

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JUNE 20, 2024

PRESENT

CARL J. RICHKO) CHAIR
KURT ALSTEDDE) VICE CHAIR
DANIEL BUSH) COUNCIL MEMBERS
MICHAEL FRANCIS)
BRUCE JAMES)
DANIEL J. VAN ABS, PhD)
JAMES VISIOLI)
RICHARD VOHDEN)

VIA TELECONFERENCE:

MICHAEL DRESSLER)

ABSENT:

TIMOTHY DOUGHERTY)
MICHAEL SEBETICH, PhD)

CALL TO ORDER 206TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. Members Dougherty and Sebetich were absent. All other Council Members were present. Member Dressler was present via teleconference. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Kelley Curran, Neda Hartman, Carole Ann Dicton, Sarah Friend, Tom Tagliareni, and Karen Castanbas. Others present: Via teleconference – Jason Kane, Deputy Attorney General’s (DAG’s) office; and Alexis Franklin, Associate Counsel, Governor’s Authorities Unit (GAU).*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN’S REPORT

Chairman Richko stated that our Administrative Assistant, Karen Castanhas, is leaving the NJ Highlands Council and thanked her for her years of service.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spinelli provided several updates:

1. The NJ Highlands branding project is underway and in July North Star Place Branding + Marketing will tour the Highlands Region and conduct stakeholder interviews. Please visit the project website at www.authenticnjhighlands.com

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2. Open Space & Recreation Plan is also underway, with research and outreach.
3. Senate Bill S-3466 was introduced:
 - A. Allocates \$7.5 million from Corporation Business Tax (CBT) fund to Highlands.
 - B. Provides Watershed Moratorium Offset Aid funding for Highlands communities previously omitted from this funding.
 - C. Extends dual appraisal provision for an additional 5 years.

Executive Director Spinelli added that this funding is important because Highlands land preservation projects can address properties not within Green Acres or SADC parameters. It will also help the Council provide some measure of landowner equity, protect resources on some of the 19,000 undeveloped but developable lots in the region, and match available Federal HCA funds. The bill addresses issues previously raised by this Council in several resolutions.

Member Alstede asked if there was a companion assembly bill.

Mr. Spinelli replied yes, but no number has been assigned as of yet and Assemblywoman Gill will sponsor on the Assembly side.

Member Alstede requested all the information be sent to the Council members and congratulated Mr. Spinelli and staff as this has been years in the making.

4. Affordable Housing RMP amendment public comment period to close on June 23, 2024. The six public hearings have all been held. A response document will be prepared following the comment period. Highlands staff would like the Council's consideration at the July 18, 2024, Highlands Council meeting.
5. The last RMP amendments are now official. LUCZ mapping is live on the NJ Highlands Council interactive map, and the Highlands Council is using warehouse standards for project review. Municipalities should be aware that they will need to incorporate them into the local land use review process.
6. Harding Township, a 100% planning area municipality would like to petition for Plan Conformance; public comment on the petition will close on June 23, 2024. Highlands staff would like the Council to review the recommendation for approval at the July 18, 2024 meeting.
7. Met with the White Township municipality. The Township is considering conformance with the RMP and will need help with some issues the Township is facing. Conformance would be a beneficial move for the Township, particularly since our grant funds will likely be prioritized for conforming towns and conformance will not appreciably alter how they manage their town.
8. Visited Randolph Township to discuss conformance for planning area (already conformed for preservation area).
9. Mount Olive Township redevelopment area application will be postponed at the request of the Township. Will be deferred to allow the Township to work through a local issue.
10. The Lopatcong Township redevelopment area will be re-submitted as an amended application. It will still be a joint application with Pohatcong but moving all proposed structures onto the Lopatcong side of the property. Needs to be re-noticed and re-evaluated by staff.
11. The agenda for today consists of plan conformance grants for stormwater work and an additional phase of trout study work by Jefferson Township at Lake Hopatcong. The biggest grant is a joint project between Hunterdon County and the Musconetcong Watershed Association.
12. There is a resolution for the Highlands Council to act as the "negotiating entity" for Highlands municipalities regarding the pending update of the State Plan. Towns can opt out of working with the Highlands, as four towns have. Having the Council as the negotiating entity will make it easier for towns and for the State Planning Commission (SPC). Our updated LUCZ mapping will be used

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in place of state plan map designations in the Highlands. We already have our own comments on the draft ensuring that the Highlands Act is appropriately represented in the new State Plan and that other agencies are following/respecting the RMP.

