



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
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JIM RILEE
Chairman

MEETING AGENDA
Thursday, October 16, 2014 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – September 18, 2014
- CHAIRMAN'S REPORT (and Council Member Reports)
- ACTING EXECUTIVE DIRECTOR'S REPORT
- COMMITTEE REPORTS

PERSONNEL COMMITTEE

- CONSIDERATION OF RESOLUTION – Appointment of Executive Director (*voting matter with public comment*)

LAND OWNER EQUITY & LAND PRESERVATION COMMITTEE

PLAN CONFORMANCE COMMITTEE

- CONSIDERATION OF RESOLUTION – Minutes of Plan Conformance Committee (Hardyston Township) (*voting matter with public comment*)

BUDGET & FINANCE COMMITTEE

- CONSIDERATION OF RESOLUTION – Approval of the Highlands Council FY2015 General Operating Budget (*voting matter with public comment*)
- CONSIDERATION OF RESOLUTION - Approval of the FY2015 Highlands Protection Fund Capital Budget (*voting matter with public comment*)

RMP UPDATE COMMITTEE

- CONSIDERATION OF RESOLUTION Approval of 2015 Annual Meeting Schedule (*voting matter with public comment*)
- CONSIDERATION OF RESOLUTION - Authority for Plan Conformance and Highlands Project Review (*voting matter with public comment*)
- PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)

- EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

RESOLUTION 2014-25
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL APPOINTMENT OF EXECUTIVE DIRECTOR

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) empowers the Highlands Water Protection and Planning Council (Highlands Council) to appoint, retain and employ personnel as it may require without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for those purposes; and

WHEREAS, the Highlands Act authorizes the Highlands Council to conduct its business as needed, subject to the statute, to effectuate the purposes of the enabling legislation; and

WHEREAS, Section 5.g. of the Highlands Act provides for the Highlands Council's appointment of an Executive Director to serve, at the pleasure of the Council, as its chief administrative officer, and shall be a person qualified by training and experience to perform the duties of the office; and

WHEREAS, pursuant to the Highlands Act, the Highlands Council has adopted bylaws which provide for the appointment of an Executive Director whose duties are enumerated in said bylaws and who shall serve at the pleasure of the Council.

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Council hereby appoints Margaret Nordstrom as its Executive Director, at an annual basis of \$116,000.
2. The Executive Director is hereby authorized and directed to exercise all of the duties and responsibilities as set forth in the bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 16th day of October, 2014.



Jim Rilee, Chairman

RESOLUTION 2014-25
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL APPOINTMENT OF EXECUTIVE DIRECTOR

**Vote on the Approval of
This Resolution**

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

RESOLUTION 2014-26
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE

WHEREAS, at the meeting of May 16, 2013, the Council passed Resolution number 2013-14; and

WHEREAS, among other things, the Resolution 2013-14 resolved that: *"...the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions."* and

WHEREAS, at the meeting of June 20, 2013, the Council passed Resolution 2013-16; and

WHEREAS, among other things, the Resolution 2013-16 resolved that: *"...the Council approves of the continuation of the use of the Checklist Ordinance Approach in connection with the Plan Conformance Petitions, provided that a subcommittee of the Council be created to review and comment upon the use of the Checklist approach"*; and

WHEREAS, at the meeting of July 18, 2013, the Chairman announced the composition of the Checklist Ordinance Committee, and directed the Committee to meet; and

WHEREAS, at the January 16, 2014 Council meeting, the name of the Checklist Ordinance Committee was changed to the Plan Conformance Committee, and


WHEREAS, a Plan Conformance Committee meeting was held on August 21, 2014 at the Highlands Council office; and

WHEREAS, the Committee meeting minutes have been presented to the Council for acceptance and approval;

NOW, THEREFORE, BE IT RESOLVED, that the Council accepts and approves the minutes of the August 21, 2014 Plan Conformance Committee meeting and the recommendations contained therein.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16TH day of October, 2014.



