



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, October 15, 2020 at 4pm

Dial in information

Phone number: 1 (929) 436-2866

Meeting ID: 955 9698 8587

Participant ID: when prompted for a participant ID, press #

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. CHAIR'S REPORT
6. EXECUTIVE DIRECTOR'S REPORT
7. APPROVAL OF HIGHLANDS COUNCIL MINUTES – July 16, 2020
8. APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES – July 16, 2020
9. APPROVAL OF HIGHLANDS COUNCIL MINUTES – September 17, 2020
10. BUDGET & FINANCE COMMITTEE – Committee Chair Holtaway
 - a. CONSIDERATION OF RESOLUTION - Approval to Extend the Fiscal Year Budgets 2020 at the Same Average Monthly Spending Level (*voting matter with public comment*)
 - b. CONSIDERATION OF RESOLUTION – Approval of FY2021 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants (*voting matter with public comment*)
 - c. CONSIDERATION OF RESOLUTION – Approval of FY2021 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grant for Passaic County Economic Development Transportation Analysis (*voting matter with public comment*)
11. OTHER BUSINESS
 - a. CONSIDERATION OF RESOLUTION – Highlands Council Annual Meeting Schedule for 2021 (*voting matter with public comment*)
 - b. CONSIDERATION OF RESOLUTION - Highlands Development Credit (HDC) Bank Meeting Schedule for 2021 (*voting matter with public comment*)
12. OLD & NEW BUSINESS
 - Consideration of Resolution - Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County
13. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
14. EXECUTIVE SESSION, *if deemed necessary*

15. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTED)	VICE CHAIR
TIMOTHY P. DOUGHERTY)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

CALL TO ORDER 177th meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:01pm by teleconference due to COVID-19.

ROLL CALL

Roll call was taken. Member Dressler was absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Maryjude Haddock-Weiler, Keri Green, Gabrielle Gallagher, Judy Thornton, Kelley Curran, Herbert August, Ranji Persaud, Annette Tagliareni, Carole Ann Diction, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior 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

Chairman Richko announced that the order of the agenda has changed to start with reports before other business to allow any Council members who are having difficulty joining the meeting sufficient time to do so. Chairman Richko had no other announcements.

EXECUTIVE DIRECTOR'S (ED) REPORT

Ms. Plevin highlighted the following updates and staff activities:

COVID-19 Response

Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work remotely and are fully functional.

Project Highlights

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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Completion of Lake Hopatcong and Greenwood Lake studies

Ms. Plevin announced that in 2018 the Highlands Council awarded a grant to the Lake Hopatcong Commission to complete and update the Lake Hopatcong 2006 Lake Restoration Plan. The recently completed Upper Musconetcong River Watershed Implementation Plan expands the scope of the 2006 plan, providing recommendations to improve the health of the watershed surrounding Lake Hopatcong and Lake Musconetcong.

In 2019, the Highlands Council awarded a grant to the Greenwood Lake Commission to update the Commission's Watershed Implementation Plan (WIP). The project provided an update to a 2006 Lake Restoration Plan, and the new WIP reflects results of a robust sampling effort and incorporates recommendations for projects designed to address pollutant loading in the lake.

Adoption of First Critical Habitat Conservation Management Plan (CHCMP) - Kinnelon Borough, Morris County

Ms. Plevin reported that earlier this month the Kinnelon Borough Planning Board adopted a Critical Habitat Conservation Management Plan as an element of the Borough's master plan. This is the first Critical Habitat Conservation Management Plan adopted in the Highlands Region.

- Kinnelon Borough is 97% Preservation Area.
- Council may recall that development and adoption of this plan was a condition of a 2018 approval by the Council of the Borough's application for an HPAA for the construction of a Community Center.
- Highlands Council approved a waiver for disturbance of a Prime Groundwater Recharge Area and found the project consistent with the RMP with conditions, including the adoption of a Critical Habitat Conservation Management Plan.
- In addition to the plan for Kinnelon, at recommendation of Council staff, they also drafted a template for use in other Highlands municipalities

Adoption of First Municipal-wide Water Use and Conservation Management Plan (WUCMP) – Holland Township, Hunterdon County

WUCMPs are meant to set priorities for the available use of water (where net water availability is positive) and establish methods to reduce and, where feasible, eliminate deficits where they exist. This municipal-wide plan is significant because prior plans just looked at a few watersheds and not the whole municipality and because it includes implementation steps.

