER**  
Lt. Governor

**LISA J. PLEVIN**  
Executive Director

### MEETING AGENDA Thursday, February 20, 2020 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 – January 16, 2020
6. APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES – January 16, 2020
7. CHAIR’S REPORT
8. EXECUTIVE DIRECTOR’S REPORT
9. VICE CHAIR
  - CONSIDERATION OF RESOLUTION - Creation of Agricultural Advisory Committee (*voting matter with public comment*)
10. AUDIT COMMITTEE – Committee Chair Walton
  - CONSIDERATION OF RESOLUTION – Acceptance of Audit Report (*voting matter with public comment*)
11. BUDGET & FINANCE COMMITTEE – Committee Chair Holtaway
  - CONSIDERATION OF RESOLUTION - Award of Contract to Conduct An Evaluation and Field Test of the Draft Highlands Region Functional Ecosystem Valuation Model and Forest Conservation Guidance (*voting matter with public comment*)
12. OLD & NEW BUSINESS
13. 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.*)
14. EXECUTIVE SESSION, *if deemed necessary*
15. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 20, 2020

**PRESENT**

|                  |   |                 |
|------------------|---|-----------------|
| CARL J. RICHKO   | ) | CHAIR           |
| KURT ALSTEDE     | ) | VICE CHAIR      |
| TRACY CARLUCCIO  | ) | COUNCIL MEMBERS |
| MICHAEL FRANCIS  | ) |                 |
| BRUCE JAMES      | ) |                 |
| MICHAEL SEBETICH | ) |                 |
| RICHARD VOHDEN   | ) |                 |
| ROBERT G. WALTON | ) |                 |

**VIA TELE-CONFERENCE**

|                     |   |
|---------------------|---|
| MICHAEL R. DRESSLER | ) |
| JAMES VISIOLI       | ) |

**ABSENT**

|                      |   |
|----------------------|---|
| TIMOTHY P. DOUGHERTY | ) |
| ROBERT HOLTAWAY      | ) |

**CALL TO ORDER** 173<sup>RD</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm.

**ROLL CALL**

Roll call was taken. Members Dougherty and Holtaway were absent. Members Dressler and Visioli were present via tele-conference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, Annette Tagliareni, Christine LaRocca, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Keri Green, Ranji Persaud, Carole Ann Dicton, Drew Siglin, Christina Petagna, Alex Hascha, Karen Castanbas, and Tom Tagliareni. Also present were Stephanie Brown, Associate Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

**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 JANUARY 16, 2020**

Chair Richko asked for a motion on the Highlands Council Minutes of January 16, 2020.

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*Member James made a motion to approve the Highlands Council Minutes of January 16, 2020. Member Vohden seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of January 16, 2020 were APPROVED 10-0.*

**APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF JANUARY 16, 2020**

Chair Richko asked for a motion on the Highlands Council Executive Session Minutes of January 16, 2020.

*Member Walton made a motion to approve the Highlands Council Executive Session Minutes of January 16, 2020. Member Francis seconded it.*

*A roll call vote was taken. The Highlands Council Executive Session Minutes of January 16, 2020 were APPROVED 10-0.*

**CHAIRMAN'S REPORT**

Chair Richko announced that the Highlands Council will be receiving \$937,000 in grant funding for land preservation, through the Highlands Conservation Act. Chair Richko thanked staff members Drew Siglin and Carole Ann Diction who worked directly on this effort and Keri Green and Alex Hascha who assisted. Chair Richko also announced that Drew Siglin will be leaving the Highlands Council staff as Open Space & TDR Coordinator. Drew accepted a position at the Alliance for the Chesapeake Bay as their Chief Operating Officer. Chair Richko thanked Drew for his service with the Council and wished him all the best.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following updates and staff activities:

**Climate Initiative Update**

Ms. Plevin noted that in coordination with the release of New Jersey's new Energy Master Plan, the New Jersey Department of Environmental Protection (NJDEP) was directed to identify and update their regulations to integrate climate change considerations through an Administrative Order creating an entity called NJ PACT (Protecting Against Climate Threats). The Highlands Council is included as a stakeholder in this process and attended an interagency meeting earlier this week related to this topic, where the Highlands Council reminded the group that climate concerns are not just coastal.

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Highlands staff attended a Harmful Algal Bloom (HAB) Summit, hosted by NJDEP, on January 28, 2020 where staff had an opportunity to provide literature and information regarding Highlands Council grant programs available to municipalities to assist with planning for HAB prevention. Member Francis was also in attendance.

### **Plan Conformance Updates**

Ms. Plevin announced that the Borough of Netcong voted last week to apply for an initial assessment grant to explore the possibility of conforming with the Regional Master Plan (RMP). Netcong is 100% in the Planning Area and Council staff is looking forward to working with the Borough.