13. Other meetings attended:
 - A. New Secretary of Agriculture
 - B. Outdoor Equity Alliance
 - C. USF&W Service re: HCA funding/dual appraisal provisions
 - D. Passaic County Planning Department
 - E. Denville Township
 - F. Kean University
 - G. American Farmland Trust
 - H. Town of Clinton
 - I. Mentioned in the last monthly report, attended retirement celebration for Susan Payne of SADC. Great partner in both promoting and supporting agriculture and preservation of farmland
 - J. Governor's Office of Food Security
14. Had a follow-up meeting with Food Security and major North Jersey food banks. We would like to create a pilot program to allow Highland's farmers to sell produce directly to local food banks.
15. Met with Jefferson Township and West Milford Township at the offices of Senator Bucco. Senator Smith joined the meeting via ZOOM. We discussed some local issues in both towns and how they could be addressed under the Highlands Act. We were asked to provide potential actions to both Senators that could remedy the concerns of the two municipalities. One potential step would be to provide renewed funding to the tax stabilization program that has sunsetted. This could be accomplished by using some of the dedicated portion of the Realty Transfer Tax that is committed to the Highlands Protection Fund.
16. Highlands Staff continues to work with NJDEP on solutions for communities with septic issues and no infrastructure. Califon Borough and Bloomsbury Borough likely pilot communities to study.
17. Personnel - Elizabeth Ward has accepted the open regional planner position and will start the week of July 29, 2024. Today is Karen Castanhas' last meeting, her administrative assistant position is advertised, and applications are being accepted until July 5, 2024. A water resource engineer will be joining the Council on a part-time basis through an arrangement with NJDEP and Rutgers. The engineer will work primarily with Highlands municipalities on stormwater permit compliance.
18. Please refer to the NJ Highlands May report on the need for full funding of grant program for Affordable Housing and stormwater issues. We will have to prioritize funding. Also need the four positions regardless of getting part-time Rutgers engineer for ag program, climate, natural resources restoration and our own engineer for both compliance and project review.
19. Finally, the Highlands 20th anniversary event is scheduled for September 6, 2024, at the Frelinghuysen Arboretum in Morris Township. Details to follow. A symposium to share scientific research and data from the Highlands region is also scheduled for late October at the Kean Skylands campus in Jefferson Township held in partnership with Kean University.

At this time, Chair Richko asked if any Council members had comments or questions on the Executive Director's report.

Council Comments

Members Francis and James both complimented Mr. Spinelli on doing a fine job.

Chairman Richko commented on the corporate business tax funds.

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Member Dressler joined the meeting at 4:15pm

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF APRIL 18, 2024

Chairman Richko asked for a motion on the Council Minutes of April 18, 2024.

Member Bush made a motion to approve the Highlands Council Minutes of April 18, 2024. Member Alstede seconded it.

A roll call vote was taken. The Highlands Council Minutes of April 18, 2024, were APPROVED 9-0

PLAN CONFORMANCE COMMITTEE

Resolution - Highlands Redevelopment Area Designation: Mount Olive Township, Block 8300, Lots 5, 5.02, 6, 7, 8, 9, 11, 11.01; Block 8100, Lot 38; Block 8400, Lot 1.

As mentioned in the Executive Director's report, Chairman Richko reported that the Mount Olive resolution will be tabled until Council's next meeting. Chair Richko asked staff how to proceed.

Ms. Gallagher stated a member can make a motion to table the Highlands Redevelopment Area Designation: Mount Olive Township to discuss at the July 18, 2024 Highlands Council meeting.

Member Bush made a motion to discuss the Highlands Redevelopment Area Designation: Mount Olive Township at the July 18, 2024 Highlands Council meeting. Member James seconded the motion. All were in favor.