Plan Conformance Updates

Lebanon Borough, Hunterdon County adopted their Stormwater Ordinance to bring it into compliance with Highlands standards as well as updated NJDEP regulations.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- Franklin Township, Warren County issued one (1) Exemption #4.
- West Milford Township, Passaic County issued four (4) Exemption #5s.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

- Lebanon Township, Hunterdon County issued one (1) Exemption #4 and one (1) exemption #2.
- Montville Township, Morris County issued two (2) Exemption #5s.
- Califon Borough, Hunterdon County issued one (1) Exemption #5.

Project Review Updates

Ms. Plevin reported on five (5) Water Quality Management Plan Amendment Reviews:

- In Chester Borough, Morris County - an applicant is seeking a site-specific amendment to the Upper Raritan Water Quality Management Plan to accommodate a combination of residential and commercial development, including a portion of affordable housing. This is an amended application and Highlands Council staff review is pending.
- In White Township, Warren County an applicant is seeking an amendment to the Upper Delaware Water Quality Management Plan to accommodate commercial development including two high-cube warehouse and office buildings. Highlands Council staff review is pending.
- In Lopatcong Township, Warren County, the Township applied for a site-specific amendment to the Upper Delaware Water Quality Management Plan to expand the sewer service area to include an existing single family residence with a failing septic system. Highlands Council staff finding: Not subject to Highlands Council review.
- In Chester Township, Morris County an applicant is seeking a site-specific amendment to the Upper Raritan Water Quality Management Plan to accommodate the development of agricultural labor housing. Highlands Council staff review is pending.
- In Jefferson Township, Morris County an applicant is seeking a site-specific amendment to the Sussex County Water Quality Management Plan to accommodate residential development consisting of conversion of the second floor of three existing buildings consisting of office/retail/restaurant space to 23 one-bedroom residential apartment units. Highlands Council staff review is pending.

Ms. Plevin then reported on two (2) Highlands Applicability Determinations in the Preservation Area, Exemption 11 Reviews:

- NJ American Water Company is seeking a Highlands Applicability Determination for an Exemption 11, to update a groundwater contamination treatment facility in Oxford Township, Warren County. Highlands Council staff review is pending.
- The City of Newark, Department of Water and Sewer Utilities, is seeking a Highlands Applicability Determination for an Exemption 11 to upgrade indoor piping at the Pequannock Water Treatment Plant in West Milford, Passaic County. Highlands Council staff finding: Consistent with Goals of Highlands Act

Lastly, Ms. Plevin reported that the next Council Meeting is scheduled for December 3, 2020.

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

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

Council Comment

Member Sebetich asked if the Lake Hopatcong and Greenwood Lake reports are available to review. Ms. Green responded that the reports will be posted to the Council's website shortly and links will be provided to the Council in the near future.

Vice Chair Alstede inquired about the agricultural labor housing in Chester Township mentioned in Ms. Plevin's ED Report and why staff is reviewing. Mr. Humphries, Director of Planning & Science, responded the proposed wastewater discharge is over the limit and requires Water Quality Management Plan Amendment review by staff. Vice Chair Alstede clarified that a NJPDES permit triggered Highlands review due to the discharge. Mr. Humphries concurred.

Member Dressler was present at 4:20pm.

Member Vobden left the meeting at 4:22pm, due to a bad phone connection.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 16, 2020

Chairman Richko noted as a reminder that the Highlands Council Minutes of July 16th did not have enough votes at Council's last meeting. As a result, and as a point of order, Chairman Richko asked for a new motion to approve the Minutes of July 16th by a member who cast a majority vote ("yes" vote). Chairman Richko asked for a motion on the Council Minutes of July 16, 2020.

Member Visioli made a motion to approve the Highlands Council Minutes of July 16, 2020. Member Sebetich seconded it.

Member Vobden was present at 4:25pm.

A roll call vote was taken. The Highlands Council Minutes of July 16, 2020 were APPROVED 11-0, with one (1) abstention by Member Van Abs.

APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF JULY 16, 2020

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

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

A roll call vote was taken. The Highlands Council Executive Session Minutes of July 16, 2020 were APPROVED 9-0, with three (3) abstentions by Members Francis, James, and Van Abs.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 17, 2020

Chairman Richko asked for a motion on the Highlands Council Minutes of September 17, 2020.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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Member Visioli made a motion to approve the Highlands Council Minutes of September 17, 2020. Member Dressler seconded it.

A roll call vote was taken. The Highlands Council Minutes of September 17, 2020 were APPROVED 12-0.

BUDGET & FINANCE COMMITTEE

Committee Chair Holtaway provided a report on three (3) resolutions for Council's consideration.

Committee Chair Holtaway reported that as in past practice, the first resolution extends the Operating and Grants budgets at the same average monthly spending until formal FY2021 Operating and Grants budgets are presented and passed, which is expected to take place at our January 2021 Council meeting. The average monthly spending for Operating budget is \$182,199; and for Grants budget is \$35,712.25.

Regarding the other two (2) resolutions, in March 2020 the Budget & Finance Committee met twice to review grant requests. However, before these matters could be brought to the Highlands Council for approval, the FY2020 Highlands Protection Fund budget was put on hold due to the pandemic. In October 2020, the State adopted a new budget appropriating \$2,182,000 to the Highlands Protection Fund Capital Budget for FY2021 (the period of October 1, 2020 to July 1, 2021) allowing the awarding of grants to resume. Six (6) grants are being presented to the Council under two (2) resolutions, due to a recusal on the Passaic County grant by Member James. All grants are reimbursement-based with final budgeted amounts determined by approved scopes of work.

Resolution – Approval to Extend the Fiscal Year Budgets 2020 at the Same Average Monthly Spending Level

Chairman Richko asked for a motion on the resolution.

Member Holtaway made a motion. Member Visioli seconded it.

There was no Council discussion.

Public Comment

Hank Klumpp, property owner, Tewksbury, NJ – Mr. Klumpp inquired what the total salaries are for the year and if the building expense is in the same budget and what that expense is. Chairman Richko suggested Mr. Klumpp call Ms. Plevin to answer his question.

A roll call vote was taken. The Resolution was approved 11-1.

Resolution - Approval of FY2021 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants

Chairman Richko asked for a motion on the resolution.

Member James made a motion. Member Visioli seconded it.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

Council Comment

Member Van Abs inquired regarding the Jefferson Township grant for a Wastewater Feasibility Study, in terms of connecting current septic system lots to a wastewater treatment facility. Will there be consideration on how that will affect net water availability in the area? Mr. Humphries responded that consideration will be a component of the overall review.

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 11-1.

Member James recused himself at 4:45pm regarding the next agenda item.

Resolution - Approval of FY2021 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants for Passaic County Economic Development

Chairman Richko asked for a motion on the resolution.

Member Visioli made a motion. Member Holtaway seconded it.

There was no Council discussion.

Public Comment

Hank Klumpp, property owner, Tewksbury, NJ – Mr. Klumpp recalls funding Passaic County at another time and inquired if this is an additional amount for the County.

David Shope, property owner, Lebanon Township – Mr. Shope commented that the three resolutions, in his opinion, provide full employment for planners, land use attorneys, and staff and generates more bureaucracy.

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

Member James was present at 4:52pm.

OTHER BUSINESS:

Chairman Richko announced that a change was made to this resolution since it was originally distributed to Council members and posted to our website. The January 2021 meeting date has been changed from January 21st to January 14th. The revised resolution was distributed to Council members and posted to our website on Tuesday, October 13.

Resolution - Highlands Council Annual Meeting Schedule for 2021

Chairman Richko asked for a motion on the resolution.

Member Holtaway made a motion. Member James seconded it.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

There was no Council discussion.

Member Francis was present at 4:54pm.

Public Comment

Hank Klumpp, property owner, Tewksbury, NJ – Mr. Klumpp inquired if the time allowed for the public to provide comment may be extended from 3 to 6 minutes.

A roll call vote was taken. The resolution was APPROVED 12-0.

Resolution - Highlands Development Credit (HDC) Bank Meeting Schedule for 2021

Chairman Richko asked for a motion on the resolution.

Member James made a motion. Member Holtaway seconded it.

There was no Council discussion.