Jim Rilee, Chairman

RESOLUTION 2014-26
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE

**Vote on the Approval of
This Resolution**

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

RESOLUTION 2014-27

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF FISCAL YEAR 2015 GENERAL OPERATING BUDGET

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

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

WHEREAS, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a general operating budget for Fiscal Year 2015; and

WHEREAS, the Budget and Finance Committee has reviewed a proposed general operating budget for Fiscal Year 2015; and

WHEREAS, the Budget and Finance Committee recommends the approval of the proposed general operating budget for Fiscal Year 2015; and

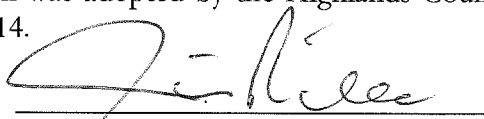
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the attached Fiscal Year 2015 General Operating Budget; and

BE IT FURTHER RESOLVED that the Budget and Finance Committee shall review the budget periodically and make recommended adjustments to the Council, as appropriate.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of October, 2014.



Jim Rilee, Chairman

RESOLUTION 2014-27
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2015 GENERAL OPERATING BUDGET

**Vote on the Approval of
This Resolution**

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

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS GENERAL OPERATING BUDGET FY2015

Revenues:

State of New Jersey Appropriation	\$	2,315,000.00
Balance from prior fiscal year	\$	109,312.28
Miscellaneous Revenues & Reimbursements	\$	3,000.00
Total Revenues	\$	2,427,312.28

Expenditures:

Salaries	\$	1,802,828.47
Materials and Supplies	\$	33,145.00
Other Operating Expenses	\$	194,878.81
Maintenance and Repairs	\$	283,400.00
Equipment, Additions, and Improvements	\$	113,060.00
Total Expenditures:	\$	2,427,312.28

Approved by Highlands Council on October 16, 2014

RESOLUTION 2014-28

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE FY2015 HIGHLANDS PROTECTION FUND CAPITAL BUDGET

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, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program from funding created by the Highlands Protection Fund to reimburse municipalities and counties for reasonable expenses associated with Plan Conformance; and

WHEREAS, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a Highlands Protection Fund Capital Budget; and

WHEREAS, the Budget and Finance Committee has reviewed a proposed Highlands Protection Fund Capital Budget; and

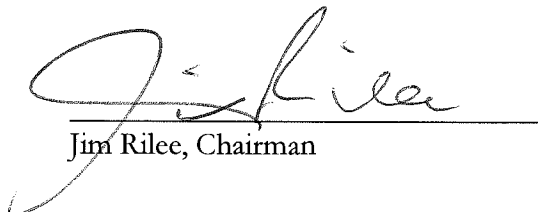
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the attached Highlands Protection Fund Capital Budget for Fiscal Year 2015; and

BE IT FURTHER RESOLVED that the Budget and Finance Committee shall review the budget periodically and recommend adjustments to the Council, as appropriate.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of October, 2014.



Jim Rilee, Chairman

RESOLUTION 2014-28

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE FY2015 HIGHLANDS PROTECTION FUND CAPITAL BUDGET

Vote on the Approval of This Resolution

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

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS PROTECTION FUND CAPITAL BUDGET ESTIMATES FY2015

Revenues:

Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: PC Grant	\$	3,376,847.97
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: PCAGA Grant	\$	4,455,894.56
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: TDR	\$	397,955.62
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: AG	\$	15,000.00
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: WUCMP Muns	\$	64,880.00
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: WUCMP Cons	\$	83,352.11
Highlands Unencumbered Funds (rollover from FY2014)	\$	622,147.77
State of New Jersey FY2015 Appropriation - Highlands Protection Fund Regional Master Plan Compliance Aid	\$	2,182,000.00
Total Revenues	\$	11,198,078.03

Expenditures:

Municipal Plan Conformance Grants - Projected FY2015	\$	1,694,300.00
Municipal Stormwater Management Plan (\$15k/award)	\$	705,000.00
Municipal TDR Feasibility Study Grants (\$40k/award)	\$	240,000.00
Municipal TDR Implementation Grants (\$250k/award)	\$	250,000.00
County Plan Conformance Grants - Projected FY2015	\$	735,000.00
Highlands Protection Fund Grants - Projected Closure of Unexpended Encumbrances	\$	(852,221.64)
Highlands Protection Fund Grants - Projected Reimbursements of Encumbered Funds	\$	1,000,000.00
Highlands Protection Fund Grants - Projected Balance of Encumbrances	\$	7,425,999.67
Total Highlands Protection Fund Grant Encumbrances	\$	11,198,078.03

Approved by Highlands Council on October 16, 2014

RESOLUTION 2014-29

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ANNUAL MEETING SCHEDULE FOR 2015

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

WHEREAS, the Open Public Meetings Act directs public bodies to give adequate written advance notice of regular meetings and to establish and post an annual schedule of regular public meetings; and