Council Comment

There was no Council comment

BUDGET & FINANCE COMMITTEE

Committee Chair Visioli reported that the Budget & Finance Committee met on June 6th and June 20th and noted that the committee recommended grants to be considered by the full Council.

Resolution – Approval of Fiscal Year 2024 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants (Alexandria Township, Bethlehem Township, Hope Township, Jefferson Township, Union Township, Peapack Gladstone Borough, Bernards Township and Boonton Town).

At this time Mr. Humphries gave a presentation on the planning grant funding recommendations for the Budget & Finance resolutions. The presentation may be found on Council's website at https://www.nj.gov/njhighlands/about/calend/2024/jun20/Council_mtg_ppt_062024.pdf

Chairman Richko asked for a motion on the resolution.

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Member Visioli moved the resolution. Member James seconded it.

Council Comment

Member Vohden asked about the revised grant resolutions.

Ms. Gallagher explained Highlands staff made two resolutions: one resolution for Alexandria Township, Bethlehem Township, Hope Township, Jefferson Township, Union Township, Peapack Gladstone Borough, Bernards Township and Boonton Town; and one resolution for Hunterdon County, as Member Bush needed to recuse himself from the Hunterdon County resolution.

Member Van Abs asked if any of the municipalities mentioned received a previous Initial Assessment grant.

Mr. Humphries replied that Union Township had an Initial Assessment in 2008, however, that is dated, and has changed.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp questioned why the grants for Jefferson Township trout studies were necessary. He asked what trout have to do with water.

Chairman Richko noted that the Council is involved with economic sustainability and that trout fishing is vital to Lake Hopatcong's economy.

Julia Somers, Executive Director, NJ Highlands Coalition, NJ – Ms. Somers commented that trout require clean water and are indicators of clean water. She also agreed that trout are necessary for the economic sustainability of Lake Hopatcong. Ms. Somers added that the Highlands Coalition is thrilled that Boonton is moving forward with Highlands conformance and is looking forward to the Highlands branding efforts.

A roll call vote was taken. The resolution was APPROVED 9-0.

Resolution – Approval of Fiscal Year 2024 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants (Hunterdon County).

At this time, Mr. Humphries gave a detailed presentation on the watershed management plan phase 1 for Hunterdon County.

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member James seconded it.

Council Comment

Member Bush recused himself from this resolution.

Public Comment

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Tom Dallessio, Executive Director, Musconetcong Watershed Association – Mr. Dallessio would like to thank the Highlands Council, the Highlands staff and Hunterdon County for their consideration to protect the water quality. Mr. Dallessio added that the plan is to use this grant in a 2-phase project to help put together a 319 plan for the lower Musconetcong.

A roll call vote was taken. The resolution was APPROVED 8-0.

OTHER BUSINESS:

Resolution – Authorizing Participation Of The Highlands Water Protection And Planning Council In The State Development And Redevelopment Plan Cross-Acceptance Process.

Chairman Richko asked for a motion on the resolution.

Member Francis moved the resolution. Member Van Abs seconded it.

Council Comment

There was no Council comment.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp questioned why the Highlands Council’s involvement was necessary.

Mr. Spinelli replied that the Highlands staff is helping the state planning commission.

Julia Somers, Executive Director, NJ Highlands Coalition, NJ – Ms. Somers stated that it is important for the Highlands Council to be represented in State Planning efforts.

A roll call vote was taken. The resolution was APPROVED 9-0.

OLD/NEW BUSINESS:

Member Alstede mentioned the Highlands Council is on record to support permanent funding to the TDR bank and wants to make sure that we authorize our Highlands staff to work on the Highlands Council’s behalf to gain support for proposed bills.

Chairman Richko replied we don’t need a motion, as we can all agree that we would like to see the Highlands staff continue to have authorization.

Chair Richko opened the meeting for any public comment. Chair Richko noted that during this public portion of the meeting, the Council wants to hear comments/suggestions but is not a question-and-answer period. Chair Richko added that if a public member has any questions, they should please call the Highlands Council office at any time.