### **Municipal and County Implementation Activities**

- High Bridge Borough – Affordable housing ordinances certified as conforming to the RMP
- Lebanon Township – Stormwater Management Planning Scope of Work approved
- Lebanon Borough – Stream Corridor Restoration Plan Scope of Work approved
- Tewksbury Township – Wastewater Management Plan deemed consistent with the RMP.

### **Municipally Issued Exemptions**

Council staff received notification of some municipally issued exemptions:

- Washington Township, Morris County issued six exemption #5s.
- Chester Township, Morris County issued 38 exemption #5s, and one exemption 4

### **Project Review Updates**

Highlands Council staff completed two (2) Water Quality Management Plan Amendment Reviews:

- West Milford Township, Passaic County - Expansion of existing strip mall
- Denville Township, Morris County - Construction of an industrial building for office, manufacturing and warehouse use.

### **TDR/HDC Update**

Since the prior report, one (1) HDC easement has been recorded, and one (1) allocation reconsideration has been completed.

### **HDC Easement Transactions**

- Independence Township, Warren County - 30.25 HDCs certified and purchased by HDC Bank for \$484,000

### **HDC Allocation Reconsideration**

- Bloomingdale Borough, Passaic County - 16.19 acres residential property – Revised from 12.50 HDCs to 19.75 HDCs

### **Personnel**

Ms. Plevin welcomed two new staff members and noted the departure of another:

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- Gabrielle Gallagher joined Highlands Council staff recently as Senior Counsel. Gabrielle is a highly qualified attorney with extensive public sector experience. She has served as the Director of Legal and Regulatory Affairs at the NJ Department of Community Affairs, where she handled a multitude of litigation, contractual and personnel matters. Most recently, Gabrielle served as the Deputy Executive Director for the Department of Banking and Insurance, overseeing administrative and enforcement actions and also managing emergency planning/business continuity for the Department.
- Karen Castanhas joined Highlands Council staff on February 3rd as Administration Assistant. Karen is a great addition to Council's team. She has a very strong administrative background with extensive computer and excellent customer service skills.
- As noted by Chairman Richko, Drew Siglin, our Regional Planner and Open Space & TDR Coordinator, will be leaving. Drew has done tremendous work on land preservation in the Highlands and been instrumental in our preservation of over 5,000 acres. This position has been posted and applications are being accepted through February 28th.

Ms. Plevin noted that the next Council Meeting is scheduled for March 19, 2020.

### **AGRICULTURAL ADVISORY COMMITTEE**

Chairman Richko indicated that Vice- Chair Alstede would introduce the next resolution related to the creation of an agricultural advisory committee.

Vice-Chair Alstede noted that during the deliberations of the Highlands Act and a phone conversation with former Governor McGreevy, the then Governor promised that a public member with agriculture expertise would be appointed to the Highlands Council. It is also noted in the RMP that agriculture is a vital part of the Highlands Region's culture, landscape and economy. In 2018, the Monitoring Program Recommendations Report (MPRR) recommended that the Highlands Council establish an Agricultural Advisory Committee to identify the Council's role in supporting the agriculture economy to include:

- Protection and enhancement of agricultural sustainability and viability of the agricultural industry within the Region.
- Identify the status of farming in the Highlands Region, including trends in farming activity, total land under agricultural production, farm products produced by type and quantity, product destination.
- Identify opportunities to support farming process integration in the regional agricultural industry.
- Investigate the recommendations made in the Agricultural Resources and, where applicable, the Sustainable Economic Development chapters of the Recommendation Report.

Vice-Chair Alstede added that the establishment of the Agricultural Advisory Committee will allow the Highlands Council to seek opportunities to support the industry and ensure its continued survival.

Vice-Chair Alstede noted that the resolution being considered by Council outlines how this committee will be created. It was noted that the committee would be open to interested Highlands Council members and other members of the public with agricultural expertise that would be vetted/appointed. Vice-Chair Alstede introduced the resolution to the Council.

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**Resolution – Creation of Agricultural Advisory Committee**

*Member Vohden made a motion. Member James seconded it.*

**Council Comment**

There was no Council comment.

**Public Comment**

**Deborah Post, Chester Township** – Ms. Post nominated herself as a candidate for the committee.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented that he is 100% in favor of the committee, raised the issue of his loss of equity and perhaps the new committee can find some funding for landowners.

**David Shope, Lebanon Township, NJ** – Mr. Shope introduced again for the record a letter addressed to Robert A. Tucker from First Pioneer Farm Credit which addresses the impact of loss of equity. Mr. Shope submitted this letter for the record. Mr. Shope added that agriculture in New Jersey has declined over the decades.

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

**AUDIT COMMITTEE**

Committee Chair Walton reported that the committee had a meeting to discuss the audit with the auditors and again Council has a clean audit. Committee Chair Walton recommends that Council accepts the audit report.