WHEREAS, the Highlands Council has considered a schedule of regularly scheduled meetings of the Highlands Council for the year 2015; 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

1. The Highlands Council hereby adopts the following schedule of regularly scheduled meetings of the Highlands Council for the year 2015. All scheduled meetings will begin at **4:00pm**:

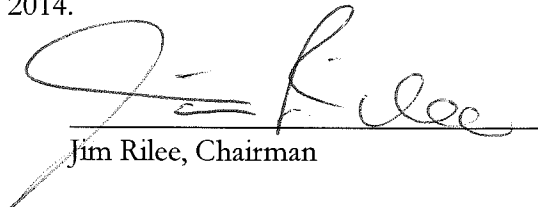
January 22
February 19
March 19
April 16
May 21
June 18
July 16
August 20
September 17
October 15
December 10

2. The Highlands Council's regular public meetings shall be held at the dates and times noted above at its office at 100 North Road, Chester, New Jersey, with the understanding that the Council may choose to make changes in location or time, but only with the provision of adequate advance public notice; and

3. The above schedule of regular public meetings, which may be amended and revised by the Executive Director as appropriate, shall be posted at the Highlands Council's office and on its web site.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of October, 2014.


Jim Rilee, Chairman

RESOLUTION 2014-29
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2015

**Vote on the Approval of
This Resolution**

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

RESOLUTION 2014-30
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

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

WHEREAS, the Highlands Act created the Highlands Council as a regional planning and protection entity, to develop, adopt and periodically revise a Regional Master Plan, with a primary goal of protecting and enhancing the significant values of the resources of the Highlands Region; and

WHEREAS, the Highlands Council adopted the Regional Master Plan (RMP) on July 17, 2008 and, as a result of Executive Order 114 (2008), the RMP has an effective date of September 8, 2008; and

WHEREAS, Section 14 of the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the RMP (Plan Conformance); and

WHEREAS, Section 15 of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the RMP; and

WHEREAS, the Highlands Council adopted and distributed to the Highlands municipalities and counties Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, Section 13 of the Highlands Act requires the Highlands Council to create a regional transfer of development rights (TDR) program for the Highlands Region which includes a program for voluntary TDR receiving zones for any municipality within the seven Highlands Counties and sending zones for the preservation of lands to protect Highlands resources; and

WHEREAS, Section 11.a.4 of the Highlands Act requires a coordination and consistency component which details the ways in which local, State, and federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP; and

WHEREAS, Section 11.h and 9 of the Highlands Act requires the identification of areas appropriate for redevelopment and the setting of appropriate density standards for redevelopment; any area identified for possible redevelopment shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface (Highlands Redevelopment Areas); and

RESOLUTION 2014-30
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

WHEREAS, Section 30 of the Highlands Act includes seventeen exemptions from the provisions of the Act, the RMP, any rules or regulations adopted by NJDEP 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; and

WHEREAS, Sections 38 through 82 of the Highlands Act amends numerous statutes of State agencies to specifically require coordinated action to implement the RMP and requires consultation between the Highlands Council and State agencies to ensure that the RMP is considered prior to State agency action; and

WHEREAS, Sections 16 and 17 of the Highlands Act respectively authorize the Highlands Council to review capital or other project proposed to be undertaken by any State entity or local government unit and to review a final local government unit approval, rejection, or approval with conditions; and

WHEREAS, the Highlands Council desires to establish a process to implement the Highlands Act and the RMP in an orderly fashion through Plan Conformance and Highlands Project Review and to ensure that the Highlands Council retains authority to review and approve certain matters and to delegate authority to the Executive Director to review and approve others matters such that delegated matters constitute final agency action subject to the Council's authority to reconsider any final agency action; 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 by the Highlands Council shall hereby take the following actions to implement the Highlands Regional Master Plan:

1. For municipal and county Plan Conformance, review and issue final determinations on all Petitions for Plan Conformance including, but not limited to, any related conditions, grant allocations, resource management plans, Map Adjustments and Highlands Center designations in accordance with the Regional Master Plan and the Plan Conformance Guidelines;
2. For the Highlands TDR Program, designate voluntary TDR Receiving Zones based upon municipal petitions and review and, where direct Council action is recommended by the Executive Director, issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For Highlands Redevelopment Area Designations, designate areas appropriate for redevelopment;
4. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations where direct Council action is recommended by the Executive Director;

RESOLUTION 2014-30
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

5. For Highlands Act exemption determinations, review and issue exemption determinations where direct Council action is recommended by the Executive Director; and
6. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters on a case-by-case basis where the Highlands Council determines that Council action is required.