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Public Comments

Hank Klumpp, Tewkesbury, NJ - Mr. Klumpp asked how the branding consultant, NorthStar, can promote the Highlands when the landowners have not been compensated.

Julia Somers, Executive Director, NJ Highlands Coalition – Ms. Somers commented that the Highlands Coalition will assist the Highlands Council to ensure that Senate Bill (S3466) to fund the Highlands Open Space Program passes. Ms. Somers added that the Highlands Coalition is thrilled about White Township’s potential conformance. Ms. Somers also asked the Highlands Council to confirm that conforming municipalities will be given preference for grants.

Irene Sergonis, Mount Olive, NJ – Ms. Sergonis expressed concerns regarding the Highlands Redevelopment Area Designation in Mount Olive Township due to its proximity to farms and the existing hazardous conditions on Rt. 46.

Thomas Dallessio, Executive Director, Musconetcong Watershed Association, NJ – Mr. Dallessio thanked the Highlands Council for their support and noted current and upcoming efforts by the Musconetcong Watershed Association.

Ben Yaskulka, Policy and Advocacy Manager, Musconetcong Watershed Association, NJ - Mr. Yaskulka introduced himself to the Highlands Council.

Margaret Noon, Mount Olive, NJ - Ms. Noon expressed concerns regarding the Highlands Redevelopment Area Designation in Mount Olive Township and Mount Olive Township’s management of past stormwater issues on her property and identified specific instances of concern. Ms. Noon submitted her comments for the record.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Bush seconded it. All were in favor. The meeting was adjourned at 5:00pm.

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: 7/18/2024

Name: *Karen Castanhas/et*
Karen Castanhas, Administrative Assistant

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Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Bush		√	√			
Councilmember Dougherty						√
Councilmember Dressler						√
Councilmember Francis			√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs	√		√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			

PUBLIC COMMENTS SUBMITTED AT
HIGHLANDS COUNCIL MEETING
JUNE 20, 2024

Good evening

I am Margaret Noon owner, farmer, and land steward of a 69 Acre Preserved Farm in Mount Olive, called School Lunch Organic Farm.

My preserved farm is adjacent to many of the properties under discussion for Redevelopment . (Block 8300, Lots 5, 5.02, 6, 7, 8, 9, 11 & 11.01)

My farm consists of Bock 8300 lot 3,4 and Block 900 Lot 1.

RH Farm, another Preserved Farm is also adjacent to this potential Redevelopment Area.

A few points...

1. Mount Olive Township cannot be trusted with this proposal regardless of their length of time planning this petition.
2. My farm suffers the result the abysmal prior storm water management decisions. Which I'm sure required "years of planning."
3. What are some of the results of prior abysmal Storm Water Basin management? Trespass...mosquitoes...loss of income...loss of usable farmland.

This is my personal experience...

On Tuesday, July 10, 2018

The Mount Olive Township Department of Public Works (DPW) illegally dug a 80 foot trench approximately 4 feet deep, 6 plus feet wide on my preserved farm. This ditch was crudely dug in wet soils with the supposed goal to provide relief to a failing Storm Water Management Basin (SWM) on a Private Business Property at BLOCK 8300, LOT 5.02 across from my farm. The ditch is well outside the road right of way and on my farm property. This SWM Basin contained stagnant water from commercial industrial building(s) that drain to this SWM Basin. The water also drains parking lots and had oil sheen to it. Additionally the SWM Basin was sprayed by Morris County Mosquito Control on July 5, 2018 with a chemical which is a prohibited substance on my Certified Organic Farm. The trenching appears to have soil brought in from another location as well as large stones from another location. All of this

holds as a potential for soil and water contamination and threatened my hard earned Organic Farm status.

I discovered the trench by surprise after returning to the farm on Tuesday at the end of the day. Tuesday happens to be a deliver day...the one day a week I leave the farm. I was not consulted about this trench operation nor did I grant permission for it. I was shocked and angered when I discovered what had occurred. I also noticed a trench was made in the SWM basin as well.

Mount Olive Township DPW violated my easement, potentially violated wetlands regulation(s), contaminated my organic farm, trespassed on my farm, endangered my Organic Certification, and created multiple avenues for business loss on my farm.

