



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
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JIM RILEE
Chairman

MEETING AGENDA Thursday, April 17, 2014 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – February 20, 2014
- CHAIRMAN’S REPORT (and Council Member Reports)
- ACTING EXECUTIVE DIRECTOR’S REPORT
- CONSIDERATION OF RESOLUTION - Petition for Plan Conformance submitted by the Township of Jefferson, Morris County (*voting matter with public comment*)
- COMMITTEE REPORTS
 - **AUDIT COMMITTEE:**
 - CONSIDERATION OF RESOLUTION – Acceptance of Audit Report
 - **BUDGET & FINANCE COMMITTEE:**
 - CONSIDERATION OF RESOLUTION – Modification To Existing Vertices, LLC Contract (*voting matter with public comment*)
 - CONSIDERATION OF RESOLUTION – Approval Of Contract To Develop A Fiscal Impact Assessment Of The Highlands Water Protection And Planning Act And Associated Regional Master Plan (*voting matter with public comment*)
 - CONSIDERATION OF RESOLUTION – Approval Of Contract To Develop A Highlands Regional Master Plan Monitoring Program Recommendation Report (*voting matter with public comment*)
 - **RMP UPDATE COMMITTEE:**
 - Report
- CONSIDERATION OF RESOLUTION - Authority for Plan Conformance and Highlands Project Review (*voting matter with public comment*)
- CONSIDERATION OF RESOLUTION – Election of Vice-Chair of the Highlands Council
- CONSIDERATION OF RESOLUTION – Election of Treasurer of the Highlands Council

- PUBLIC COMMENTS *(to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.)*
- EXECUTIVE SESSION *(if deemed necessary)*
- ADJOURN



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JIM RILEE
Chairman

MEMORANDUM

To: Budget & Finance Committee
From: Margaret Nordstrom, Acting Executive Director
Subject: Committee Meeting Minutes – April 15, 2014
Date: 4/15/14

A Budget and Finance (B&F) Committee was held on Tuesday, April 15, 2014 at 2:00pm at the Highlands office in Chester. Committee Members present: Members Holtaway (Chair)(by phone), and Rilee (by phone). Absent: Member James

Staff Members present: Margaret Nordstrom, Andy Davis, Chris Danis, Corey Piasecki, Nathan McLean, and Annette Tagliareni.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit (by phone)

Ms. Nordstrom began the committee meeting to discuss the first item on the agenda:

Grants program overhaul- pre-application process for ag sustainability and economic development.

Ms. Nordstrom gave an overview of approach for developing a pre-application process as outlined in the Committee's packets.

Member Holtaway asked if the check-off chart would be provided. Ms. Nordstrom said it would be provided to the committee members.

Modification of VERTICES, LLC Interactive GIS data Contract

Ms. Danis gave an overview of the VERTICES, LLC Interactive GIS data Contract as outlined in her memorandum to the Committee on April 1, 2014.

This municipal mobile application will allow municipalities to create a GIS map and image for the stormwater outfalls in their community that builds upon the NJDEP stormwater mapping requirement. Highlands Council staff recommends a modification to the Vertices data development and management services contract for a not to exceed amount of \$20,250 to develop a Stormwater Management Interactive Mapping application to enhance the existing Highlands GIS Interactive mapping data developed by Vertices. These monies are included in the Council's Regional Master Plan (RMP) budget. Mr. McLean explained that he evaluated potential alternative sources for this work and the costs would be approximately \$107,000 for a similar product.

Highlands staff also recommends a modification to the existing annual maintenance contract of \$2,400 to support the stormwater management web application. These monies are included in the Highlands Council Operating budget.

Committee Chair Holtaway made a motion to approve the contract for Council's consideration at the April 17, 2014 meeting, Chairman Rilee seconded the motion and all approved.

Fiscal Impact Assessment in Support of the RMP Monitoring Program

Mr. Piasecki gave an overview of the Fiscal Impact Assessment process as outlined in his memorandum to the Committee April 10, 2014.

The FIA component of the Monitoring Program is intended to demonstrate the economic effects of the Highlands Act (Act) and RMP on municipalities and counties wholly or partially within the region as compared to the State and other comparable regions. The FIA will identify the impact of the Act and RMP based on data available both pre-Act and post-Act and presumably into the future. In consideration of the requirements of the Act and RMP the Council released an RFP to develop a Fiscal Impact Assessment (FIA) of the Highlands Water Protection and Planning and Act (Act) and Associated Regional Master Plan (RMP) for public bid on December 18th, 2013. After extending the response deadline by one week to February 7, 2014, due to adverse weather conditions, the Council received four proposals. Each of the proposals met the technical response requirements outlined in the RFP and was reviewed by a staff committee of seven. Each proposal was scored using a standard pre-determined set of criteria resulting in the top three teams selected to participate in an interview held on March 31st, April 1st, and April 3rd of this year. Ultimately, staff recommended PlaceWorks for an award of contract. Working with Council staff PlaceWorks will prepare the final FIA, an executive summary, and technical data with succinct explanations of any methodologies used in completing their work. Furthermore PlaceWorks will, over the course of the project, work with the chosen consultant for the Monitoring Program Recommendation Report in developing appropriate economic indicators and milestones so as to reduce or eliminate any duplicative efforts. Based on the proposed scope of work the project is anticipated to be completed within a 10-12 month timeframe from the approval of the contract within a budget of \$136,455. However, based on the extent of the scope of work we request that the Council allocate a 10% contingency to supplement the contract for additional services as/if needed to effectively complete the Fiscal Impact Assessment task as required by the Highlands Act and RMP for a total budget of \$150,100.