THEREFORE, BE IT FURTHER RESOLVED by the Highlands Council that the Executive Director is hereby delegated the authority to take the following final agency actions on behalf of the Council:

1. For municipal and county Plan Conformance, provide recommendations and take actions pursuant to the Plan Conformance Guidelines or Council Resolution and review and issue determinations on all requests for an RMP Update to verify updated, relevant factual information;
2. For the Highlands TDR Program, review and issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations;
4. For Highlands Act exemption determinations, review and issue exemption determinations;
5. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters unless Council review is required by the Council;
6. For all of the above, the Executive Director may make a recommendation, based upon the potential impact on Highlands resources, that final agency action be taken by the Highlands Council; and
7. For all of the above, the Executive Director shall provide reports to the Highlands Council of all actions and determinations on a regular basis.

RESOLUTION 2014-30
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

THEREFORE, BE IT FURTHER RESOLVED that any and all actions taken by the Executive Director pursuant to Resolution 2013-25 from March 20, 2014 through the effective date of this Resolution be and hereby are ratified by the Highlands Council; and

THEREFORE, BE IT FURTHER RESOLVED that the Highlands Council shall reassess this Resolution on or before the April, 2015 Council Meeting and every six months thereafter, or may, at any time, determine that a reassessment should take place; and

THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall remain in full force and effect unless and until a future resolution is adopted by the Council and becomes effective.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 16TH day of October, 2014.


Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede						✓
Councilmember Carluccio				✓		
Councilmember Dougherty						✓
Councilmember Dressler			✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember James						✓
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember T'fank			✓			
Councilmember Visioli			✓			
Councilmember Vohden	✓		✓			
Councilmember Walton						✓
Chairman Rilee			✓			



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Governor

KIM GUADAGNO
Lt. Governor

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www.highlands.state.nj.us



JIM RILEE
Chairman

MEMORANDUM

To: Landowner Equity and Land Preservation Committee
From: Margaret Nordstrom, *Acting Executive Director*
Subject: Committee Meeting Minutes – September 25, 2014
Date: 10/3/14

A Highlands Development Credit (HDC) Bank Committee meeting was held on Thursday, September 25, 2014 at the Highlands Council office in Chester. Committee Members present: Council Chair Rilee (via phone), Committee Chair Walton, Member Dressler, and Member Francis.

Staff Members present: Margaret Nordstrom, Andrew Davis, Chris Danis, James Humphries, Kim Ball Kaiser, and Annette Tagliareni.

Also present via phone: Peter Simon, Assistant Counsel, Governor's Authorities Unit.

Committee Chair Walton opened the meeting at 3:02pm and addressed the following agenda items.

Committee Name Change

Committee Chair Walton announced that the Highland Council's Chairman has officially changed the name of the committee from the HDC Bank Committee to the Landowner Equity and Land Preservation Committee, to better reflect the added scope of the committee's responsibilities.

Water Fee Calculation

Mr. Humphries gave a history and overview of Council's support to seek a stable source of funding for the preservation and stewardship of open space as reflected in Resolutions 2005-18, 2006-22, and 2013-10. Mr. Humphries then gave an update on estimated calculations for a water user fee to address landowner equity based on five different scenarios.

Ms. Nordstrom noted that she had received a suggestion by a constituent that water companies should be required to purchase HDCs.

Committee Chair Walton asked what the total number of gallons of water this Region provides and can we determine how much of that water is being used as a source for water utilities. Ms. Nordstrom responded that she will reach out to the Public Board of Utilities to seek this information.

Draft Land Owner Equity and Land Preservation Program

Committee Chair Walton reviewed the draft program page-by-page along with committee members and staff to address his concerns/comments related to the program. There was a discussion regarding the use of funding for purchase of property for future active recreation use. The Committee decided to recommend to the full Council to only allow the purchase of property for passive recreational use. There was a discussion regarding the process of Highlands Council and HDC Bank approval. The Highlands Council would review applications for the Open Space Matching Grant program and the HDC Bank would review purchases under the HDC Bank program.

Committee Chair Walton noted that this item will be put on the October 23rd committee agenda for additional/final discussion. Ms. Nordstrom added that the December Council meeting agenda is open for this item and Council consideration.

