



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, January 20, 2022 at 4pm

Join Zoom Meeting:
<https://us06web.zoom.us/j/88650982771>

Audio only:
Dial: 1-929-436-2866
Meeting ID: 886 5098 2771

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. CHAIR'S REPORT
 - a. CONSIDERATION OF RESOLUTION - Election of Vice-Chair *(voting matter with public comment)*
 - b. CONSIDERATION OF RESOLUTION - Election of Treasurer *(voting matter with public comment)*
6. EXECUTIVE DIRECTOR'S REPORT
7. APPROVAL OF HIGHLANDS COUNCIL MINUTES – December 9, 2021
8. PRESENTATION – Interactive Environmental Resource Inventory by T&M Associates
9. BUDGET & FINANCE COMMITTEE
 - CONSIDERATION OF RESOLUTION – Award of Contract to Develop A Guidance Document And Scope Of Services For Municipal Land Use Plan And Environmental Sustainability Master Plan Elements, Including A Municipal Climate Change Related Hazard Vulnerability Assessment *(voting matter with public comment)*
10. PLAN CONFORMANCE COMMITTEE
 - CONSIDERATION OF RESOLUTION – Approval of Public Health and Safety Waiver for The Butler Water Department *(voting matter with public comment)*
11. OLD & NEW BUSINESS
12. 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.)*
13. EXECUTIVE SESSION, *if deemed necessary*
14. ADJOURN

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
JAMES VISIOLI)	COUNCIL MEMBERS
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
RICHARD VOHDEN)	

ABSENT:

MICHAEL R. DRESSLER)
TIMOTHY DOUGHERTY)

CALL TO ORDER 187TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:02pm via Zoom videoconference.

ROLL CALL

Roll call was taken. Member Dressler and Member Dougherty were absent. All other Council Members were present via video conference. *The following staff members were present via videoconference: Lisa J. Plevin, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Judy Thornton, Jocelyn van den Akker, Izzy Castiglioni, Herb August, Annette Tagliareni, Carole Ann Dicton, and Karen Castanbas. Also present via teleconference were Jeffrey Nielsen, Associate Counsel, Governor’s Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

OPEN PUBLIC MEETINGS ACT was then recited.

PLEDGE OF ALLEGIANCE was then recited.

CHAIRMAN’S REPORT

Chair Richko wished everyone a Happy New Year and advised that today’s meeting will include the annual election of the Vice Chair and Treasurer positions. Chair Richko congratulated Member James on his new appointed position as Director of Board of County Commissioners for Passaic County.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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Resolution – Election of Vice Chair

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

Member James nominated Kurt Alstede as Vice Chair. Member James made the motion and Member Holtaway seconded the motion.

There was no public comment.

There was no Council discussion.

Member Visioli left the meeting at 4:11pm due to connection issues.

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

Resolution – Election of Treasurer

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

Member Alstede nominated Robert Holtaway as Treasurer. Member Alstede made the motion and Member James seconded the motion.

There was no public comment.

There was no Council comment.

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

Member Visioli returned to the meeting at 4:16pm.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following updates and staff activities:

Return to Office/Remote Work /Operations Update (COVID-19)

Ms. Plevin reported, as per guidance from the Governor's office, staff returned to a staggered in-office schedule in December and is now scheduled to return to office full-time on January 31st.

Highlands Council Office Space Update

Ms. Plevin was happy to report the Highlands Council has renewed the office space lease with Chester Township. The lease will be for 7 years, and it does include numerous upgrades, including renovations to all the bathrooms and the kitchen area.

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Meeting Agenda Information for January 20, 2022, Council Meeting

Ms. Plevin advised during this Council Meeting there will be consideration of a resolution to approve a contract for a project that will provide Highlands municipalities with critical guidance about how best to incorporate climate considerations into local planning documents. Also, the Council will receive an update regarding a project funded in 2019 to develop an Interactive Environmental Resource Inventory.

Plan Conformance Implementation Activities

Ms. Plevin advised that Union Township in Hunterdon County has completed an initial assessment report update and a Plan Conformance Petition for the Preservation Area is being prepared for future Council review.

Municipally Issued Exemptions

Ms. Plevin advised that since the date of her prior report, the Highlands Council has been notified of the following municipally issued exemptions:

- Chester Township: thirteen (13) exemption #5s; one (1) exemption #2.

Project Review Updates

Ms. Plevin reported the following review updates on three (3) Highlands Applicability Determination (HAD) Exemption #11 reviews:

1. Butler Water Treatment Plant Upgrades project, for Council to vote on later in the meeting.
2. T-Mobile Northeast has applied to NJDEP for a HAD #11 in the Preservation Area of West Milford, Passaic County to complete a modification to an existing wireless communications facility. Highlands Council staff is currently reviewing.
3. Hackettstown MUA has applied to NJDEP for a HAD #11 in the Preservation Area of Independence Township, Warren County for a proposed project that includes the demolition and replacement of a 1-million-gallon water storage tank; replacement of approximately 1,800 feet of 10-inch water main; and replacement of 6-inch water main on Old Allamuchy Road. Highlands Council staff is reviewing.

Planning Area Consistency Review

Ms. Plevin explained that the Township of Rockaway, Morris County proposes to upgrade existing athletic fields at a recreational facility with synthetic turf. This is a Planning Area non-binding capital project review. Highlands Council staff is reviewing.

WQMP Amendment Reviews

Ms. Plevin reported that the applicant, Schwanewede/Hals Engineering is seeking a Water Quality Management Plan Amendment for the development of a single-family home on a vacant lot in the Preservation Area of Montville Township, Morris County. The property is located in an area that was designated as an approved sewer service area prior to the Highlands Act and, as such, may be permitted to be connect to the public sanitary sewer system.

HDC Program Update

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Ms. Plevin shared that staff has recently completed site inspections of all 73 HDC properties. Inspections were conducted to ensure compliance with easement terms. The Highlands Council has protected natural, scenic, cultural, and historic resources on more than 2,500 acres, providing more than \$27 million to individual property owners through the HDC program.

Personnel Update

Ms. Plevin was pleased to announce the position of Senior Counsel, which was vacated by Gabrielle Gallagher's promotion, has been filled. The new Senior Counsel, Neda Hartman, will start on February 14th.