**Resolution – Acceptance of Audit Report**

*Member Walton made a motion. Member James seconded it.*

There was no Council or public comment.

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

At this time, Chair Richko recognized Stephanie Brown, Associate Counsel from the Governor's Authorities Unit, who will be working with Council staff for a couple months while Lauren Nathan-LaRusso is on parental leave.

**BUDGET & FINANCE COMMITTEE**

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In Committee Chair Holtaway's absence, Committee Member Visioli reported that the Budget & Finance Committee met on February 6, 2020 to review the award of a contract for Evaluation and Field Test of the draft Functional Ecosystem Valuation (FEV) methodology. The Committee unanimously voted to move it to Council for consideration. The RMP has a goal of "no net loss" of critical habitat value. One of the challenges is that without a means of valuing different resources, mitigation can be ineffective or inaccurate. Previously contracted consultants have a draft methodology, which now needs to be field tested to validate the methodology.

At this time, Highlands Council's Resource Management Specialist, Christina Petagna, gave a brief presentation on this project and Council will consider a resolution to award a contract for this project. The PowerPoint presentation may be found on Council's website:

[www.nj.gov/njhighlands/about/calend/2020/feb20/ppt\\_feb.pdf](http://www.nj.gov/njhighlands/about/calend/2020/feb20/ppt_feb.pdf)

Council Comment

Member Sebetich asked if the nine (9) sites have been determined. Ms. Petagna responded that the sites will be determined after the evaluation of the methodology has been completed and GIS will be used to model the best sites for the testing. Member Sebetich asked if the consultant will inform Council staff of the locations of these sites before they conduct their tests. Ms. Petagna responded that Council staff will be in constant contact with the consultant throughout the entire process. Member Sebetich also asked where Applied Ecological Services (AES) is located. Ms. Petagna responded AES is a team of professionals located throughout the country.

Member Vohden asked what will Council do with this information and will it turn into a mitigation program. Mr. Humphries explained how the methodology will be used for project reviews. He clarified that there are non-exempt projects in the Preservation and Planning Areas of the Highlands region that by statute have to come to the Highlands Council for review. The adopted RMP specifies a policy of "no net loss of habitat value" as a project review standard, but there is currently no definition of "no net loss." This means project reviews that result in a mitigation requirement lack clarity about how that mitigation will be achieved. This methodology will provide an objective, transparent method for an applicant to know what they need to do to address the "no net loss" requirements of the RMP when it comes to mitigation.

At this time, there was continued discussions regarding no net loss, exemptions, mitigation, and the RMP requirements. Chair Richko added that there is no change in the rules/regulations. This methodology provides guidance.

Ms. Petagna clarified that the objective of the FEV methodology is to make mitigation more fair for property owners. Whether or not the methodology is adopted or tested, the requirement for mitigation already exists. The FEV methodology has been devised to make sure the mitigation is fair for project applicants. Ms. Petagna also clarified that the methodology has already been created and the resolution before Council now is to field test that methodology.

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Member Vohden noted that he will be voting “yes” because of the fairness aspect and asked Council staff where “mitigation” is spelled out in the Highlands Act. Chair Richko responded that staff will provide this information.

Member Walton commented that “no net loss” is not in the Highlands Act, it is a choice the Council made in the RMP. Ms. Plevin reminded Council members that the Council just went through the re-examination process. Mr. Humphries added that the Monitoring Program Recommendations Report (MPRR) outlined the field testing of the FEV methodology as a recommendation. Member Walton expressed concern that one company came up with the draft methodology and another company is confirming its values. Staff explained that is the normal scientific process. Member Walton added that he has a hard time supporting this and is not sure it is a job worth doing.

Member Carluccio commented that she is very supportive of this field testing because when the Council decided to create a functional eco-system valuation method, we did not know how it would play out in the field. Member Carluccio added that this evaluation/field testing will not only confirm the methodology is usable and repeatable but will also demonstrate how it works. We need to have methods that are reliable, transparent, fair, and accurate. Member Carluccio was very impressed with the application and that in a few months we will have a better assessment.

Member Sebetich asked if the application is on our website. Ms. Plevin responded that this is about awarding a contract to a company to field test and the draft methodology is not currently on our website, but would be posted once it is field tested and finalized.

Member Sebetich also asked for the names of the professionals. Member Sebetich requested to receive a list of the professionals’ names for the project.

At this time, there were further discussions regarding non-disclosure of the draft methodology to the public until it has been tested and finalized.

**Resolution - Award of Contract to Conduct an Evaluation and Field Test of the Draft Highlands Region Functional Ecosystem Valuation Model and Forest Conservation Guidance**

*Member Visioli made a motion. Member Carluccio seconded it.*

At this time there was continued discussions regarding the draft methodology and its use once it is tested and finalized.