Transfer of Development Rights Technical Report, 2008

The committee received this report and James Humphries gave an overview of the Minimum HDC Price (pages 34-35 of report) and indicated that it is reviewed every five years. Ms. Nordstrom added that the committee could submit indicators and milestones during the RMP process. Ms. Danis added that the committee may use the approved consultants to study and investigate this value.

Ms. Nordstrom also added that Vernon Township and the Town of Newton are moving along with Phase II of their TDR project and Ms. Nordstrom suggested that representatives from companies that are involved in mixed use projects such as the ones in New Brunswick be invited to a future meeting.

TDR Discussions Items

Committee Chair Walton reviewed with the committee and staff the comments received by Green Acres related to the draft Land Owner Equity and Land Preservation Program.

Committee Chair Walton reviewed with the committee and staff the memo received by the New Jersey Builder Association (NJBA) related to transfer of development rights in the Highlands. Ms. Nordstrom commented that staff met with the NJBA a couple weeks ago and expressed optimism about Vernon Township's prospects to become a TDR receiving area. Mr. Humphries added that he will follow up with contracted technical specialist to where the issues with the program may be. Ms. Nordstrom emphasized that the program needs private funding in order to work and will also invite someone from the NJBA to the committee's next meeting.

Committee Chair Walton asked the status of Sparta Township's Resolution requesting Council on the means and method for distribution of the PSE&G mitigation funding for projects in the

October 3, 2014

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Highlands. Ms. Nordstrom responded that she called Sparta Township to let them know that the Council is working on their concern.

HDC Bank Meeting

The next HDC Bank Meeting is scheduled for Thursday, November 6, 2014 at 4:00pm. At that meeting there will be an update on committee's efforts, the Bank may consider closing the Initial Purchase Program, and may adopt a 2015 Meeting schedule.

The Committee adjourned at 3:38pm.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
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JIM RILEE
Chairman

MEMORANDUM

To: RMP Update Committee

From: Margaret Nordstrom, Acting Executive Director

Subject: Record of RMP Update Committee Meeting of September 17, 2014

Date: 10/2/14

The RMP Update Committee met on Wednesday, September 17, 2014 at 1:00pm at the Highlands Council office in Chester. Committee Members present: Council Chairman Rilee (on phone), Council Vice-Chairman and Committee Chair Alstede, Member Vohden, and Member Sebetich.

Highlands Council Staff Members present: Margaret Nordstrom, Andrew Davis, Chris Danis, Judy Thornton, Corey Piasecki, Jim Hutzelmann, Carole Ann Dicton, and Annette Tagliareni.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit; consultants from Regional Planning Association, Courtenay Mercer, Rob Freudenberg, and Ellis Calvin; and consultant from PlaceWorks, Steve Gunnells.

Committee Chair Alstede called the meeting to order at 1:04pm.

The following topics were discussed:

Corey Piasecki gave an overview of the Public Participation and Outreach Approach. Mr. Piasecki announced that the Web Comment Portal opened on Monday, September 15, 2014, and to date, 10 comments had been received. Mr. Piasecki identified and gave an overview of the anticipated meetings:

- Targeted Stakeholder Meetings – Mr. Piasecki noted that the Inter-Agency Group Meetings are tentatively scheduled for October 22, 2014 in Trenton.
- Stakeholder Outreach Workshops – Mr. Piasecki noted that these groups may be too large or diverse to accommodate in the smaller targeted format and will be topic driven.
- Technical Advisory Committees

October 2, 2014

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- Public Outreach Sessions
- Public Hearings

The committee then discussed the targeted stakeholder group meetings and the outreach workshops. Committee Member Sebetich suggested that two groups be added to the targeted stakeholder list: Delaware Riverkeeper and Pequannock River Coalition. Chairman Rilee commented on encouraging individuals to submit their names to get a better idea of attendance for outreach workshops. Peter Simon added that landowners should be part of the targeted list and should be invited. Accordingly, a group designated “Impacted Landowners” was added to the targeted stakeholder list, as well as Sustainable Raritan.

Committee Members and Council Members are encouraged to look at the lists and inform staff of any additional group/s to be nominated. Council Members are encouraged to attend these meetings if their time permits. Public notice will be provided for any meeting in the event of potentially reaching a quorum of the membership.

Committee Chair Alstede commented that the process should satisfy the Highlands Act regarding TDR and Planning Area. Ms. Danis referred to page 355 of the RMP, which addresses TDR requirements of the Act, noting that TDR receiving areas are voluntary. Ms. Nordstrom added that we need to give the TDR program our best shot.