Interviews are currently being conducted to fill the Senior Resource Management Specialist position, which was vacated by Kelley Curran.

Land Preservation Coordinator and Regional Planner, Steve Simone, announced that he is leaving the Highlands Council. This position will be posted soon.

Lastly, Ms. Plevin noted the next Council Meeting is scheduled for February 17, 2022.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

Member James asked if the February meeting would be in person or virtual.

Ms. Plevin replied that the February 17, 2022, Highlands Council will be held virtually.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 9, 2021

Chairman Richko asked for a motion on the Council Minutes of December 9, 2021.

Member Holtaway made a motion to approve the Highlands Council Minutes of December 9, 2021. Member James seconded it.

Member Visioli was experiencing connection issues at this time.

A roll call vote was taken. The Highlands Council Minutes of December 9, 2021, were APPROVED 8-0

Presentation Interactive Environmental Resource Inventory by T&M Associates

Ms. Plevin gave a brief description of the project and introduced Ms. Jocelyn van den Akker of the Highlands Council GIS team, who has been leading this project.

Ms. van den Akker reported that in September 2019 the Council awarded a contract for the development of an Interactive Environmental Resource Inventory, or "ERI", to T&M Associates. As many are aware, an ERI is a catalog of all the environmental features – natural and built – within a municipality. ERIs are

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used by municipalities in a variety of ways, but mainly to assist in their review of proposed development projects and to provide the basis for regulation of environmental resources within the municipality, particularly during master plan development and land use ordinance development.

The interactive ERI project involved not only compiling data from a variety of state, federal and other authoritative sources, and the development of the application itself, but also importantly included stakeholder outreach and input both prior to development and as part of a beta testing program.

From March to June 2020, stakeholder feedback was sought from various entities, ranging from municipal users to non-profits and state agencies.

In early November 2021, beta-testing was conducted with individuals to solicit feedback about the final application. Most of this feedback was incorporated into the application and resulted in a much more robust, clear, and user-friendly final product.

Today, T&M Associates is here to present to the Council with the resulting application that we are confident will be a useful resource for all municipalities, counties, and residents of the Highlands Region. Ms. van den Akker then introduced Stan Slachetka, Project Manager of T&M Associates.

At this time T&M Associates provided a demonstration of the live ERI application.

Ms. van den Akker thanked Stan and the rest of the T&M team for all their work on this project and added we plan to release the Highlands Region Interactive ERI over the next month.

Ms. Plevin added this was a great presentation and we are looking forward to everyone using it.

Chairman Richko stated this is going to be a great aid and asked how this project will reach all 88 municipalities and 7 counties and will it be available to residents.

Ms. van den Akker explained the Highlands Council will have an outreach to all 88 municipalities and 7 counties and each municipality will receive an email with their own custom municipal URL link, as well as future training.

Ms. Dicton added the main link will be located on the Highlands Council website.

Council Comment

Member Sebetich asked who collected this data, how did it get inputted into the ERI program, and how does the Highlands Council staff know this data is accurate.

Ms. van den Akker stated the data was compiled through a group effort of Highlands staff and T&M Associates based on what data is commonly presented in an ERI. The data is as accurate as the source data that we are compiling. The direct link is to the original link data of owners via online.

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Mr. Slachetka added the data is from national and state recognized data sources. Additional information on the data sets themselves will be made available, and it will be full information with regards to the data being used and the sources of that data. Those sources can be cited, and information can be evaluated.

Member Van Abs shared this ERI looks really good and asked to what extent are the data sources different from what the Highlands Council staff have been using in the interactive map.

Ms. van den Akker stated the data sources are an expanded list and this ERI application goes beyond what we present in the interactive map to give a bigger impact on the environmental resources that are located in each municipality.

Member Van Abs asked when municipalities are going through the Plan Conformance process, will the cost of the ERI component drop.

Mr. Humphries stated the cost right now is low because we only include Highlands specific resources. For the same cost this will allow the municipality to do a complete ERI including every environmental resource in their municipality. The Highlands Council will be able to reduce the cost to the municipality as they will no longer have to pay for a full ERI.

Chairman Richko asked if any Council member had comments.

Mr. Humphries wanted to add his thank you for the great work on this project to Jocelyn van den Akker and Christina Petagna as well as T&M Associates, and all the Highlands Council staff members.

Chairman Richko thanked the team for a great presentation.

BUDGET & FINANCE COMMITTEE

Resolution – Award Recommendation - Award of Contract to Develop a Guidance Document and Scope of Services for Municipal Land Use Plan and Environmental Sustainability Master Plan Elements, including a Municipal Climate Change Related Hazard Vulnerability Assessment

Committee Chair Holtaway reported that this project is going to be a major undertaking and it will be a critical application for municipalities and counties in preparing their master plans. Committee Chair Holtaway then introduced Ms. Plevin.

Ms. Plevin reported that there were several amendments to Municipal Land Use Law that now require municipalities to incorporate smart growth, storm resiliency, environmental sustainability, electric vehicle infrastructure planning and climate change hazard vulnerability assessments into their master plans. Additionally, two Executive Orders require that state agencies incorporate climate resiliency and environmental justice considerations into their actions and practices. Ms. Plevin then introduced Principal Planner Judy Thornton.

Ms. Thornton shared that the Highlands Council issued a Request for Proposal (RFP) in July 2021 and accepted proposals through September 20, 2021. Six (6) proposals we received, and the review team chose to conduct interviews with (3) firms. Highlands Council staff's recommendation is to award the contract to

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New Jersey Future. Ms. Thornton noted that New Jersey Future's proposal aimed at taking the project to a higher level and it will develop model guidance materials for applicability to municipalities, statewide.

The five major project components, would be completed at a total cost of \$89,000:

Task 1: Background Research

Task 2: Stakeholder Engagement

Task 3: Develop Guidance Document

Task 4: Presentation to Highlands Council and Plan Conformance Committee

Task 5: Municipal Workshops

Chairman Richko stated this sounds like a great aid for the municipalities. Chairman Richko asked for a motion and second.

Member Holtaway moved the resolution. Member Sebetich seconded it.

Council Comment

Member Vohden shared his concern regarding the Governors Executive Order # 89 that amending and adopting municipal master plans is time consuming and expensive. Member Vohden believes the state should provide financial assistance for this process. Member Vohden added he will be voting "no" on this resolution.