Committee Chair Holtaway made a motion to approve the contract for Council's consideration at the April 17, 2014 meeting, Chairman Rilee seconded the motion and all approved.

Monitoring Program Recommendation Report in Support of the RMP Monitoring Program

Mr. Piasecki gave an overview of the Monitoring Program Recommendation Report process as outlined in his memorandum to the Committee on April 10, 2014.

The Monitoring Program Recommendation Report will identify indicators and milestones based on public comment, State agency coordination, technical advisory committees and information developed in the FIA to generate the MPRR. Similar to the FIA the MPRR will identify key trends for the 2004-2014 time periods and anticipated conditions for the 2014-2024 periods. In consideration of the requirements of the Act and RMP the Council released an RFP to develop a Monitoring Program Recommendation Report of the Highlands Regional Master Plan for public bid in January 2014. After extending the response deadline by one week to March 7, 2014, due to adverse weather conditions, the Council received two proposals. Each of the proposals met the technical response requirements outlined in the RFP and was reviewed by a staff committee of eight. Each proposal was scored using a standard pre-determined set of criteria. Interviews were held each of the respondents on March 31st and April 4th of this year. Ultimately, staff recommended Regional Plan Association (RPA) for an award of contract.

Working with Council staff Regional Plan Association will prepare the final MPRR, an executive summary, and summaries of public comment as well as stakeholder and technical advisory committee input. Furthermore RPA will, over the course of the project, work with the chosen consultant for the Fiscal Impact Assessment in developing appropriate indicators and milestones so as to reduce or eliminate any duplicative efforts. Based on the proposed scope of work the project is anticipated to be completed within a 10-12 month timeframe from the approval of the contract within a budget of \$150,000. However, based on the extent of the scope of work we request that the Council allocate a 10% contingency to supplement the contract for additional services as/if needed to effectively complete the Monitoring Program Recommendation Report task as required by the Highlands Act and RMP for a total budget of \$165,000.

Committee Chair Holtaway made a motion to approve the contract for Council's consideration at the April 17, 2014 meeting, Chairman Rilee seconded the motion and all approved.

Chief Council Davis added that the RMP Update Committee met on April 9, 2014, and the committee members were in concurrence with the two recommended contract awards just discussed for Council's consideration at the April 17, 2014.

The Budget and Finance Committee adjourned at 2:23pm.



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JIM RILEE
Chairman

MEMORANDUM

To: RMP Update Committee

From: Margaret Nordstrom, Acting Executive Director

Subject: Record of RMP Update Committee Meeting – March 19, 2014

Date: 4/14/2014

An RMP Update Committee meeting was held on Wednesday, March 19, 2014 at 1:00pm at the Highlands office in Chester. Committee Members present: Council Chairman Rilee (by phone); Council Vice-Chairman Alstede and Members Sebetich and Vohden.

Highlands Staff Members present: Gene Feyl; Margaret Nordstrom; Andrew Davis; Chris Danis; Judy Thornton; Corey Piasecki; Jim Hutzelmann and Carole Diction.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit (by phone).

The following issues were discussed:

1. Gene Feyl thanked all the participants for attending, and then asked Margaret Nordstrom to go through a brief PowerPoint presentation regarding the RMP Update process.
2. Margaret Nordstrom gave an overview of the RMP Update process by presenting a PowerPoint presentation that was given to the full Council, approximately one year ago, at its March 2013 meeting. Ms. Nordstrom indicated that the overall process is proposed to remain the same.
3. Andrew Davis gave an overview of the legal context of the RMP Update. Mr. Davis noted that the Highlands Act calls for a process that results in an update at least every six years, and that the RMP itself contains certain policies and objectives that set out the framework for this process. The Act requires public hearings and consultation with governmental

agencies and professional, scientific and citizen organizations. The RMP itself calls for the preparation of a Regional Master Plan Recommendation Report (RMPPR) that is to set out an analysis of indicators and milestones for the evaluation of regional conditions that will help inform the update. The RMP also calls for a fiscal analysis to assess the fiscal impacts of the RMP. Mr. Davis noted that professional assistance for these two elements has been requested through RFPs, and the staff is analyzing the responses received. Additionally it was noted that the Council had already authorized the award of a contract to a consultant for the purpose of establishing a Web-based portal through which public comments on the RMP update will be received and sorted.