Consultant Steve Gunnells of PlaceWorks, consultant for the Fiscal Impact Assessment, then gave an overview on his background and a brief overview of the fiscal impact assessment process. Mr. Gunnells and RPA representatives, Courtenay Mercer and Rob Freudenberg will be present at Council’s September 18th meeting for Council discussion.

The meeting was adjourned at 2:34 pm.



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JIM RILEE
Chairman

MEMORANDUM

To: Council Members

From: Margaret Nordstrom, Acting Executive Director

Subject: Resolution – Approval of the Minutes of the Plan Conformance Committee

Date: 10/10/2014

A Plan Conformance Committee Meeting was held on August 21st with Highlands staff and GAU Assistant Counsel Peter Simon.

Committee Member Richko announced at the Council's August 21st meeting that the Township of Hardyston is recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff provided a presentation to Council and the presentation and supporting materials were posted on the Council's website after the meeting.

The Committee agreed to staff's recommendation, and at Council's next meeting, Council will consider a resolution to approve these Minutes of the Plan Conformance Committee.

RESOLUTION 2014-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE

WHEREAS, at the meeting of May 16, 2013, the Council passed Resolution number 2013-14; and

WHEREAS, among other things, the Resolution 2013-14 resolved that: *“...the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions.”* and

WHEREAS, at the meeting of June 20, 2013, the Council passed Resolution 2013-16; and

WHEREAS, among other things, the Resolution 2013-16 resolved that: *“...the Council approves of the continuation of the use of the Checklist Ordinance Approach in connection with the Plan Conformance Petitions, provided that a subcommittee of the Council be created to review and comment upon the use of the Checklist approach”*; and

WHEREAS, at the meeting of July 18, 2013, the Chairman announced the composition of the Checklist Ordinance Committee, and directed the Committee to meet; and

WHEREAS, at the January 16, 2014 Council meeting, the name of the Checklist Ordinance Committee was changed to the Plan Conformance Committee, and

WHEREAS, a Plan Conformance Committee meeting was held on August 21, 2014 at the Highlands Council office; and

WHEREAS, the Committee meeting minutes have been presented to the Council for acceptance and approval;

NOW, THEREFORE, BE IT RESOLVED, that the Council accepts and approves the minutes of the August 21, 2014 Plan Conformance Committee meeting and the recommendations contained therein.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16TH day of October, 2014.

Jim Rilee, Chairman

RESOLUTION 2014-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE

**Vote on the Approval of
This Resolution**

Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Carluccio	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Dougherty	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Dressler	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Francis	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Holtaway	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember James	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Richko	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Sebetich	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Tfank	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Visioli	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Vohden	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Councilmember Walton	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Chairman Rilee	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>



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JIM RILEE
Chairman

MEMORANDUM

To: Plan Conformance Committee

From: Margaret Nordstrom, *MN* Acting Executive Director

Subject: Committee Meeting Minutes– August 21, 2014

Date: September 5, 2014

A Plan Conformance Committee meeting was held on Thursday, August 21, 2014 at 3:20pm at the Highlands office in Chester. Committee Members present: Members Rilee, Richko, Vohden, and Dressler.

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

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit.

The only item on the agenda for discussion was staff's recommendations for the use of the Checklist Ordinance approach for one municipality. The overall basis for this recommendation is the extremely limited development potential of these towns. The municipality is:

- Hardyston Township (Sussex County) – 1 parcel/182 acres

The analysis for the Township was distributed to committee members. Ms. Nordstrom gave a PowerPoint presentation on the analysis employed in reaching the recommendation for the use of the Checklist Ordinance approach for Hardyston Township.

Member Richko asked who owns the property and what the acreage is in the Preservation and Planning areas. Ms. Danis responded that she believed it was a farm assessed or Q-farm parcel. Ms. Ross researched the ownership of the parcel using the Highlands Interactive mapping feature after the meeting. The Highlands Interactive Map indicated the owner is "FHH Associates C/O Imperatore" and it is a Q-farm parcel based on the MOD IV tax record. The Preservation Area portion of Hardyston Township is 12,603 acres and the Planning Area portion is 8,281 acres.

After discussion, the Committee unanimously agreed with the staff's recommendation for a Checklist Ordinance approach in the Township of Hardyston.