Vice-Chair Alstede commented that Council controls what is in the RMP. Vice-Chair Alstede noted that part of the most recent review of the RMP resulted in the adoption of Procedures to allow for amendments to the RMP. If Council finds that it needs to adjust a policy in the RMP, so long as it is consistent with the Act, the Council can do so.

**Public Comment**

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of this resolution regarding the evaluation of the land and Council’s knowledge of what land will be evaluated.



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**David Shope, Lebanon Township, NJ** – Mr. Shope spoke in opposition of this resolution regarding value judgements by Council. Mr. Shope urged Council to consider what you are doing as an entity.

**Deborah Post, Chester Township** – Ms. Post spoke in opposition of this resolution regarding the award of consultants who hate farmers and seek their demise.

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

*Member James left the meeting at 5:10pm*

*Vice-Chair Alstede left the meeting temporarily at 5:10pm.*

**OLD/NEW BUSINESS:**

There was no old/new business.

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

**Public Comment**

*Member Visioli left the meeting via tele-conference at 5:11pm.*

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of all Council's environmental suggestions and no help with farmer's landowner equity.

*Vice-Chair Alstede returned to the meeting at 5:13pm.*

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on no dedicated source of funding and, in his opinion, was never intended to compensate landowners and our return on equity.

**Deborah Post, Chester Township** – Ms. Post commented regarding the status of the Municipal Average Sub-Committee. Ms. Post also commented that she will re-submit the quiz she submitted at the last meeting.

Member Walton thanked staff member Drew Siglin for all his work on landowner compensation and wished him all the best.

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MEETING MINUTES OF FEBRUARY 20, 2020

*Member Walton made a motion to adjourn the meeting. Member Francis seconded it. All were in favor. The meeting was adjourned at 5:18pm.*

**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: *6/19/20*

Name: *Annette Tagliareni*

Annette Tagliareni, Executive Assistant

| Vote on the Approval of Minutes | Motion |  | Second |  | Yes |  | No |  | Abstain |  | Absent |
|---------------------------------|--------|--|--------|--|-----|--|----|--|---------|--|--------|
|                                 |        |  |        |  |     |  |    |  |         |  |        |
| Councilmember Alstede           |        |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Carluccio         |        |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Dougherty         |        |  |        |  |     |  |    |  |         |  | ✓      |
| Councilmember Dressler          |        |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Francis           | ✓      |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Holtaway          |        |  |        |  |     |  |    |  | ✓       |  |        |
| Councilmember James             |        |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Sebetich          |        |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Visioli           |        |  | ✓      |  | ✓   |  |    |  |         |  |        |
| Councilmember Vohden            |        |  |        |  | ✓   |  |    |  |         |  |        |
| Councilmember Walton            |        |  |        |  | ✓   |  |    |  |         |  |        |
| Chairman Richko                 |        |  |        |  | ✓   |  |    |  |         |  |        |

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS  
COUNCIL MEETING ON FEBRUARY 20, 2020



# First Pioneer Farm Credit, ACA

Your First Choice For Financial Solutions

Mr. Robert A. Tucker, President  
Stonegate Standardbred Farms, Inc.  
500 West Hill Road  
Glen Gardner, New Jersey  
08826

Dear Mr. Tucker,

As per our discussion earlier in the week, I wanted to further discuss the impact down zoning would have on farm real estate owners in our area. First of all, First Pioneer Farm Credit specializing in lending to New Jersey agriculture has nearly \$130,000,000 in first mortgages on farm properties in the north central part of New Jersey. All of these loans are secured with a first mortgage on the farm property. Additionally, we have nearly \$50,000,000 in short term loans and almost all of them are secured with farm real estate. Down zoning would have a tremendous effect on almost all of our borrowers. First of all, interest rate to be paid by the customer is primarily determined by equity position. The loss of equity would most likely put First Pioneer in a position to increase the customer's interest rate.

Additionally, any new customers approaching First Pioneer would have additional costs involved in obtaining a loan commitment from our organization due to down zoning. The applicant would most likely be in a position to incur greater closing costs due to possibly having to pledge additional collateral in order to obtain the approval amount requested.

The additional costs coupled with a struggling agricultural economy could force a great many of our long time customers out of business.

We here at First Pioneer Farm Credit continue to work with the agricultural community and try to find ways to increase the viability of each and every operation with proper counseling and consulting. Down zoning would not contribute positively to our cause.

As always, if you have any questions or comments feel free in contacting us.

VERY TRULY YOURS,

HENRY GRUBBAUM  
VICE PRESIDENT

Comments to Highlands Council, February 20, 2020.

My name is Deborah Post, harmed Highlands landowner holding proxies of 80+ Highlands landowners to speak on their behalf.