Public Comment

David Shope, property owner, Lebanon Township – Mr. Shope inquired on the status of the HDC Bank funding.

Chairman Richko noted that this resolution is regarding the HDC Bank's 2021 meeting schedule.

Ms. Plevin responded that there will be items on the agenda for discussion.

Chairman Richko closed for public comment on this resolution.

Bank Chair Walton responded to Mr. Shope's comment that the purpose of the Bank meeting is 1) in case the State appropriates funding; and 2) we do apply for, and have successfully received over the past several years, federal grant funds to buy open space as aggregators of applications from our counties, towns, and other land use entities. For those purposes, the Bank meeting is very effective and useful. The Bank is also working to try to determine a municipal average calculation which will be another calculation method by which farmland and open space can be purchased by public entities. Bank Chair Walton concluded by saying there is still good work for the Bank to do and he looks forward to working with the Bank in the months ahead.

A roll call vote was taken. The resolution was APPROVED 12-0.

OLD/NEW BUSINESS:

Consideration of Resolution – Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

Chairman Richko reported that at Council's last meeting, the Council was asked to consider a resolution to approve the Parsippany-Troy Hills Petition for Plan Conformance. Member Dressler, who is the Chair of the Plan Conformance Committee, presented the topic for discussion and made the motion to approve the resolution, which was seconded by Member Sebetich. When the matter was opened for Council discussion, questions were raised by several Council members that resulted in the matter being tabled before a final vote was taken.

As a result of Council comments raised at the last meeting, representatives of the Township of Parsippany-Troy Hills requested an opportunity to revise their Petition. The revised Petition was re-noticed and posted to the Highlands Council website for public comment earlier this week. Following the close of this public comment period and any additional revisions as a result of the comment period, the Council will be presented with a new set of Petition materials for consideration. As such, a motion for leave to withdraw the motion is being considered.

Member Dressler commented that when the Plan Conformance Committee reviewed the Petition, the Committee unanimously voted to move the Petition for Council consideration. Member Dressler added that Member Vohden did not address his concerns during the Committee meeting where his comments could have been addressed and responded to and instead provided his comments at the Council meeting.

Member Vohden commented that he did vote "yes" at the Committee meeting to move the Petition to the full Council and added that he raised the same issue regarding these types of Petitions.

Chairman Richko asked for a motion for leave to withdraw the motion.

Member Dressler made a motion. Member Francis seconded it.

Council Discussion

Member Vohden commented that he had a few issues that he would like to better understand. Member Vohden inquired regarding the implementation and enforcement of the Highlands Act in a conforming Planning Area municipality and whether a municipality could pick and choose amongst the standards of the Highlands Act and the Regional Master Plan.

Maryjude Haddock-Weiler, Planning Manager, clarified that a conforming municipality would be subject to all of the goals, policies and objectives of the Highlands Regional Master Plan. She further explained that because Parsippany-Troy Hills is such a developed community there are many instances where the individual properties throughout the Township would be exempt and therefore not be subject to those standards.

Member Vohden asked if the 300-foot open water buffer will be enforced throughout the municipality. Ms. Haddock-Weiler responded that in those cases where there is no exemption then the 300-foot Highlands Open Water (HOW) buffer would apply. If, however, the buffer was already disturbed and was not functioning as a buffer, proposed development would not be impacted by the HOW buffer standard.

There were further discussions related to residential and non-residential exemptions and when septic density rules would be applied in a Planning Area community. It was explained that conformance for a Planning Area municipality involves conformance with the Highlands Regional Master Plan and not the NJDEP Highlands Rules.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

Ms. Plevin added if any Council members would like a detailed briefing on Plan Conformance, Highlands staff would be happy to provide.

Ms. LaRocca, Chief Counsel, reiterated that what is on the floor for Council's consideration is a motion for leave to withdraw the original motion to approve the Parsippany-Troy Hills Petition.

Chairman Richko added that public comments are not required for this motion.

A roll call vote was taken. The motion for leave to withdraw the motion was APPROVED 11-1.

Member Dougherty left the meeting at 5:25pm.

There was no further old/new business for Council members.

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

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers referred to some of the public comments provided during today's meeting and that Council has purchased many properties from willing sellers.

George Cassa, Califon, NJ – Mr. Cassa thanked Member Vohden and Ms. Haddock-Weiler for the exchange of information on questions he had not fully understood and wishes this kind of information would be forthcoming in the future.