4. Christine Danis discussed the overall process that was used during the preparation and adoption of the RMP, including the role of other public agencies and the public at large. Ms. Danis referred the Committee Members to the 2008 Technical Report entitled "Local Participation." That report sets out in detail, the process employed during the adoption of the original RMP. Ms. Danis noted that this was for historical and background purposes, as the Update process will be much more streamlined.
5. Corey Piasecki discussed the timetable for the update process, as well as the three RFPs that were issued and responses to those RFPs. As noted above, the RFP for the Web-based portal has resulted in a resolution authorizing the Executive Director to award a contract for that project, and the RMPPR and Fiscal Analysis RFP responses are currently being evaluated by staff. It is the desire of the staff to have the analyses presented to the Budget and Finance Committee of the Council, and then have that Committee report out the results of its evaluation, and then recommend to the Council that contracts for both RFPs be authorized.
6. Margaret Nordstrom then asked Judy Thornton to briefly discussed the definition of "Regional Indicators and Milestones" that are to be evaluated in order to inform the update process. Ms. Thornton discussed such potential indicators.
7. Council Vice-Chairman Alstede noted that Council Chairman Rilee has asked him to Chair this committee, and that he has accepted that appointment. Mr. Alstede further indicated that he would like the committee, which is to be assisted by Highlands Council staff, to prepare an overall outline of the RMP update process, so that expectations can be set. Mr. Alstede also suggested that the staff go through the Act, at section 11 in particular, and attempt to determine which particular mandates there were addressed in the 2008 RMP, and which may not have been addressed or fully addressed.
8. The following meetings were scheduled for future RMP Update Committee meetings:

April 9, 2014 at 1:00pm

May 14, 2014 at 1:00pm

June 11, 2014 at 1:00pm



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JIM RILEE
Chairman

MEMORANDUM

To: RMP Update Committee
From: Margaret Nordstrom, Acting Executive Director
Subject: Record of RMP Update Committee Meeting – April 9, 2014
Date: 4/14/2014

An RMP Update Committee meeting was held on Wednesday, April 9, 2014 at 1:00pm at the Highlands office in Chester. Committee Members present: Council Vice-Chairman and Committee Chair Alstede; Members Sebetich and Vohden. Absent: Council Chairman Rilee

Highlands Council Staff Members present: Margaret Nordstrom; Andrew Davis; Chris Danis; Judy Thornton; Corey Piasecki; Jim Hutzemann; Carole Diction and Annette Tagliareni

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit (by phone).

The following issues were discussed:

1. Committee Chair Alstede called the meeting to order at 1:01pm.
2. Margaret Nordstrom informed the committee members that the Regional Master Plan (RMP) Monitoring Program is the mechanism that addresses the periodic RMP update requirement in the Highlands Act. The RMP Monitoring Program and associated report will evaluate the progress in achieving the goals of the RMP through implementation of policies and programs. The Monitoring Program itself is not intended to amend the RMP but rather develop the factual foundation on which to base any amendments to the current or future iterations of the RMP. Indicators and milestones will help to identify where RMP policy is most effective, and where amendments to policy or programs may be called for. Based on the factual outcomes of the Monitoring Program the Council may choose to make policy or programmatic changes to the RMP or its implementation, or, where necessary, recommend further study of select topic areas that may require additional scientific evidence in order to effectively and justly administer change.

3. Corey Piasecki reviewed with the committee members the Highlands Act indicator topic areas. The goals set out in the Highlands Act and addressed in the Highlands Regional Master Plan (RMP) provide the topic areas for indicators to be developed as part of the Monitoring Program. The Monitoring Program Recommendation Report (MPRR) will address various topic areas, including associated, goals, priorities, objectives and programs. Each topic area may include its own set of indicators, milestones and resultant recommendations for revision or enhancements. Topic areas for the MPRR indicators, as stated in the Act and the RMP, include: Natural Resources; Water Resources and Water Utilities; Agricultural Resources; Historic, Cultural, Archeological, and Scenic Resource; Transportation; Future Land Use; Land Owner Equity; Sustainable Economic Development; Air Quality; and RMP Implementation. Corey also provided the committee with a document that cites the goals from the Act on these topics. A series of public sessions will be conducted once a draft document is prepared for viewing, tentatively anticipated to include: stakeholder meetings; technical advisory committee meetings, public outreach sessions and public hearings. The final MPRR will be the subject of public hearings, as well, with the number and location to be determined by the Highlands Council.
4. Chris Danis emphasized that the indicators and milestones will be developed with input from the public, stakeholders, technical advisory committees, and Highlands Council members. The MPRR consultant (see RFP discussion below) working in concert with the Fiscal Impact Analysis (FIA) consultant will assist with the administrative process of organizing and coordinating the public, stakeholder, technical advisory committees and Highlands Council input in order to develop the Monitoring Program Recommendation Report. The MPRR consultant will prepare briefing documents to support the public, stakeholders, technical advisory committees, and Highlands Council meeting discussions.
5. The committee then reviewed sample indicators, milestones, data source, and action partners to get an idea of how the monitoring program process will work. It was noted that the indicators must be based on the goals established in the Highlands Act, which are replicated in the RMP and intended to be effectuated by its implementation.
6. Corey Piasecki gave an overview of the three contracts sought to help manage the RMP update process:
 - a. Web Portal – The consultant selected for this first phase of the RMP update process will assist the staff by creating a web portal to collect and help organize initial public comments. Comments will be categorized within a guidance framework that will help to inform identification of indicators and milestones to be measured (along with additional activities outlined below).
 - i. RFP issued 9/23/13.
 - ii. Contract approved by Council January 2014.
 - iii. Contract pending finalization.
 - b. Fiscal Impact Assessment (FIA) – This consultant will assist in the second phase of the Monitoring Program, which will assess the economic effects of the RMP on municipalities and counties wholly or partially within the Region, as compared to one

another, to northern New Jersey, and to the State and other comparable municipalities, counties, and regions.