Chairman Richko asked Chief Counsel Gabrielle Gallagher if this is the resolution that Member Van Abs needs to recuse himself from. Ms. Gallagher confirmed that it is.

Chairman Richko decided to remove this resolution and hold for the February Highlands Council meeting due to having (1) member that needs to recuse and (2) members absent.

PLAN CONFORMANCE COMMITTEE

Resolution - Approval of Public Health and Safety Waiver for the Butler Water Department

Chairman Richko stated that next on the agenda is a report and resolution from the Plan Conformance Committee. Chairman Richko gave a brief report in Committee Chair Dressler's absence.

On November 30, 2021, the Plan Conformance Committee met to review an application for a Highlands Applicability Determination (HAD), Exemption #11 for required upgrades to the water treatment system at the Butler Reservoir located in Kinnelon Borough.

Staff explained that the project is eligible for the Exemption 11, which would be issued by NJDEP, but first requires a review by the Highlands Council for consistency with the Highlands Act.

The committee approved the release of the consistency review for a 30-day public comment period. No comments were received.

Ms. Plevin stated Member Visioli is in the meeting but showing he is muted on his end.

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Chairman Richko asked if Member Visioli was able to participate with a “thumbs up or thumb down” via Zoom.

Ms. Gallagher stated yes, we can accept a thumbs up or thumbs down on a voting matter.

Chairman Richko asked if Ms. Tagliareni can see Member Visioli. Ms. Tagliareni confirmed she can see Member Visioli.

At this time James Humphries and Izzy Castiglioni gave a detailed background and presentation about the Butler Water Department. The link may be found on Council’s website at the following link:

https://www.nj.gov/njhighlands/about/calend/2022/jan20/ButlerWD_preso_012022.pdf

Chairman Richko thanked Council staff for a great presentation and asked if either representative from the Borough of Butler, James Lampmann, Administrator and Keith Smith, Superintendent, would like to make any comments before we have questions from the Council.

Mr. Lampmann, Administrator of Butler thanked everyone for their time and stressed the importance of this project.

Council Comment

There was no Council comment.

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

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented his concern that the mitigation for disturbance of the Highlands open water is to meet New Jersey stormwater management regulations which is already a standard requirement. He also asks that if a forest mitigation plan is a condition of approval, should the plan be completed prior to approval?

Julia Somers, New Jersey Highlands Coalition – Ms. Somers asked about the removal of the old access road, since it is not necessary.

David Shope, Lebanon Township – Mr. Shope commented that it should be asked what it costs the entity, in this case Butler Township, to take additional steps for approval? This cost summary should be a part of every exemption #11.

Council Comment

There was no Council comment.

Chairman Richko added that during the Plan Conformance Committee Meeting he brought up the same question as Ms. Somers and asked Mr. Humphries to remind us of why the old road cannot be removed. Mr. Humphries responded that the Butler Water Authority needs to keep the old road to service the water towers on the other side of the stream and to use as a secondary emergency access.

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

OLD/NEW BUSINESS:

Member Sebetich commented that the songbird species will not go extinct in the forest on Sparta Mountain in Sussex County if the trees are not cut down.

Member Vohden asked if there was an update from his December meeting comment under New/Old Business, when it was requested that the staff and Council members take a look at the statute NJSA 41:C-49 The State Transfer of Development Rights Bank Act so we might discuss it at this meeting.

Chairman Richko stated to Member Vohden that his comment will be discussed with Ms. Plevin and they will get back to him.

Member Francis commented to add Member Vohden's comment on the agenda for the next meeting.

Chairman Richko mentioned that Edward Ng, from the Chester Borough Environmental & Open Space Committee, who was one of the ERI Beta testers, is in the meeting and would like to give feedback and provide some comments.

Edward Ng, Chester Borough Environmental & Open Space Committee– Mr. Ng commented that he is very thankful to the Highlands Council, T&M Associates, and Greener By Design for the software and design process of the ERI application. This system is great, very stable and looks forward to using the application when it becomes available.

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

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented on the concern of the logging on Sparta Mountain as the forest is public property.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that the Interactive ERI is the most exciting thing the Highlands Council has done and it sounds like a wonderful product and hopes it coordinates with the Conservation Blueprint and wondered if municipal zoning layers will be included.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in support of landowner compensation in the Highlands region.

David Shope, Lebanon Township – Mr. Shope commented on page 2 of Executive Order #23 and would like future information on economic health.

Chair Richko asked for a motion to adjourn the meeting.

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Member James made a motion to adjourn the meeting. Member Visioli seconded it. All were in favor. The meeting was adjourned at 5:45pm.

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: 2/7/2022

Name: Karen Castanhas

Karen Castanhas, Administrative Assistant

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

RESOLUTION 2022-01
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF VICE-CHAIR

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

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

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

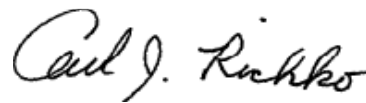
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January 2022.



Carl J. Richko, Chairman

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

RESOLUTION 2022-02
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF TREASURER

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

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

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

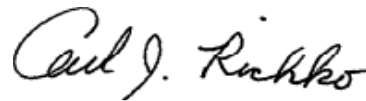
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

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

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January 2022.



Carl J. Richko, Chairman

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	✓		✓			
Councilmember Dougherty						✓
Councilmember Dressler						✓
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James		✓	✓			
Councilmember Sebetich			✓			
Councilmember Van Abs			✓			
Councilmember Visioli						✓
Councilmember Vohden			✓			
Chairman Richko			✓			

RESOLUTION 2022-

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AWARD OF CONTRACT TO DEVELOP A GUIDANCE DOCUMENT AND SCOPE OF SERVICES
FOR MUNICIPAL LAND USE PLAN AND ENVIRONMENTAL SUSTAINABILITY MASTER PLAN
ELEMENTS, INCLUDING A MUNICIPAL CLIMATE CHANGE RELATED HAZARD
VULNERABILITY ASSESSMENT**

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 creating environmentally sustainable communities for the region; and

WHEREAS, Governor Murphy issued Executive Order 89, ordering the State Planning Commission (SPC) to incorporate climate change considerations as a mandatory requirement of Plan Endorsement; and

WHEREAS, as part of the SPC endorsement of the RMP in November of 2020, the Council committed to including compliance with state resiliency planning and equity goals into the RMP; and