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September 5, 2014
Page 2

Committee Member Richko will announce at the Council's August 21st meeting that the Township of Hardyston is recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff will provide a presentation to Council and the presentation and supporting materials will be posted on the Council's website after the August 21st meeting.

At the September 18th meeting, Council will consider a resolution to approve these Minutes of the Plan Conformance Committee.

The Plan Conformance Committee adjourned at 3:33pm.

**TOWNSHIP OF HARDYSTON, SUSSEX COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of Hardyston (Sussex County) is petitioning the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. Based on a detailed review of the properties located within the Township's Preservation Area, Highlands Council staff concludes that there is limited development potential therein. The Area has limited existing public water and sewerage infrastructure and is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Specifically, the Highlands Council Municipal Build-Out Report (2010), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicates potential development of just seven (7) additional units in the Preservation Area, all served by on-site septic systems. Additionally a significant portion of the Preservation Area is preserved land. Over 10,290 acres of the Township (approximately 80% of the Township Preservation Area) consist of preserved lands.

In sum, the Highlands Council anticipates that proposals for development in Hardyston Township's Preservation Area that would not qualify for Highlands Act exemptions (and would not therefore be subject to the Highlands Regional Master Plan or effectuating ordinances) will affect one parcel.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	1/182 acres

Recommendation

Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Hardyston Township (Sussex County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.

Hardyston Township Parcels








1 inch = 833 feet

Block 61 Lot 51
(182 Acres)