Member James made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 5:30pm.

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: 12/03/2020

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF OCTOBER 15, 2020

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			√			
Councilmember Walton			√			
Chairman Richko			√			

RESOLUTION 2020-15
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2020
AT THE SAME AVERAGE MONTHLY SPENDING LEVEL

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 Highlands Council desires to prepare General Operating and Grants Budgets for Fiscal Year 2021; and

WHEREAS, the New Jersey State Budget for Fiscal Year 2021 has only recently been passed; and

WHEREAS, several material budget components for Fiscal Year 2021, while substantially complete, remain subject to final determination and, in an effort to avoid subsequent revisions, Highlands Council staff is requesting the extension of the current Fiscal Year 2020 General Operating and Grants Budgets until the Fiscal Year 2021 Budget is approved; and

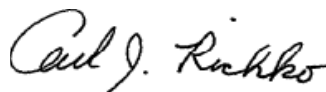
WHEREAS, the Budget and Finance Committee recommends the approval of the extension of the approved General Operating and Grants Budgets for Fiscal Year 2020; and

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 extension of the approved Fiscal Year 2020 General Operating Budget at the same average monthly spending level of \$182,199 and the extension of the approved Fiscal Year 2020 Grants Budget at the same average monthly spending level of \$35,712.25 until such time as the Highlands Council adopts a General Operating Budget and Grants Budget for Fiscal Year 2021, which is expected to occur at its January 21, 2020 meeting.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of October, 2020.



Carl Richko, Chairman

RESOLUTION 2020-15

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2020 AT THE SAME AVERAGE MONTHLY SPENDING LEVEL

Vote on the Approval of The 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			√			
Councilmember Walton				√		
Chairman Richko			√			

RESOLUTION 2020-16
APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
PLAN CONFORMANCE FUNDING GRANTS

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 the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility assigned to it under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance for municipalities located wholly or partially in the Preservation Area, which must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that Highlands Council approval of a Petition for Plan Conformance confers specific benefits on the conforming municipality including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, the Highlands Council encourages every Highlands municipality to participate in the implementation of the Regional Master Plan and provides grants to assist Highlands municipalities in conforming with and implementing the goals, policies and objectives of the Regional Master Plan; and

WHEREAS, the following municipalities are in need of reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance:

RESOLUTION 2020-16

APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

**Plan Conformance Funding
(not-to-exceed amounts):**

Municipality	Purpose	Amount
Jefferson Township	Wastewater Feasibility Study	\$100,000
West Milford Township	Lake Management Planning	\$200,000
Mount Arlington Borough	Beach Restoration Plan	\$60,000
West Milford Township	Stormwater Infrastructure Mapping	\$70,900
Stanhope Borough	Water Use and Conservation Management Plan	\$60,000
Total	FY 2020 Plan Conformance	\$490,900

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts designated, not to exceed in the aggregate, \$490,900; and

WHEREAS, the above-referenced \$490,900 allocation will be included in a forthcoming FY 2021 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.

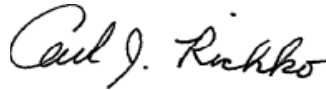
NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby authorizes the Executive Director to execute Plan Conformance Grant Agreements with the above-listed municipalities, each in the not-to-exceed amount as set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plans and Schedules of the above-listed municipalities, consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plans and Schedules on behalf of the Council.

RESOLUTION 2020-16
APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
PLAN CONFORMANCE FUNDING GRANTS

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of October 2020.



Carl Richko, Chairman

Vote on the Approval of The 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			√			
Councilmember Walton				√		
Chairman Richko			√			

RESOLUTION 2020-17

APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANT FOR PASSAIC COUNTY ECONOMIC DEVELOPMENT TRANSPORTATION ANALYSIS

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 the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility assigned to it under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance for municipalities and counties located wholly or partially in the Preservation Area, which must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality or county located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that Highlands Council approval of a Petition for Plan Conformance confers specific benefits on the conforming municipality or county, including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

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

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities and counties to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, the Highlands Council encourages every Highlands municipality and county to participate in the implementation of the Regional Master Plan and provides grants to assist Highlands municipalities in conforming with and implementing the goals, policies and objectives of the Regional Master Plan; and