WHEREAS, the 2008, 2017, and 2021, legislative amendments to the MLUL added environmental sustainability, climate change and resiliency planning to the components of the municipal master plan; and

WHEREAS, on April 20, 2018, Governor Murphy issued Executive Order 23 requiring all state agencies to incorporate environmental justice into agency official actions and standard practices; and

WHEREAS, in September 2020, Governor Murphy signed legislation requiring the NJDEP to evaluate the environmental and public health impacts of certain facilities on overburdened communities in review of permit applications; and

WHEREAS, at present, limited guidance is available to municipalities to assist in development of effective master plan amendments that meet all of the above requirements; and

WHEREAS, the Highlands Council does not have sufficient internal resources and expertise to complete the development of a guidance document and scope of services for municipal land use plan and environmental sustainability master plan elements, including a municipal climate change related hazard vulnerability assessment; and

WHEREAS, the Highlands Council staff prepared a Request for Proposals (RFP) to Develop a Guidance Document and Scope of Services for Municipal Land Use Plan and Environmental Sustainability Master Plan Elements, Including a Municipal Climate Change Related Hazard Vulnerability Assessment, seeking

RESOLUTION 2022-

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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VULNERABILITY ASSESSMENT**

firms with expertise to assist the Highlands Council with preparing the guidance document for municipalities;
and

WHEREAS, six (6) firms/teams responded by submitting proposals and qualifications on or before the deadline of September 20, 2021; and

WHEREAS, the Highlands Council staff evaluated the proposals (inclusive of qualifications and supporting materials) and shared its findings with the Highlands Council's Budget and Finance Committee on January 6, 2022; and

WHEREAS, the Budget and Finance Committee has reviewed the staff findings and the process utilized 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 RFP respondent New Jersey Future, the team for which includes New Jersey Future as well as experts and professionals from Sustainable Jersey, The Land Conservancy of New Jersey, and BRS, Inc., in an amount not to exceed \$89,000.00 to complete the scope of work set forth in the RFP and further recommends that the Highlands Council authorize the Executive Director to enter into a contract in connection with the RFP and the proposal of the New Jersey Future team; and

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

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 New Jersey Future for purposes of developing the subject plan, in an amount not to exceed \$89,000.00.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of January 2022.

Carl J. Richko, Chairman

RESOLUTION 2022-

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AWARD OF CONTRACT TO DEVELOP A GUIDANCE DOCUMENT AND SCOPE OF SERVICES
FOR MUNICIPAL LAND USE PLAN AND ENVIRONMENTAL SUSTAINABILITY MASTER PLAN
ELEMENTS, INCLUDING A MUNICIPAL CLIMATE CHANGE RELATED HAZARD
VULNERABILITY ASSESSMENT**

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



New Jersey Highlands Council

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Project Review

The Highlands Council does not issue permits, but is statutorily required to review certain proposed projects throughout the Highlands Region for consistency with the Highlands Act and Highlands Regional Master Plan (RMP). The Highlands Council shares jurisdiction with the [New Jersey Department of Environmental Protection](#), which is the permitting agency in the Highlands. Please refer to the links below for additional guidance. If you have any questions, please contact the Highlands Council at (908) 879-6737.

Projects Currently Being Considered

Butler Water Treatment Plant Upgrades - Highlands Applicability Determination (HAD) Exemption #11

Butler Water Department is proposing needed upgrades to the water treatment system at the Butler Reservoir located in Kinnelon Borough. The site is entirely located in the Preservation Area. The project appears eligible for a Highlands Act Exemption #11 that would be issued by NJDEP. Exemption 11 requires that the project be consistent with the Highlands Act, a finding of which is issued by the Highlands Council. See documents below for additional information.

- [Final Highlands Council Staff Recommendation Report](#) (pdf)
- [Final Highlands RMP Consistency Determination](#) (pdf)
- [Highlands Applicability Determination Application Materials](#) (pdf)
- [Site Map](#) (jpg)
- [Public Notice of Public Comment Period](#) (pdf)

Project Review Status and Tracking

Tracking Sheets

A summary of information regarding past and current projects reviewed by Highlands Council staff can be found in the tracking sheets below.

- [Highlands Project Review Tracking Sheet](#) (pdf)
- [Highlands Project Review Tracking Sheet Archive 2009 -2019](#) (pdf)

Full-Council Reviews

Details and documents related to projects that have been review by Highlands Council staff and voted on by the full Highlands Council are available on the page below.

- [Completed Project Reviews](#)

Highlands Project Review Process

- [Highlands Council Project Review Procedures](#) (pdf)
Describes Highlands Council procedures and requirements for conducting project reviews.
- [Highlands Council Project Review Standards](#) (pdf)
Describes the RMP standards used during project reviews.

Forms

Please refer to the Project Review Procedures above and/or speak with a [Highlands Council Liaison](#) before using these forms.

- [Planning Area Exemption Application](#) (pdf)
- [Highlands Referral Application](#) (pdf)

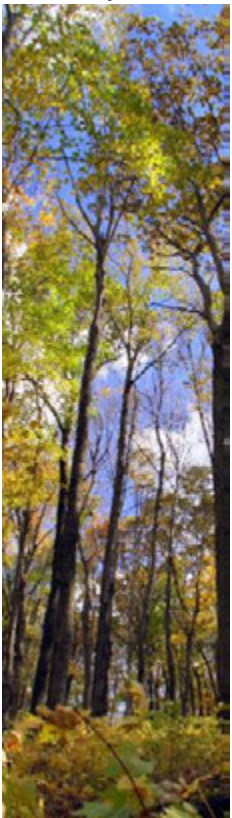
Highlands Redevelopment Area Designation Procedures

These procedures outline the process and requirements for receiving Council designation of Highlands Redevelopment Areas. Such designations are necessary for any project that requires a Highlands Preservation Area Approval under [N.J.A.C. 7:38](#) (the NJDEP Preservation Area Rules) with a waiver of provisions regarding a brownfield or a site with existing impervious cover of 70 percent or more.