- i. RFP issued 12/18/13
 - ii. Budget & Finance Committee will review staff's recommendations for this RFP.
 - iii. Budget & Finance Committee will report out to Council to consider contact award at April meeting.
 - c. Monitoring Program Recommendation Report (MPRR) – This consultant will assist and complete the MPRR and work with staff to develop a proposed science and research agenda to update and enhance the knowledge base that supports the RMP and associated Technical Reports.
 - i. RFP issued 1/2014
 - ii. Budget & Finance Committee will review staff's recommendations for this RFP.
 - iii. Budget & Finance Committee will report out to Council to consider contact award at April meeting.
7. Committee Chair Alstede intends to report out to Council on the RMP Update Committee's status at the Council meetings that follow the RMP Update Committee meetings.
8. Committee meeting was adjourned at 2:34pm. The next RMP Update Committee meeting is scheduled on May 14, 2014 at 1:00pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF APRIL 17, 2014

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTEDDE)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
TIMOTHY P. DOUGHERTY)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
MICHAEL TFANK)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

VIA TELECONFERENCE

TRACY CARLUCCIO)

CALL TO ORDER 129TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:03pm.

ROLL CALL

Roll call was taken. Council Member Dougherty was absent. Council Member Carluccio was present via teleconference. All other members were present. *The following staff members were present: Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Ball Kaiser, Judy Thornton, Corey Piasecki, Chris Ross, Nathan McLean, Carole Diction, and Tom Tagliareni. Also present was Peter Simon, Assistant Counsel of the Governor's Authorities Unit*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF FEBRUARY 20, 2014

Mr. James introduced a motion to approve the minutes. Mr. Francis seconded it.

All members present voted to approve the Minutes of February 20, 2014. The minutes were APPROVED 12-0, with one abstention.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF APRIL 17, 2014

CHAIRMAN'S REPORT

Chairman Rilee announced the formation of a Highlands Development Credit Bank (HDC) Committee and named Council Members Dressler, Francis, Visioli, Walton and himself as committee members.

ACTING EXECUTIVE DIRECTOR'S REPORT

Ms. Nordstrom gave her Acting Executive Director's report to update the Council on staff activities. Ms. Nordstrom announced that Council will consider Jefferson Township's Petition for Plan Conformance at today's meeting and will consider the Borough of Oakland's Petition for Plan Conformance in May.

Ms. Nordstrom reported on fifteen plan conformance implementation activities since Council's last meeting: Allamuchy Township, Checklist Ordinance deemed consistent, Exemption Determination Ordinance adopted and certification issued, and Master Plan Reexamination Report deemed consistent, and Master Plan Element deemed consistent; Chester Township, Checklist Ordinance deemed consistent, Exemption Determination certification issued, Highlands Environmental Resource Inventory deemed consistent, and Zoning Map Amendments deemed consistent; Montville Township, Highlands Land Use Ordinance deemed consistent, and Exemption Determination certification issued; Phillipsburg, Master Plan Reexamination Report and Resolution deemed consistent; Ringwood Borough, Exemption Determination Ordinance adopted and certification issued; Rockaway Township, Planning Area Petition Ordinance deemed consistent, and Checklist Ordinance deemed consistent; and West Milford Township, Checklist Ordinance deemed consistent.

Ms. Nordstrom announced that the following exemption determinations were made by approved municipalities since the last report:

Planning Area: Mahwah Township, block 127, lot 21. Exemption 5 issued.
Preservation Area: Mahwah Township, block 9, lot 18. Exemption 5 issued.

The next Highlands Area Exemption Certification training sessions are scheduled on May 6th and 8th, 2014.

Ms. Nordstrom also announced some staff updates:

- Staff member Kim Ball Kaiser was promoted to Senior Counsel
- Staff member James Humphries was promoted to Principal Planner/Highlands Development Credit Bank Coordinator
- Ian Shiland was hired as full-time GIS Specialist/Cartographer

In closing, Ms. Nordstrom stated that the Highlands Council Annual Report has been released and is available to the public on our website and in the lobby.

COUNCIL MEMBER REPORTS

Member Richko commented on the hiring of an Executive Director and the process. Member Richko recommended that a diverse and special committee be appointed so a broad search is conducted for the Executive Director position. Member Richko suggested recommendations of

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF APRIL 17, 2014

members for this special committee. Member Sebetich agreed with Member Richko's comments that a broad search be conducted and a diverse committee to interview candidates.