The two retention resolutions on the table today fill this room with the stench of the Trenton Swamp. One can hear strains of 'Feed me seymour' ringing from the Highlands hills. I hope no one of this council has missed the quid pro quo of hiring extremist environmental consultants. Their job is to ensure that the regulatory pressures and denial of land uses will render the property cared for by those of us who are the real environmental stewards so severe that land has no economic beneficial use. The goal is to squash farmers under the heels of lobbyists most of whom couldn't even identify an invasive species if their life depended on it. With agricultural viability and profitability reduced to nil. The Greenie groups then have the opportunity to buy up land cheap, which was, of course, always the goal of the Highland Act. The consultants you are being asked to approve today object to farmers having the opportunity to add to agricultural revenues with special events such as birthday parties and other life celebrations. How meanspirited and clearly evidencing their anti-farmer mindset.

So, please let us not reward and feed the environmental consultants who hate farmers and seek their demise in New Jersey, the Garden State.

After the last Highlands Council meeting I received legitimate feedback that my comment submission was not up to my usual standards, largely because it was rife with typos and lacked clarity in places.

I will be submitting a corrected revision and again ask all councilmembers to complete the quiz. I will also ask Gov Murphy not to approve the minutes as the quiz is not included.

DET

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This comment submission may also suffer from typos, my apologies. ~~My typing skills have been compromised by a loss of motor muscular memory in my hands.~~

**RESOLUTION 2020-06**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**CREATION OF AGRICULTURAL ADVISORY COMMITTEE**

**WHEREAS**, the Highlands Water Protection and Planning Act ("Highlands Act") states that the agricultural lands in active production in the Highlands Region are important resources of the State that should be preserved, and that the agricultural industry in the Highlands Region is a vital component of the economy, welfare, and culture of the Garden State; and

**WHEREAS**, the Highlands Act also states that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible whenever appropriate in the Highlands Region; and

**WHEREAS**, the Highlands Act states further that nothing in the Act, the Regional Master Plan (RMP), any rules or regulations adopted by the Department of Environmental Protection pursuant to the Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the RMP shall be construed to alter or compromise the goals, purposes, policies, and provisions of, or lessen the protections afforded to farmers by the "Right to Farm Act" P.L. 1983, C. 31 (C.4:1C-1 et seq.), and any rules or regulations adopted pursuant thereto; and

**WHEREAS**, in keeping with the goals of the Highland Act and RMP, the Monitoring Program Recommendation Report recommends the creation of an Agricultural Advisory Committee tasked with the promotion of sustainable agriculture including but not limited to the use of integrated crop and pest management practices, market development, expansion of agritourism, and support for value added facilities.

**NOW, THEREFORE, BE IT RESOLVED**

1. The Highlands Council hereby establishes an Agricultural Advisory Committee whose purpose is to advise the Highlands Council on potential ways to assist and strengthen the Highlands Region agricultural community to ensure sustained economic viability by identifying and responding to trends and challenges affecting the agricultural business.
2. The Agricultural Advisory Committee shall be comprised of interested Council members (not to exceed seven members) as well as citizens from the Highlands communities who are interested in furthering the goals set forth herein.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20<sup>th</sup> day of February 2020.

  
\_\_\_\_\_  
Carl Richko, Chairman



**RESOLUTION 2020-06**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**CREATION OF AGRICULTURAL ADVISORY COMMITTEE**

**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 2020-07**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**ACCEPTANCE OF AUDIT REPORT**

**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**, in order to properly perform independent audits as required by State law, the Highlands Council established the Highlands Council's Audit and Evaluation Committee by Resolution 2006-06 on January 19, 2006; and

**WHEREAS**, the Highlands Council's Evaluation Committee approved a Request for Proposal (RFP) to provide auditing services on April 21, 2016; and

**WHEREAS**, after the review and recommendations of the Evaluation Committee and the Audit Committee, the Highlands Council approved Resolution 2016-9 on October 20, 2016 authorizing the Executive Director to enter a contract for auditing services with Mercadien, P.C. (Mercadien); and

**WHEREAS**, Mercadien completed and prepared the final report on the Highlands Council's financial statement and recommended actions for Fiscal Year 2019 and presented it to the Audit Committee of the Highlands Council; and

**WHEREAS**, the Highlands Council Audit Committee reviewed the final report and the annual management letter with Mercadien and recommended that the Highlands Council accept the final report.

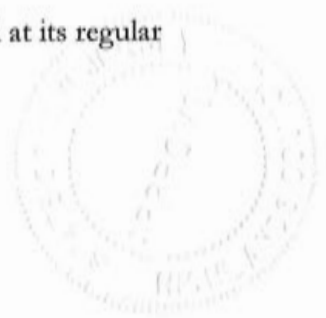
**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby:

- 1) accepts Mercadien's final audit report for Fiscal Year 2019; and
- 2) directs the Audit Committee to continue to oversee the proper implementation of the audit requirements in accordance with State law.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20<sup>th</sup> day of February 2020.