Ironically, the root cause of this violation is the failing SWM basin, but the Township ignored my requests years before at a Zoning Board Meeting regarding this basin around 2014 and subsequently approved adding more drainage to this failing structure from an adjoining property. This SWM Basin serves three properties. The Basin always had standing water. And currently it's overflow ends up on my Preserved Farm.

Some more points...

4. The same town, Mount Olive Township is now petitioning you tonight after "careful planning" to place another high percentage impervious project with managed the storm water relying on infiltration. After storms, the existing SWM structures are brimming for days on ending up poring contaminated water onto my property

5. These developed tracts are on the same ground now being petitioned for more impervious cover. All draining to my farm and whose only fault was being on the low end of the grade.

More points...

1. My farm serves 350 customers as a source of organic vegetables through a weekly share program and weekly donations to food pantries and soup kitchens.

2. My farm was purchased from Mount Olive Township in the hopes of being part of a farm planning incentive area necessary to receive funding for preservation.

3. What did I get instead town officials that have had no hesitation of trespassing well into my field with heavy equipment in order to ditch this failing storm water mismanagement.

After getting stuck and hauled out, leaving behind a 40 yard rut and crater. These same officials petitioning you denied their actions, rejected their responsibility for the damage. The result: years of being bounced between bureaucrats, wetlands concerns, highlands concerns, county farm preservation concerns, state farm preservation concerns, organic certification concerns, federal designers, and 3 years plus of getting The township Mount Olive to do something.

The result was a 40 yard thermometer shaped stone channel. This stone channel received numerous exemptions for land use regulators because of the agricultural nature of the project.

Unfortunately, if you approve this petition, this agricultural nuance will be lost as every square foot of impervious cover will attempt to tie into this stone channel as no other alternative exists nor would be permitted under existing land use regulations.

"Do as I say not as I do" is a standard contradiction in government. The petitioner asks you to alter regulations on private land to increase impervious coverage. I ask what have they have done on public land to address existing conditions. For example: the petition is accompanied by a design for the existing public roads. Currently, only a few storm inlets exist, creating the current situation. How about asking if the petitioner has performed quality control on their previous decisions. Are the stormwater structures previously approved functioning?

I can tell you the answers, the design is approved, and the installation is signed off on. but NO ONE EVER LOOKS BACK and asks, "Is it working like we thought it would?"

I can tell you that while the petitioner will pave a road and fill in pot holes, they will not consider installing a regional storm water management system. Until they could pass off their responsibility into a proposed development.

How about maintenance. How is the petitioner inspecting their prior decisions? This is not asking whether the design is working, BUT if it is holding up to wear and tear. What is the petitioner record on this aspect on storm water management.

The Council has a mandate to Protect the Drinking Water that 70% of New Jersey residents consume. Given the scope of your mandate, the petitioner asks for a small change in the rules they apply to private lands. But there is no public mandate, only an economic one for more warehouses. A chase for tax ratables if you will.

So I ask you before you consider this petition get what you can and bond them to their promises. Treat them like private applicant before their land use board. Only do it for water quality, NOT tax ratables. This is your mandate, after all.

Unfortunately, my experience with the petitioner is one of trespass, denial, confusion and delay.

So, ask the petitioner... are the storm water management structures reviewed after the installation for design quality? If so, where are the documents supporting this review?

So ask the petitioner, do you have a design for the receiving public rights of way for the current situation...for your condition this petition will create?

Someone once said that the definition of insanity is doing the same thing over and over again, expecting a different result. The Highlands Council is a unique institution with an original mandate. I ask you to utilize this mandate in an original way.

Put the petitioners feet to the fire. If they want this ratable as a result of this petition,

1. then require a regional installed storm water system.
2. Require quality assurance and control of approved structures. When rain occurs, does the structure function as designed? They should provide reports to this effect?
3. Lastly, are these stormwater structures holding up over time. Are they still draining, being mowed, free of mosquitoes, etc.

Like you mandate, be original and realize that the petitioner past practices are the reason for your existence.