Chairman Rilee responded that he plans to call the Personnel Committee in the next couple of weeks to discuss the Executive Director position with the committee. Member Vohden asked what the responsibility is of the Personnel Committee. Chairman Rilee responded that the Personnel Committee's responsibility is to search for a candidate.

Member Dougherty was present at 4:10pm.

Member Carluccio commented that Council should conduct a broad national search for an Executive Director position. Member Francis commented that there is no rush. Council can take their time and review with Personnel Committee what Council's options are regarding the Executive Director's position.

Chairman Rilee announced the Resolution.

Resolution – Petition for Plan Conformance submitted by the Township of Jefferson, Morris County

Mr. James made a motion on the Resolution. Mr. Francis seconded it.

Ms. Nordstrom announced that staff members Chris Ross and Judy Thornton will provide a PowerPoint presentation for Jefferson Township's Petition for Plan Conformance.

Ms. Ross acknowledged Jeff Elam, Jefferson Township Engineer and Director of Public Works is in attendance today.

Ms. Ross began her PowerPoint presentation which may be found on the Council's website:

http://www.state.nj.us/njhighlands/about/calend/2014_meetings/apr17/PPT_Apr17_JeffersonPetition.pdf

Public Comment

Jeff Elam, Jefferson Township Engineer and Director of Public Works – Mr. Elam commented that he appreciates the cooperation of staff and is happy to be here and have Council consider Jefferson Township's petition.

Erica Van Auken, New Jersey Highlands Coalition – Ms. Van Auken commented that the Coalition is pleased Council is moving forward with Plan Conformance. Ms. Van Auken encouraged Jefferson Township to petition in the Township's Planning Area.

Council Comment

Mr. Richko asked if the funding covers the Planning Area of Jefferson Township. Ms. Ross responded that the funding does cover the Planning Area of the Township. Mr. Richko is disappointed that Jefferson Township did not consider to petition in the Planning Area.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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A roll call vote was taken. The resolution was APPROVED 14-0.

COMMITTEE REPORTS

Audit Committee

Chairman Rilee announced the Resolution.

RESOLUTION – Acceptance of Audit Report

Mr. Walton reported that an Audit Committee meeting was held on March 13, 2014 to review the audit report. Auditors gave us a clean bill of health. Mr. Walton added that the committee discussed a recommendation to the Council that it consider changing auditors from time to time.

Mr. Dougherty made a motion on the Resolution. Mr. Visioli seconded it.

A roll call vote was taken. The resolution was APPROVED 14-0.

Budget & Finance Committee

Chairman Rilee announced the Resolution.

Resolution – Modification To Existing Vertices, LLC Contract

Committee Chair Holtaway reported that the Budget and Finance Committee discussed this resolution at their meeting on April 15, 2014. Mr. Holtaway added that this modification is an optional mobile application which will be made available to conforming municipalities to use in support of mapping stormwater outfall locations. Vertices is the existing data management provider for the Highlands GIS Interactive map feature. This contract modification is for \$20,500 to develop the application and provide \$2,400 for the annual maintenance of the application and monies are included in the Council's RMP budget. Mr. Holtaway represented that the Budget and Finance Committee recommends Council approve this resolution.

Mr. Francis made a motion on the Resolution. Mr. Visioli seconded it.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that this is a great idea and supported the adoption of the resolution.

There were no Council comments.

A roll call vote was taken. The resolution was APPROVED 14-0.

Chairman Rilee announced the Resolution.

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Resolution – Approval of Contract to Develop a Fiscal Impact Assessment of the Highlands Water Protection and Planning Act and Associated Regional Master Plan

Committee Chair Holtaway reported that the Budget and Finance Committee discussed this resolution at their meeting on April 15, 2014. Mr. Holtaway reported that part of the RMP update process are where the economic impacts, rules, regulations, benefits, and burdens are and this will be the quantifications as the RMP update is done. The RFP was released for public bid on December 18, 2013 and closed on February 7, 2014. Four proposals were received and reviewed by a staff committee of seven. The top three teams were selected to participate in interviews which were held on March 31, April 1, and April 3, 2014. Each team was given a standard set of questions prior to the interview. After the interviews, Council staff met and discussed the merits of each proposal and recommended PlaceWorks for the award of contract. The process and qualification of this firm were presented by Council staff to the Budget and Finance Committee. Mr. Holtaway represented that the Budget and Finance Committee recommends Council approve this resolution to authorize the award of contract to PlaceWorks in the amount of \$136,455, with a contingency amount of \$13,534.

Mr. Francis made a motion on the Resolution. Mr. Richko seconded it.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that the resolution she read was blank where the name of the recommended firm would be, and added that she cannot support this resolution on that basis.

Council Comment

Mr. Walton asked to table this resolution for a month as he has concerns which were brought to his attention yesterday.

A discussion regarding the process for selection, and the possible tabling of the resolution ensued. A discussion regarding an email that was sent to the Council staff by an individual whose firm was not recommended for selection then followed. Certain Council Members expressed concerns regarding possible litigation that might ensue as a result of the adoption of the resolution.