  
\_\_\_\_\_  
Carl J. Richko, Chairman



**RESOLUTION 2020-07**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**ACCEPTANCE OF AUDIT REPORT**

| <b>Vote on the Approval of<br/>The Resolution</b> | <b>Motion</b> | <b>Second</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> |
|---|---------------|---------------|------------|-----------|----------------|---------------|
| Councilmember Alstede                             |               |               | ✓          |           |                |               |
| Councilmember Carluccio                           |               |               | ✓          |           |                |               |
| Councilmember Dougherty                           |               |               |            |           |                | ✓             |
| Councilmember Dressler                            |               |               | ✓          |           |                |               |
| Councilmember Francis                             |               |               | ✓          |           |                |               |
| Councilmember Holtaway                            |               |               |            |           |                | ✓             |
| Councilmember James                               |               | ✓             | ✓          |           |                |               |
| Councilmember Sebetich                            |               |               | ✓          |           |                |               |
| Councilmember Visioli                             |               |               | ✓          |           |                |               |
| Councilmember Vohden                              |               |               | ✓          |           |                |               |
| Councilmember Walton                              | ✓             |               | ✓          |           |                |               |
| Chairman Richko                                   |               |               | ✓          |           |                |               |

## **RESOLUTION 2020-08**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AWARD OF CONTRACT TO CONDUCT AN EVALUATION AND FIELD TEST OF THE DRAFT HIGHLANDS REGION FUNCTIONAL ECOSYSTEM VALUATION MODEL AND FOREST CONSERVATION GUIDANCE**

**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 enter into any and all agreements or contracts to effectuate the purposes of the Highlands Act; and

**WHEREAS**, on July 17, 2008, the Highlands Council adopted Resolution 2008-27 thereby adopting the Highlands Regional Master Plan (RMP), which became effective September 8, 2008; and

**WHEREAS**, in order to carry out its duties under the Highlands Act and the RMP, the Highlands Council is charged with the duty to protect, restore and enhance the quality and quantity of surface water and groundwater and to protect and enhance the natural resources within the Highlands Region, including (but not limited to) forests and critical habitat; and

**WHEREAS**, the RMP states that “no net loss” of habitat value, with respect to critical habitat and forested areas, shall occur in the Highlands Region; and

**WHEREAS**, a definition of that value, a method to establish and calculate that value and guidance to determine how applicants, landowners and land managers should use that value were not included in the RMP; and

**WHEREAS**, in 2013, the Highlands Council contracted for the preparation of a Highlands Region Functional Ecosystem Valuation Model and Forest Conservation Guidance (“FEV Guidance”); and

**WHEREAS**, a critical component of the forest guidance includes development of a long-term stewardship program; and

**WHEREAS**, the Highlands Council does not have sufficient internal resources and expertise to assess the appropriateness of the research approach and the methodology presented in the FEV Guidance, and in doing so, seeks to evaluate the functionality and practicality of the final draft FEV Guidance; and

**WHEREAS**, the Highlands Council staff prepared a Request for Proposal to Conduct an Evaluation and Field Test of the Draft Highlands Region Functional Ecosystem Valuation Model seeking firms with expertise to assist the Highlands Council with evaluating the functionality and practicality of the FEV Guidance; and

**WHEREAS**, two (2) firms submitted a proposal and qualifications on or before the deadline of December 20, 2019; and

**WHEREAS**, the Highlands Council staff evaluated the proposals and shared its findings with the Highlands Council’s Budget and Finance Committee on February 6, 2020; and

**WHEREAS**, the Budget and Finance Committee has reviewed the staff findings and the process utilized

## RESOLUTION 2020-08

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AWARD OF CONTRACT TO CONDUCT AN EVALUATION AND FIELD TEST OF THE DRAFT HIGHLANDS REGION FUNCTIONAL ECOSYSTEM VALUATION MODEL AND FOREST CONSERVATION GUIDANCE

to evaluate the submissions, and has further determined that funds are available for the award of a contract pursuant to the RFP; and

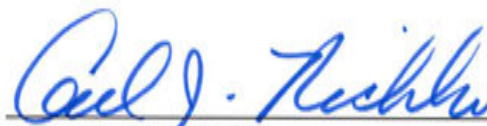
**WHEREAS**, the Budget and Finance Committee recommends that a contract be awarded to Applied Ecological Services, Inc. in an amount not to exceed \$55,769.00 to complete the scope of work set forth in the RFP and further recommends that the Highlands Council authorize the Executive Director to enter a contract in connection with the RFP and the proposal of Applied Ecological Services, Inc.; 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 thirty (30) 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** by the Highlands Council that the Executive Director, or his/her designee, is hereby authorized to enter into a contract with Applied Ecological Services, Inc. for an amount not to exceed \$55,769.00.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20<sup>th</sup> day of February 2020.