- [Highlands Redevelopment Area Designation Procedures](#) (pdf)

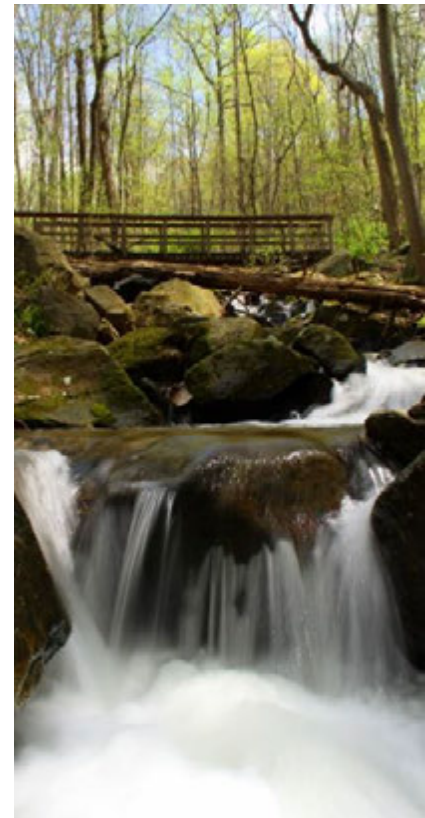
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Highlands Council Meeting

January 20, 2022



Highlands Applicability Determination (HAD) Exemption #11 with request for Health and Safety Waiver

Butler Water Treatment Plant Upgrades

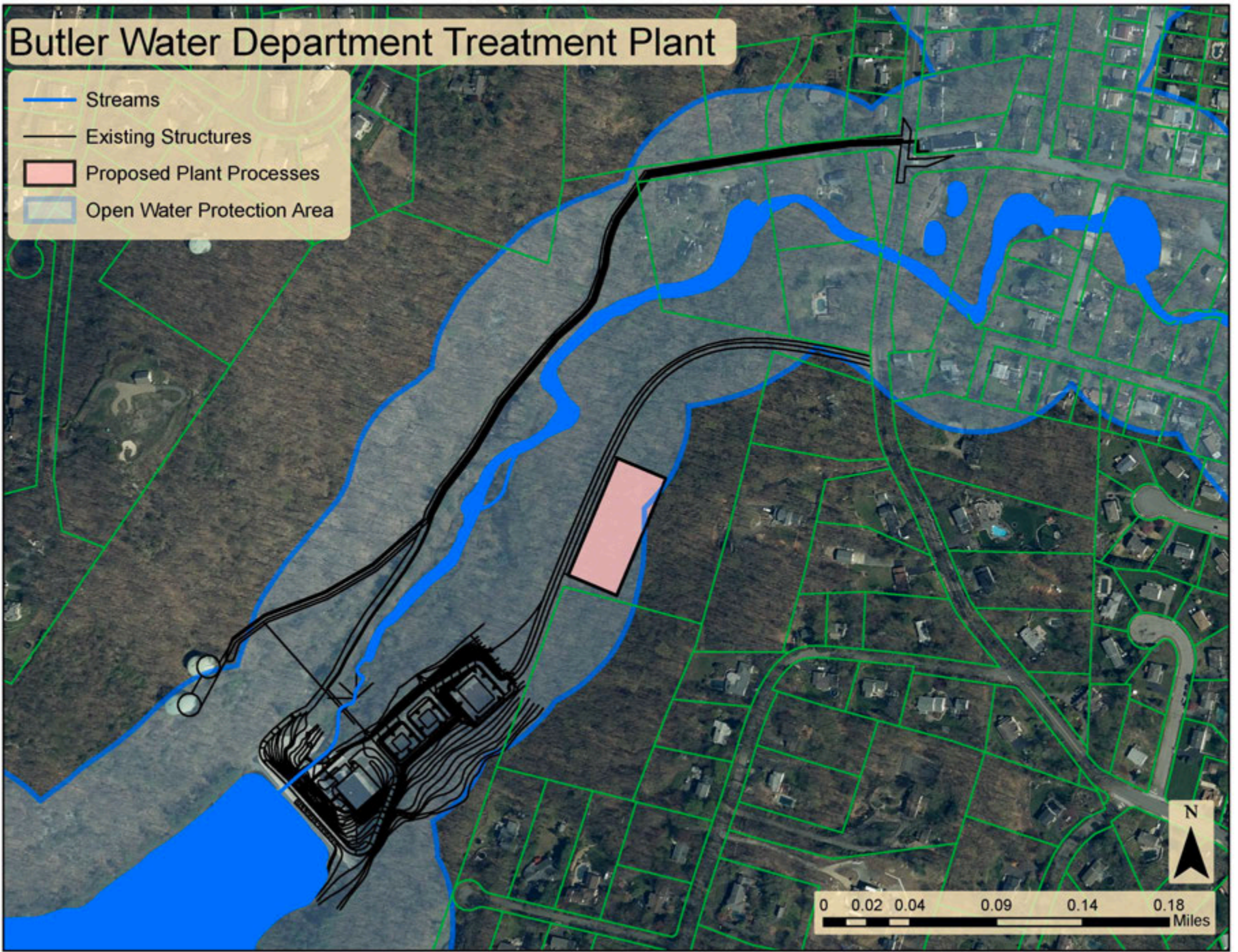
Project Summary

- Butler Water Department – Butler Reservoir
- Improvement of existing filtration vessels
- Consolidation of treatment processes to one area at Block 46001, Lot 101
- Construction of a new access road

Municipality:	Kinnelon Borough
County:	Morris
Highlands Act Area:	Preservation Area
LUCZ Location:	Protection Zone
Property:	Block 45301, Lot 110; Block 46001, Lot 101
Proposed Use:	Water Treatment Plant and Access Road

Butler Water Department Treatment Plant

- Streams
- Existing Structures
- Proposed Plant Processes
- Open Water Protection Area



0 0.02 0.04 0.09 0.14 0.18 Miles













NO.	DATE	DESCRIPTION

Professional Engineer Seal for Patrick K. Cole, P.E., License No. 35202-00000, State of New Jersey.