WHEREAS, Passaic County has requested supplemental Plan Conformance grant funding to complete the Economic Development Transportation Analysis that was previously approved by the Highlands Council in its FY2018 Highlands Protection Fund Capital Budget; and

RESOLUTION 2020-17

APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANT FOR PASSAIC COUNTY ECONOMIC DEVELOPMENT TRANSPORTATION ANALYSIS

WHEREAS, the FY2018 award of \$75,000 was intended to cover the costs for both professional transportation engineering work, projected at \$60,000, and County staff time, projected at \$15,000 (based on a standard salary and fringe benefit calculation); and

WHEREAS, upon receipt of bids for the project, the County found that the engineering portion of the project would cost significantly more than anticipated and, as such, Passaic County is seeking an additional \$24,400 to fund the cost of the remaining work:

Plan Conformance Funding

(not-to-exceed amounts):

Municipality	Purpose	Amount
Passaic County	Transportation Analysis	\$24,400
Total	FY 2021 Plan Conformance	\$24,400

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with the aforementioned County for the funding allotted to the above-referenced task in the amount designated, not to exceed in the aggregate, \$99,400, \$75,000 having previously been granted, leaving \$24,400 remaining to be drawn from; and

WHEREAS, the above-referenced \$24,400 allocation will be included in a forthcoming FY 2021 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 authorizes the Executive Director to execute Plan Conformance Grant Agreement with the above-listed county, in the not-to-exceed amount as set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedule of the above-listed county, consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plan and Schedule on behalf of the Council.

RESOLUTION 2020-17

APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANT FOR PASSAIC COUNTY ECONOMIC DEVELOPMENT TRANSPORTATION ANALYSIS

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of October, 2020.



Carl Richko, Chairman

Vote on the Approval of The 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			√			
Councilmember Walton			√			
Chairman Richko			√			

RESOLUTION 2020-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2021

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 2020; 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 2021. All scheduled meetings will begin at **4:00pm**:

January 14
February 18
March 18
April 15
May 20
June 17
July 15
August 19
September 23
October 21
December 9

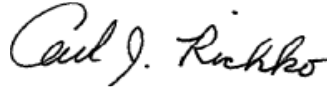
2. The Highlands Council's regular public meetings shall be held at the dates and times noted above at its office at 100 North Road, Chester, New Jersey, or virtually, with the understanding that the Council may choose to make changes in location or time, but only with the provision of adequate advance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

RESOLUTION 2020-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2021

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of October, 2020.



Carl Richko, Chairman

Vote on the Approval of The 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			√			
Councilmember Walton			√			
Chairman Richko			√			

RESOLUTION 2020-19
NEW JERSEY HIGHLANDS DEVELOPMENT CREDIT BANK
ANNUAL MEETING SCHEDULE FOR 2021

WHEREAS, pursuant to Section 13.i of the Highlands Water Protection and Planning Act (Highlands Act), the Highlands Water Protection and Planning Council established the Highlands Development Credit Bank (Bank) by Resolution 2008-24 adopted on June 26, 2008; 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, pursuant to the HDC Bank By-laws, a true copy of the Board's meeting minutes shall be prepared and forthwith delivered to the Highlands Council and no action taken at such meetings by the Board shall have effect until the Highlands Council's period of review has expired and the Governor's period of review for that Council meeting has expired pursuant to the following paragraph; and

WHEREAS, pursuant to the Highlands Act, at 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 Development Credit Bank hereby adopts the following schedule of regularly scheduled meetings of the Highlands Development Credit Bank for the year 2021:

February 4
May 6
August 5
November 4

2. The Highlands Development Credit Bank's regular public meetings shall be held at the dates above at **4:00pm** at its office at 100 North Road, Chester, New Jersey, or virtually, with the understanding that the Highlands Development Credit Bank 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 Development Credit Bank's office and on its web site.

RESOLUTION 2020-19
NEW JERSEY HIGHLANDS DEVELOPMENT CREDIT BANK
ANNUAL MEETING SCHEDULE FOR 2021

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of October 2020.



Carl Richko, Chairman

Vote on the Approval of The 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			√			
Councilmember Walton			√			
Chairman Richko			√			