Inset Map



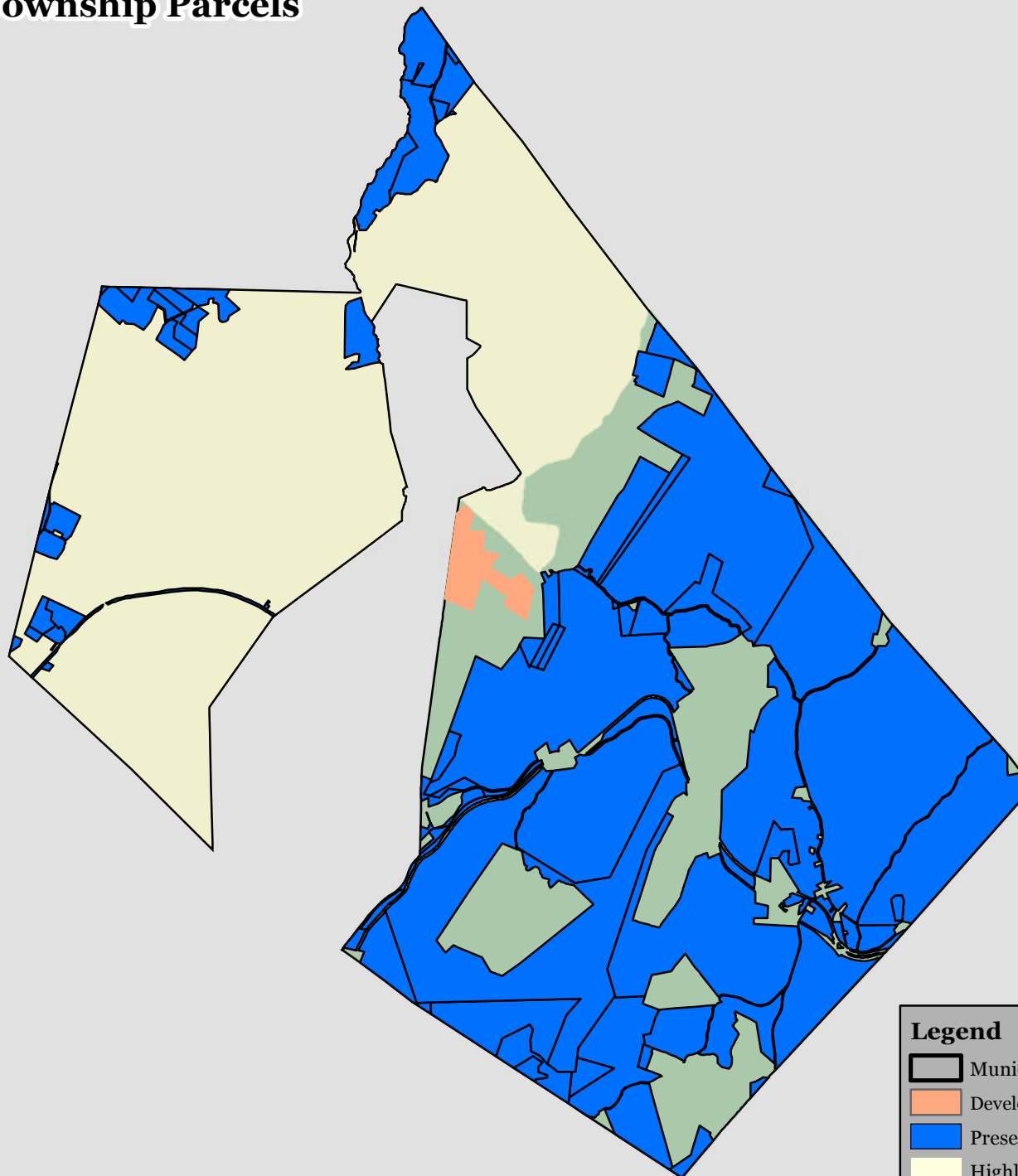
Legend

-  Municipal Boundary
-  Developable Parcels (182 Acres/<1% of Municipality)
-  Preserved Lands (10,295 Acres)
-  Highlands Planning Area (8,281 Acres)
-  Highlands Preservation Area (12,603 Acres)






Hardyston Township Parcels



1 inch = 6,671 feet



Legend

-  Municipal Boundary
-  Developable Parcels (182 Acres/<1% of Municipality)
-  Preserved Lands (10,295 Acres)
-  Highlands Planning Area (8,281 Acres)
-  Highlands Preservation Area (12,603 Acres)

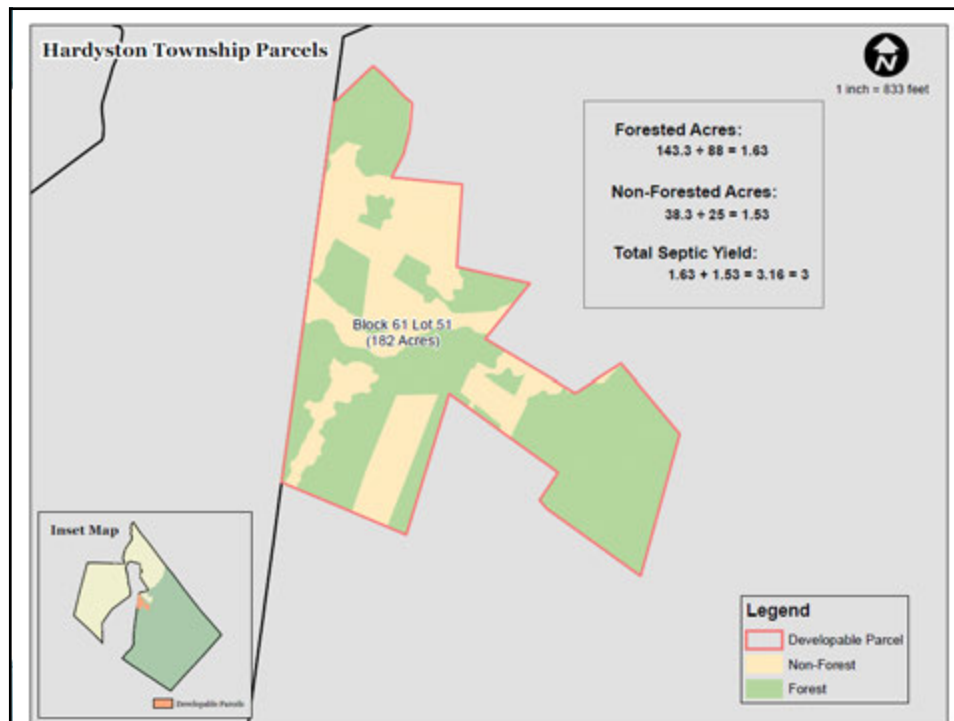



Review of Hardyston Township Build out Report

Hardyston Township, Sussex County

Block	Lot	Total Acres	Notes
61	51	182	Partially forested. Contains agricultural lands may be subject to Highlands Land Use Ordinance, as 3 or more residential units on septic.

* Non-exempt/vacant/non-preserved parcels greater than 75 acres in size and may result in 3 or more development units





Review of Hardyston Township Final Draft Consistency Report

Hardyston Township, Sussex County
Analysis of lands subject to Highlands Ordinance

FACTORS	DEVELOPABLE LAND POTENTIAL
Disturbance of one acre or more of land	0
New impervious surface ¼ acre or more	0
New or expanded use not permitted by ord.	0
3 or more dwelling units if residential	1