NO.	DATE	DESCRIPTION

Butler Water Treatment Plant Improvements

Butterling Brook Road



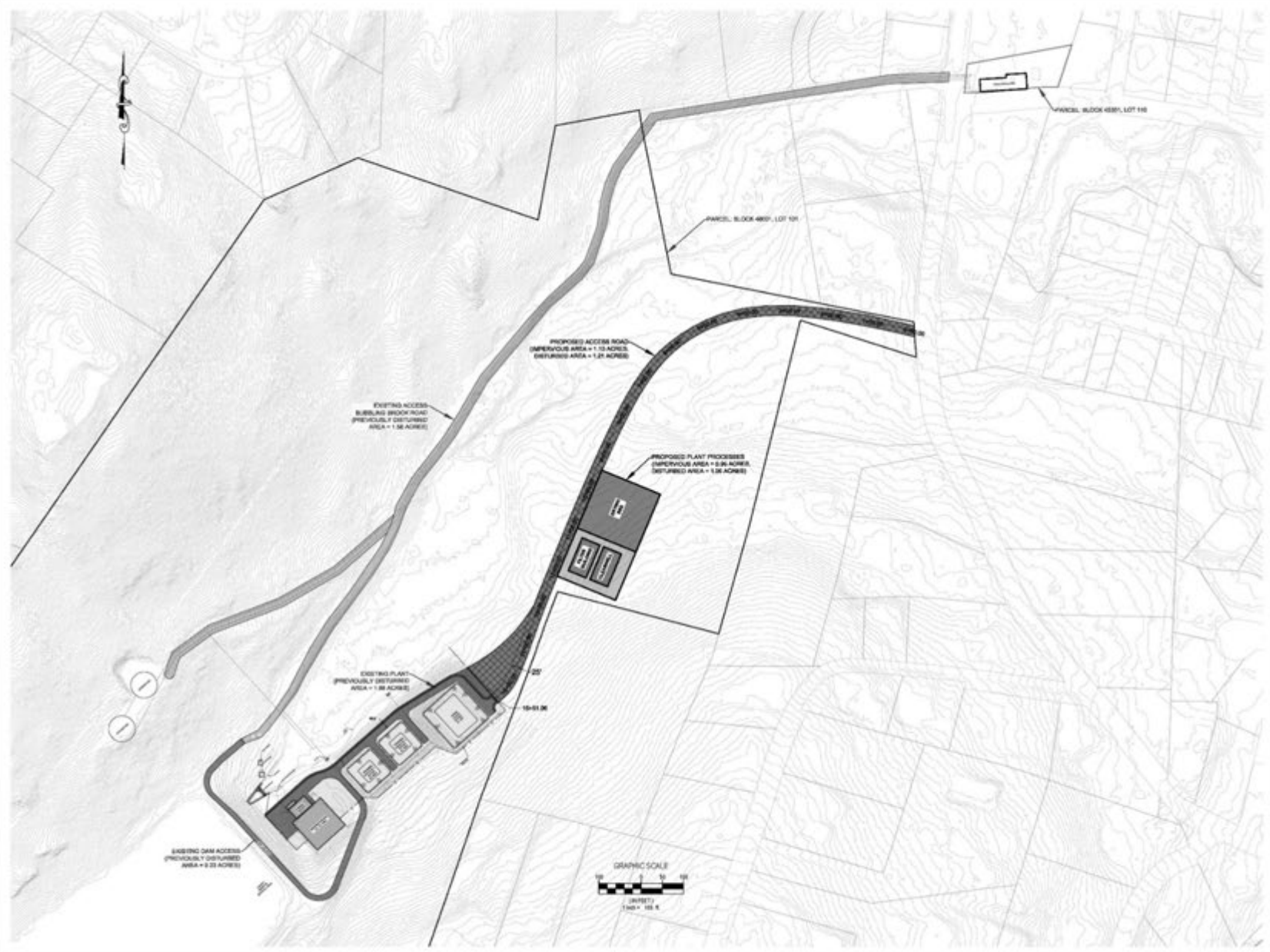
Block 46901, Lot 101

Borough of Butler
 County of Morris
 New Jersey

SCHEMATIC DRAWING

CONCEPTUAL
 PROPOSED SITE PLAN

C1.1



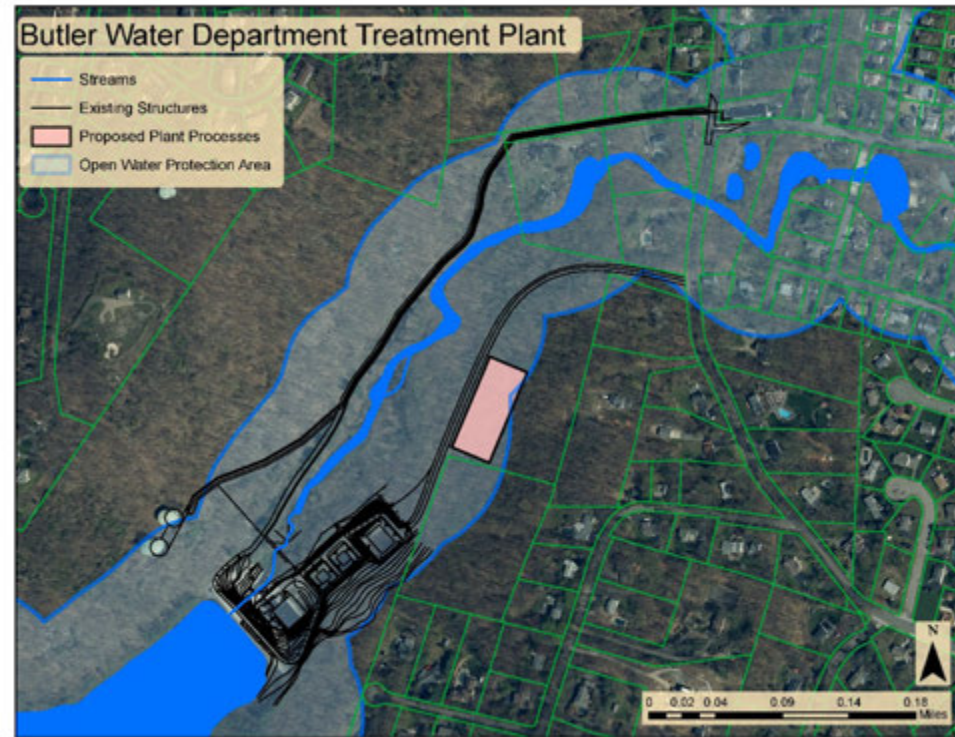
Summary of Impacts to Highlands Resources