Carl J. Richko, Chair

#### Vote on the Approval of This Resolution

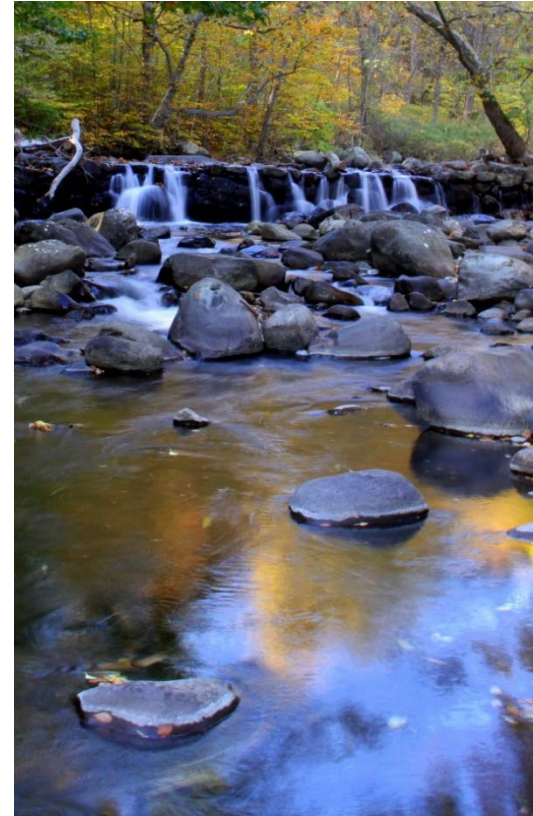
|                         | Motion | Second | Yes | No | Abstain | Absent |
|-------------------------|--------|--------|-----|----|---------|--------|
| Councilmember Alstede   |        |        | ✓   |    |         |        |
| Councilmember Carluccio |        | ✓      | ✓   |    |         |        |
| Councilmember Dougherty |        |        |     |    |         | ✓      |
| Councilmember Dressler  |        |        | ✓   |    |         |        |
| Councilmember Francis   |        |        | ✓   |    |         |        |
| Councilmember Holtaway  |        |        |     |    |         | ✓      |
| Councilmember James     |        |        | ✓   |    |         |        |
| Councilmember Sebetich  |        |        | ✓   |    |         |        |
| Councilmember Visioli   | ✓      |        | ✓   |    |         |        |
| Councilmember Vohden    |        |        | ✓   |    |         |        |
| Councilmember Walton    |        |        |     | ✓  |         |        |
| Chairman Richko         |        |        | ✓   |    |         |        |





# Highlands Council Meeting

Thursday, February 20, 2020



# Functional Ecosystem Valuation (FEV) Evaluation and Field Test Contract

# FEV Evaluation and Field Test Contract

## Background and Need

- Act and RMP direct protection of natural resources, with emphasis on “no net loss of habitat values,” but no guidance on how to determine habitat values.
- 2013 Highlands Council award to develop a Functional Ecosystem Valuation (FEV) methodology; assigns quantitative value to resources.
- Draft FEV has been delivered. Provides framework for comparing different properties/resources.
- Independent, third-party validation needed to conduct testing of model in real-world scenarios.

**Objective:** Ensure accuracy, certainty, replicability of FEV

# FEV Evaluation and Field Test Contract

## Award Recommendation

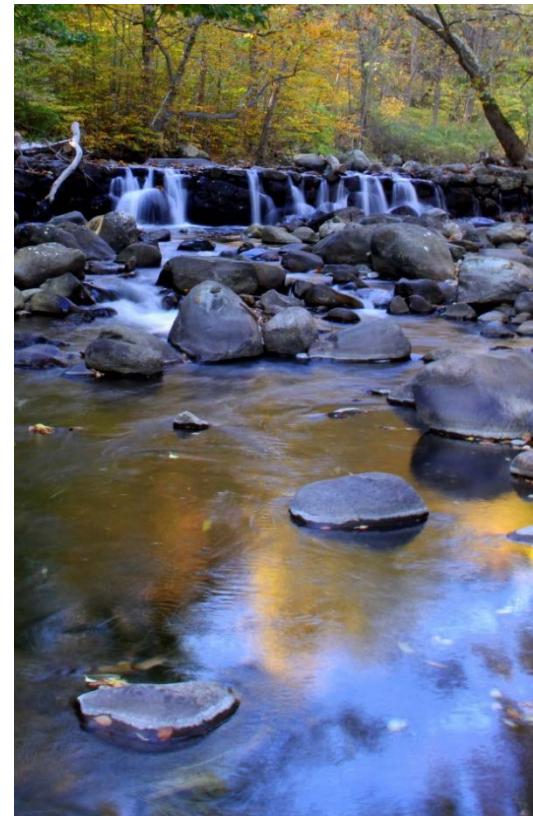
- Applied Ecological Services (AES)
  - Multifaceted team of ecologists, wildlife biologists, a GIS professional, and an environmental economist.
  - Field test minimum of 9 sites (3 in the Preservation Area, 3 in the Planning Area, and 3 sites with land in both).
  - Custom GIS app provides real time field conditions to team and the Highlands Council.
  - Seasonal flora and fauna species determine field test schedule.
- Award of \$55,769.00
- Project work expected to be completed in 12-18 months.