The Council indicated that it would go into a closed session at the conclusion of the public portion of the meeting to discuss this further.

Chairman Rilee reopened the public session for this resolution.

Public Comment

George Stafford, New Jersey Highlands Coalition – Mr. Stafford commented on practical benefits of transparency in connection with the posting of resolutions without names of recommended firms.

Chief Counsel Davis responded that when Council posted the agenda and resolutions initially for the meeting, the resolutions were blank where the name of the recommended firms are now in

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF APRIL 17, 2014

place. Once the Budget & Finance Committee met and recommendations were approved by the Committee, and the Committee made the determination with respect to the recommended firm, the resolutions were revised with the firms' names, and then posted on the website prior to this meeting.

Patrick Moffitt, Peapack, NJ – Mr. Moffitt spoke in opposition to the resolution.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented on her concern that the economic analysis is a broad one with long-term success.

Helen Heinrich, New Jersey Farm Bureau – Ms. Heinrich commented that there needs to be diversity with the economic analysis.

Deborah Post, Chester Township – Ms. Post submitted for the record comments and questions on retaining PlaceWorks.

Jerry Kern, Pohatcong Township – Mr. Kern suggested Council delay this resolution for 30 days.

David Shope, owns property in Lebanon Township, NJ - Mr. Shope spoke in opposition to the resolution.

Chairman Rilee asked for a motion to table this resolution for thirty days. Chairman Rilee also added that Council will go into Executive Session to discuss this possibility of legal challenges to this resolution, and indicated that the Council will not take formal action on this resolution this evening.

Mr. Vohden made a MOTION TO TABLE this Resolution for thirty days. Mr. Dressler seconded it.

A roll call vote was taken. The resolution TO TABLE this Resolution was APPROVED 11-3.

Chairman Rilee announced the Resolution.

Resolution – Approval of Contract to Develop a Highlands Regional Master Plan Monitoring Program Recommendation Report

Committee Chair Holtaway reported that the Budget and Finance Committee discussed this resolution at their meeting on April 15, 2014. Mr. Holtaway reported that the Monitoring Program Recommendation Report of the Regional Master Plan Monitoring Program will identify indicators and milestones based on public comment, state agency coordination, technical advisory committees and information developed as part of the Fiscal Impact Assessment identifying key trends for the 2004-2014 time period and anticipated conditions for 2014-2024 period. The RFP was released for public bid on January 17, 2014 and closed on March 7, 2014. Two proposals were received and reviewed by a staff committee of eight. The teams were selected to participate in interviews which were held on March 31st, and April 4th. Each team was given a standard set of questions prior to the interview. After the interviews, Council staff met and discussed the merits of each proposal and recommended Regional Plan Association (RPA) for the award of contract. The process and qualifications of the firms were presented by Council staff to the Budget and Finance Committee, and a recommendation for the award was made by staff to the Committee. Mr. Holtaway represented that the Budget and Finance Committee recommends Council approve this resolution

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to authorize the award of contract to Regional Plan Association in the amount of \$150,000, with a contingency amount of \$15,000.

Mr. Richko made a motion on the Resolution. Mr. Visioli seconded it.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that RPA can do this job.

Deborah Post, Chester Township – Ms. Post submitted for the record her comments on retaining RPA.

Patrick Moffitt, Peapack, New Jersey – Mr. Moffitt spoke in opposition to the resolution.

David Shope, owns property in Lebanon Township, NJ - Mr. Shope spoke in opposition to the resolution. Mr. Shope submitted an article posted on RPA's website dated March 15, 2012.

Jerry Kern, Pohatcong Township – Mr. Kern commented that Council should not vote on RPA.

A roll call vote was taken. The resolution was APPROVED 10-4.

Chairman Rilee announced the Resolution.

RMP Update Committee

Mr. Walton left the meeting temporarily at 5:26pm.

Committee Chair Alstede reported that Chairman Rilee appointed Members Sebetich, Vohden and himself to serve on this committee which is required to fulfill the mandate that is in the law to review the RMP every six years. The committee will work with Council staff to bring about the research, matrix, perimeters, and milestones to formulate them in a way that everyone can evaluate and bring these items to the full Council for evaluation and incorporation for a revised RMP. Member Alstede reported the committee is fully dedicated to this task and meeting at the Highlands office on a monthly basis for workshop meetings, in addition to all of the public hearing sessions with working and interest groups. To date, the Committee has met twice on March 19, and April 9, 2014.

- Committee members received an overview/review of what is required by the Act and the process outlined in the RMP to address the requirements of the Act. The Act requires that the RMP be “revised and updated at least once every six years, after public hearings.”
- The RMP outlined an RMP Monitoring Program to meet this requirement. The Monitoring Program as outlined in the RMP includes identification of regional indicators and milestones to be measured; a fiscal impact assessment; and creation of an RMP Monitoring Report.

Mr. Walton returned to the meeting at 5:28pm.