Highlands Layer	Disturbance Area of Proposed Road	Disturbance Area of Proposed Building	Total Proposed Disturbance Area	Percentage of Parcel Disturbed
Total Forest Area	47,975 ft ²	41,250 ft ²	89,225 ft ² / 2.05 acres	0.48%
Forest Resource Area	47,975 ft ²	41,250 ft ²	89,225 ft ² / 2.05 acres	0.48%
Highlands Open Water Protection Area	46,632 ft ²	40,280 ft ²	87,521 ft ² / 2.01 acres	0.47%
Highlands Riparian Area	46,632 ft ²	22,382 ft ²	65,484 ft ² / 1.50 acres	0.35%
Prime Groundwater Recharge Area	47,975 ft ²	41,250 ft ²	89,225 ft ² / 2.05 acres	0.48%
Critical Wildlife Habitat	47,975 ft ²	41,250 ft ²	89,225 ft ² / 2.05 acres	0.48%
Steep Slope Protection Area (Severely Constrained)	16,688 ft ²	7,040 ft ²	23,728 ft ² / 0.54 acres	0.13%

All impacts can be mitigated to achieve consistency with the Highlands Act and RMP, except impact to Highlands Open Water Protection Area, which is why health and safety waiver is required.

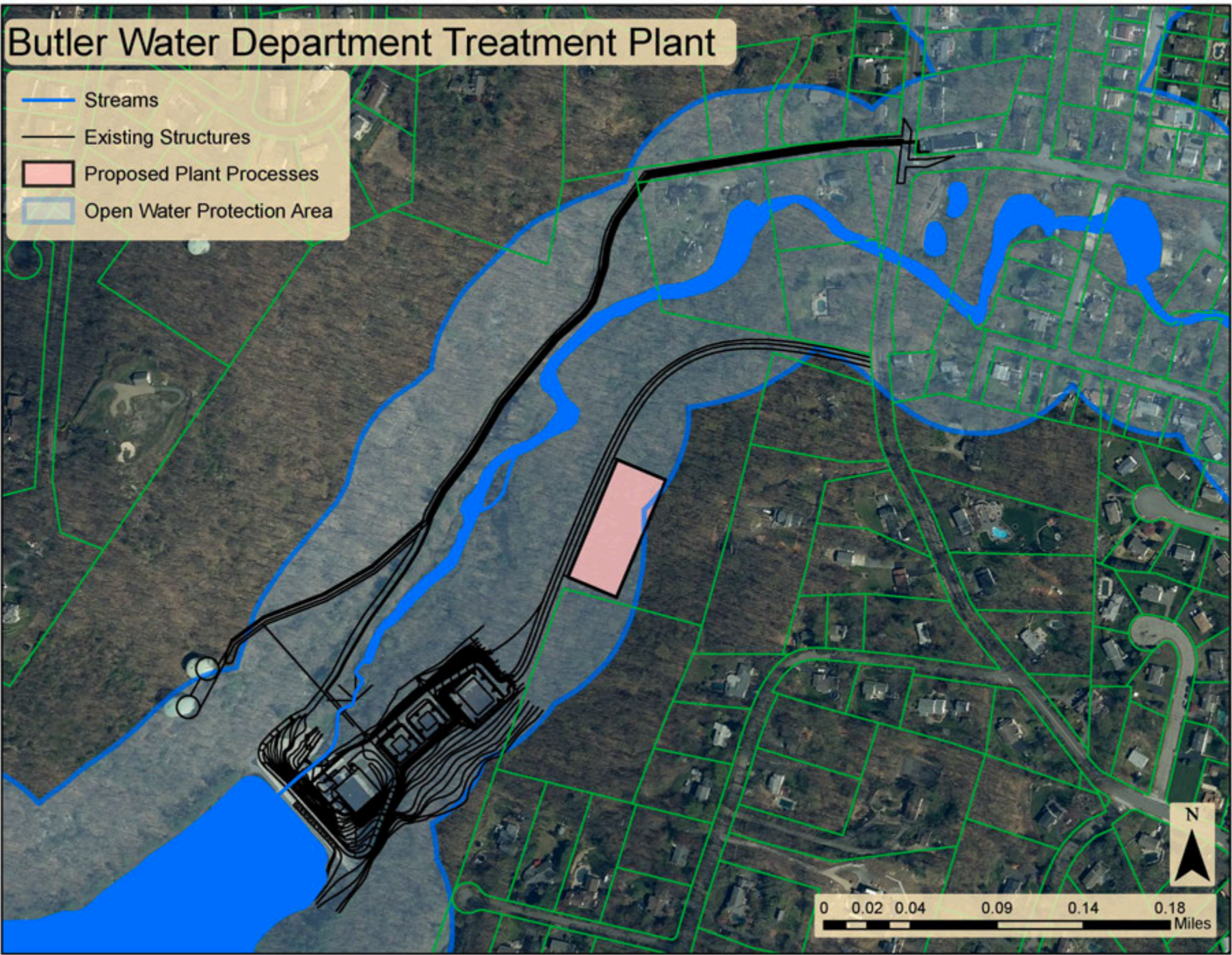
Impacts to Highlands Open Waters

- The creation of the proposed road and new processes will create disturbance within the Highlands Open Water Buffers.
- The proposed road presents the least impacts to existing resources compared to alternate options presented in the application materials.
- Impacts to Highlands Open Water Protection Area buffers cannot be fully mitigated or avoided, therefore the Borough of Butler requests a public health and safety waiver.



Butler Water Department Treatment Plant

- Streams
- Existing Structures
- Proposed Plant Processes
- Open Water Protection Area



Highlands Council Review

- Exemption 11 issued by NJDEP must first be found consistent with the Act and RMP by the Highlands Council.
- Approval of a public health and safety waiver to permit Highlands Open Waters Buffer encroachment required to deem project consistent.
- Public Comment Period from December 3 to January 3, no comments were received.
- Staff recommends finding that the proposed Butler Water Department Treatment Plant Upgrades are Consistent with the Highlands Act with conditions as outlined in the Consistency Report provided to Council.



State of New Jersey

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CARL J. RICHKO
Chairperson

LISA J. PLEVIN
Executive Director

MEMORANDUM

To: Plan Conformance Committee
From: Lisa J. Plevin, Executive Director
Subject: Committee Meeting Minutes – November 30, 2021
Date: December 29, 2021

A Plan Conformance Committee meeting was held on Tuesday, November 30, 2021 at 3:00pm via Zoom teleconference.