# Highlands Council Meeting

Thursday, February 20, 2020





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](http://www.nj.gov/njhighlands)



CARL J. RICHKO  
Chairperson

LISA J. PLEVIN  
Executive Director

## MEMORANDUM

**To:** Budget & Finance Committee  
**From:** Lisa J. Plevin, Executive Director *LJP*  
**Subject:** Committee Meeting Minutes – February 6, 2020  
**Date:** February 18, 2020

A Budget and Finance (B&F) Committee meeting/call was held on Thursday, February 6, 2020 at 1:00 p.m. Committee Members present were: Council Chair Richko, Committee Chair Holtaway, Member Visioli. Present via teleconference were: Member James and Stephanie Brown of GAU.

Staff Members present were: Lisa J. Plevin, Christine LaRocca, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Christina Petagna and Keri Green.

*Committee Chair Holtaway opened the meeting at 1:00 p.m.*

### **Contract for Evaluation and Field Test of the Draft Highlands Region Functional Ecosystem Valuation Model and Forest Conservation Guidance:**

Ms. Petagna explained the basis for the proposed contract. The Highlands Council recognizes the value of resources such as clean water and air, scenic value and other ecological factors that contribute significant economic and public health benefits to the Region, but currently there is no objective way to assign a quantitative value or economic currency to these resources. The Regional Master Plan (RMP) establishes a “no net loss” of habitat value goal, but without a methodology to assign a value, it is difficult to compare different properties for the purposes of mitigation.

Ms. Petagna provided background on the development of the Highlands Region Functional Ecosystem Valuation (FEV) Methodology and Forest Conservation Guidance. The work was contracted in 2013 and the draft FEV Methodology and Forest Conservation Guidance is now complete. The proposed contract is to obtain the services of an independent third-party expert to test the methodology and ensure it is accurate and repeatable.

Two proposals were submitted in response to the RFP. The staff is recommending Applied Ecological Sciences, as the firm provided the best overall approach to the project at a significantly

lower cost than the other proposal. The firm also has included an alternatives analysis in its proposal. Although the memorandum reflected a cost of \$65,500, the contract cost is \$55,769.

*Committee Chair Holtaway asked for a motion to approve the contract and move to Council for final consideration. Committee Member Visioli made a motion and Committee Member James seconded it. All were in favor.*

*Committee Member James recused himself from any discussion and/or approval regarding the next agenda item.*

### **Contract to Develop an Economic Sustainability Plan for the Highlands Region:**

Ms. Haddock-Weiler explained the basis for the project. The Monitoring Program Recommendation Report (MPRR) recommended the development of an economic development plan for the Highlands Region, including: 1) an economic profile of the region; 2) an analysis of the economic development potential of the region; 3) strategies for economic growth over time; and 4) an implementation schedule to move these strategies into actions.

Ms. Haddock-Weiler explained that a steering committee was convened to develop the RFP for the project. A few members of the steering committee also participated in the review of the responses.

Seven (7) multi-disciplinary teams responded to the RFP and five (5) of those teams were interviewed. The review team unanimously recommends the team of Camoin Associates 310 and Maser Consulting for award of the contract. The Camoin Team had the most comprehensive understanding of the intent of the project and had the lowest price. Camoin has performed similar work for other clients and Maser and Camoin have worked collaboratively on other projects. Also, the reference check resulted in nothing but positive feedback about Camoin.

Committee Chair Holtaway questioned the “310” part of Camoin’s business. Ms. Haddock-Weiler explained that this was a recent acquisition by Camoin. The firm seeks out businesses to locate into particular areas.

The staff recommendation is to enter a contract with Camoin in the amount of \$149,861.30.

*Committee Chair Holtaway asked for a motion to approve the contract and move to Council for final consideration. Council Chair Richko made a motion and Committee Member Visioli seconded it. All were in favor.*

Committee Chair Holtaway commended the staff on thorough memoranda prepared for both projects and the diligence and effort put into the selection process.

*The committee meeting adjourned at 1:25 p.m.*