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Committee members were briefed on the three RFPs that have been issued related to the Monitoring Program:

- Web Comment Portal
 - To collect initial public comments via Highlands Council website.
 - This contract was approved by Council January 2014.
- Fiscal Impact Analysis – discussed today and tabled for 30 days
 - To evaluate the economic effects of the Act and RMP on municipalities and counties wholly or partially within the region as compared to the State and other comparable regions.
 - The Budget and Finance Committee was also briefed on the responses to this RFP on Tuesday April 15.
- RMP Monitoring Program Recommendation Report (MPRR)
 - To synthesize the results of all efforts related to the Monitoring Program. This consultant will assist in the identification of indicators and milestones through the facilitation of:
 - Public Hearings
 - Stakeholder Meetings
 - Technical Advisory Committee (TAC) Meetings
 - Outreach Sessions

The Committee reviewed and discussed a preliminary monthly schedule of activities for completion of Monitoring Program work.

The Committee began discussing/defining its role and logistical parameters of its work:

- Committee decided it should meet at least monthly, more often as needed.
- Committee will provide reports to Council at monthly Council meetings via a memorandum
- Any final action required to be made by the Council will be reported up to the Council at a public meeting.

Member Alstede reported that no policies will be made at the committee level. The committee will make recommendations to the full Council. The committee meets again in May.

Ms. Carluccio commented on her concerns regarding the RMP Monitoring Program Recommendation Report, the Fiscal Impact Analysis and the RMP Update committee process.

Chief Counsel Davis noted that the recommendations were presented to the RMP Update Committee as well as the Budget & Finance Committee.

Acting Executive Director Ms. Nordstrom responded that Council will have plenty of interaction with the contractors because one of their responsibilities is to set up the public meetings and collate the comments Council receives. Council will take an active role and use the contractors as a resource. Ms. Nordstrom emphasized that this is Council's project.

Mr. James left the meeting temporarily at 5:31pm.

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Member Visioli and Dressler spoke in favor of the committee process. Member Sebetich indicated that the RMP Update Committee will be transparent and he has no concerns regarding the nature of the process.

Mr. James returned to the meeting at 5:33pm.

Chairman Rilee announced the Resolution.

Resolution – Authority for Plan Conformance and Highlands Project Review

Mr. Alstede made a motion on the Resolution. Mr. Francis seconded it.

There were no public comments.

There were no Council comments.

A roll call vote was taken. The resolution was APPROVED 13-1.

Chairman Rilee announced the Resolution.

Resolution – Election of Vice-Chair of the Highlands Council

Mr. Holtaway made a motion to nominate Kurt Alstede as Vice-Chair of the Highlands Council. Mr. James seconded it.

A roll call vote was taken. The resolution was APPROVED 13-1.

Chairman Rilee announced the Resolution.

Resolution – Election of Treasurer of the Highlands Council

Mr. Alstede made a motion to nominate Robert Holtaway as Treasurer of the Highlands Council. Mr. Richko seconded it.

A roll call vote was taken. The resolution was APPROVED 14-0.

Chairman Rilee called for a 5 minutes break at 5:43pm.

Mr. James left the meeting at 5:43pm.

The meeting was resumed at 5:50pm for public comment.

Chairman Rilee opened the meeting for public comments. He asked the public to reframe from discussing Fenimore issues at this time as he will need to recuse himself and Member Alstede will chair that portion of the public comments.

Joady Anderson, Lebanon Township – Ms. Anderson commented that she lost value on her 74 acres in the Preservation Area.

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Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on the process of having committee meetings further ahead of the Council meetings so the public has time to review the minutes.

Andrew Drysdale, Chester Township – Mr. Drysdale commented on loss of property values in New Jersey and across the country.

Hank Klumpp, owns property in the Highlands Preservation Area – Mr. Klumpp commented on the loss of property values. Mr. Klumpp also asked about the status of the landowner compensation committee as well as the opinion of Council on the dual appraisal.

Mr. Dressler left the meeting at 6:06pm

A discussion was held regarding the Council's positions in the past in connection with the dual appraisal approach.

Robert Frey, Pohatcong Township – Mr. Frey inquired about the status of the litigation by New Jersey Farm Bureau in regards to the 25 and 88 acre zoning in the Preservation Area.

Jerry Kern, property owner in Pohatcong Township – Mr. Kern asked if Council could make a motion to support a letter to the Legislators on dual appraisal. Mr. Kern also asked Council to follow up on Mr. Moffitt's comments and made comments on Ms. Anderson's comments earlier.

Member Vohden made a motion to pass a resolution in support of the dual appraisal and the funding to put in place to make it work. Member Walton seconded the motion.

Chief Counsel Davis recommended that the Council not take action on this matter at the present time as it was not listed on the Council's agenda that was published in connection with the Open Public Meetings Act.

No further action on this matter was taken.

Mr. Visioli left the meeting at 6:00pm.

Chairman Rilee asked the Council staff to review past resolutions to determine if any had been passed regarding the dual appraisal approach.

David Shope, owns property in Lebanon Township, NJ – Mr. Shope commented on Council's responsiveness.

Erica Van Auken, New Jersey Highlands Coalition – Ms. Van Auken commented on the issues regarding the dual appraisal method. Ms. Van Auken recalls the Council passing a resolution in support of finding a source for open space funding. She commented that without open space funding the dual appraisal is pointless.