Committee Members present were: Council Chair Richko, Committee Chair Dressler, and Committee Members Van Abs and Vohden.

Staff Members present: Lisa J. Plevin, Gabrielle Gallagher, James Humphries, Corey Piasecki, Izzy Castiglioni, and Annette Tagliareni

Also present: Jamera Sirmans, Associate Counsel, Governor's Authorities Unit

The meeting began at 3:07pm.

Ms. Plevin opened the meeting by stating that the purpose of this meeting is to get some input/guidance on two items Highlands staff have recently reviewed:

- Application for a Highlands Applicability Determination (HAD), Exemption #11 for Butler Water Treatment Plant Upgrades; and
- Township of Clinton – Center Designations

Butler Water Department – Kinnelon Borough (Morris County)

James Humphries, Director of Planning, Science, & GIS, shared his screen with a map of the proposed project for needed upgrades to the water treatment system at the Butler Reservoir located in Kinnelon Borough. Mr. Humphries noted that Council staff is seeking a recommendation by the Committee to post the project for a 30-day public comment period, followed by a public hearing in front of the Highlands Council.

At this time, Mr. Humphries gave a summary of the project. The project is entirely located in the Preservation Area and is eligible for a Highlands Act Exemption #11 that would be issued by New

Jersey Department of Environmental Protection (NJDEP). NJDEP referred the project to Highlands Council staff and seeks a Highlands Applicability Determination (HAD) on an Exemption #11. Mr. Humphries noted that Exemption #11 requires that the project be consistent with the Highlands Act and applies to the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of the Act.

The Butler Water Department (applicant) is proposing treatment plant upgrades at the Butler Reservoir located in Kinnelon Borough. The purpose is to improve the existing filtration vessels, which are no longer considered acceptable technology under current regulations. A new access road is also being proposed, as the current access road is in poor condition with limited usefulness. Staff assessed that the following Highlands resources may be potentially affected by the project:

- Total Forest Area and Forest Resource Area
- Highlands Open Water (HOW) Protection Area
- Prime Groundwater Recharge Area
- Critical Wildlife Habitat
- Steep Slope Protection Area

The proposed construction will inevitably overlap with the HOW Protection Area and the Prime Groundwater Recharge Area resources due to the limited geometry of the parcel as well as the fact that this work is for a surface water treatment plant and necessary proximity to the Butler Reservoir. Due to the nature of the improvements to improve and update the water filtration system for a public water system, a public health and safety waiver appears appropriate for this project. In addition, it is recommended as a condition of approval, that the Borough shall prepare and submit a plan detailing the proposed forest mitigation strategies, including specific details for implementation and maintenance.

Mr. Humphries noted that Butler engineers plan to attend the public hearing when Council considers this project to answer any further questions

Committee Comment

Committee Chair Dressler commented that this is a project that has to be done and cannot move forward without Council approval.

Chair Richko asked about the length of the new road in the forested area. Mr. Humphries responded that the length of the road is approximately 1,550 feet long by 25 feet wide and anticipated to be approximately 1.21 acres, including 1.10 acres of impervious cover.

There was a question regarding restoring land/road where the old treatment plant is. Mr. Humphries responded that the old road is a dirt road for secondary access (not for trucks) and the applicant does not want to eliminate it. However, a condition could be inserted in which disposition and potential ecological restoration of the existing filtration building would be required if Butler decides to discontinue its use.

Committee Member Van Abs asked if this is a formal NJDEP mandate to the water department or anticipating a need. Mr. Humphries responded that the applicant is required to upgrade. Committee Member Van Abs also asked if the applicant plans to keep the existing water tanks. Mr. Humphries responded that they are keeping the water tanks in use.

Committee Chair Dressler made a motion to post the Buter Water Department project for a 30-day public comment period. Member Van Abs seconded it. A roll call vote was taken, and all were in favor.

It was then noted that after the public comment period, Council staff will prepare a public comment response document, share with Committee, and move to Council for consideration.

Clinton Township – Request for Center Designations

At this time, Mr. Humphries moved to the second agenda item regarding Clinton Township's request for two (2) center designations. Mr. Humphries noted that no formal action from Council is needed at this time. Mr. Humphries then gave a summary on each center designation. Mr. Humphries noted that Clinton Township is a fully conforming municipality with approximately 95% in the Planning Area. The Township's initial Petition for Plan Conformance was approved by the Highlands Council in 2016. The Township submitted an amended Petition for a Highlands Center designation in 2019 but due to water supply questions, the request was not deemed complete until 2021. Mr. Humphries also noted that a Highlands Center is an area recognized as appropriate for growth given the conditions of the area, including access and availability of infrastructure. Both center designation requests are located in the Planning Area.

The first area for a center designation is on Route 31 just north of Clinton Town. This area is characterized by highway commercial development and is largely developed. There are no substantial issues in designating this area as a center and staff recommends approval of this center with conditions to include:

- Water Use Conservation Management Plan; and
- Onsite water use mitigation for future development

Mr. Humphries advised that staff was requesting guidance on the second area. The second area for a center designation is the Township's section of Annandale, located along I-78, Route 22 and the Annandale Railroad Station. It was noted that all but one parcel in this area is developed. That parcel is known as the Hadley site (approximately 150 acres located in the northeast corner of the proposed center.) The site is currently farmland and is designated Conservation Zone in the Regional Master Plan, which means the site is not allowed to connect to public water or sewer and therefore development would be extremely limited. Mr. Humphries added that the area is in a water deficit of the Highlands Region. This request would allow the Hadley site to be developed to approximately 400 units with a 20% affordable unit set aside in accordance with the Township's approved affordable housing settlement agreement.

At this time the Committee members discussed the issue of developing affordable housing on a site with resource constraints, in a potential center. There was discussion regarding the benefits of having the railroad station and major highways near the site. It was mentioned that since no site design has been submitted, there may be additional opportunities to protect resources on the site through good design and the identification of Highlands Environmental Resources that should be protected as part of the Center designation. After much discussion, as well as legal advice by Chief Counsel Gabrielle Gallagher, it was decided that Council staff would draft a recommendations report and meet again with the Committee before releasing the report for public comment.

The meeting was adjourned at 3:57pm.