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Patrick Moffitt, Peapack, New Jersey – Mr. Moffitt referred to a memorandum dated July 11, 2008 to Governor Corzine from Lisa Jackson copying Highlands Council staff regarding nitrate restrictions.

Deborah Post, Chester Township – Ms. Post commented on Ms. Anderson's comments earlier. Ms. Post also commented on Mr. Stafford's comments to Council on October 17, 2013 regarding real estate values. Ms. Post submitted her comments for the record.

George Stafford, New Jersey Highlands Coalition - Mr. Stafford commented on Ms. Post's comments that all assessed values are based on market values.

Rick Sparling, Jefferson Township – Mr. Sparling commented on lost property values and stormwater issues due the Highlands Act.

Mr. Walton left the meeting at 6:27pm.

Chairman Rilee announced that he has recused himself from matters related to the Fenimore landfill, and that Vice-Chair Alstede would take over for this portion of the meeting, which concerned public comments regarding the Fenimore landfill. Chairman Rilee then left the meeting room..

Vice-Chair Alstede opened the public comments regarding Fenimore

Mirna Hernandez – Ms. Hernandez commented on the history of the Fenimore landfill issue asks Council to assert their powers and petition the State legislature.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer commented on the Fenimore landfill and stated that the conditions of the landfill have changed significantly since Council took action on the property as a redevelopment area status. Mr. Peifer requested that Council rescind that redevelopment status until there is a no action letter from the NJDEP.

Ken Collins, Andover, NJ – Mr. Collins commented on the Fenimore landfill and mentioned that it has had a disastrous effect on an area in the Highlands region. Mr. Collins requested that the Highlands Council assert jurisdiction over the NJDEP landfill closure plan pursuant to Section 81 of the Highlands Act. Mr. Collins submitted his comments, along with other materials for the record.

Mr. Richko left the meeting temporarily at 6:45pm.

Mr. Richko returned to the meeting at 6:48pm.

Laurie Lucer, Ledgewood, NJ – Ms. Lucer commented on health issues to the residents and children who live near the Fenimore landfill. Ms. Lucer hopes the Council can rectify their action.

Brenda Isherwood, Succasunna, NJ – Ms. Isherwood commented on the Fenimore landfill and its effects on the community of Roxbury and surrounding towns. Ms. Isherwood urges Council to undo what has been done to New Jersey.

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Erica Van Auken, New Jersey Highlands Coalition –Ms. Van Auken echoes what Mr. Peifer said and added that the remediation was not given the attention it deserves and people are suffering from it. Ms. Van Auken hopes Council uses their authority to help rectify this situation.

Bob Schultz, Succasunna, President, REACT – Mr. Schultz commented that what is happening at the Fenimore landfill in Roxbury is a travesty. Mr. Schultz commented that a petition was sent by the people to the Agency for Toxic Substances and Disease Registry (ATSDR) and the ATSDR accepted their petition and said it was a “health hazard”. Schultz urged Council to rectify this situation and help Roxbury.

Brenda Isherwood – Ms. Isherwood commented that all Council members receive the documentation submitted by Mr. Collins.

Marion Emery – Ms. Emery commented on her health effects due to the Fenimore landfill. Ms. Emery added that she has to wear a gas mask in her own home and cannot continue to live like this.

Vice-Chair Alstede commented that Council is listening and understands the impact the landfill has on the community and the personal lives of Roxbury residents. Vice-Chair Alstede asked Chief Counsel Davis about the designation process for the Fenimore landfill, and about inquiries received by the Council.

Chief Counsel Davis responded that, to date, two letters were received on this topic and responded to. Chief Counsel Davis added that the jurisdiction for landfill closure is with the NJDEP, and not the Council.

Vice-Chair Alstede asked if Council has the authority to rescind the redevelopment area. Chief Counsel Davis responded that he will research this issue and report back to Council at the next meeting.

Member Richko asked if a letter can be sent to the NJDEP.

Vice-Chair Alstede concluded that Highlands Council staff will do the appropriate research and put on Council’s agenda next month to report out on this issue.

Public portion of the meeting was closed at 7:10pm.

Chairman Rilee returned to the meeting and announced the next Resolution.

Resolution – Executive Session

Mr. Davis read into the record:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Council is of the opinion that those circumstances presently exist; and

WHEREAS, the general nature of the subject to be discussed is anticipated litigation or contract negotiations in which the Highlands Council may become a party in connection with the potential approval

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of a contract to develop a fiscal impact assessment of the Highlands Water Protection and Planning Act and associated Regional Master Plan, for which advice from counsel subject to the attorney-client privilege is required, and other matters involving attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of April 17, 2014, for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

Mr. Holtaway made a motion to go into Executive Session. Mr. Francis seconded it.

Ms. Carluccio left the meeting via telephone conference at approximately 7:13pm.

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

Chairman Rilee called the Executive Session to order and stated that action will not be taken after the session.

[EXECUTIVE SESSION]

Chairman Rilee closed the Executive Session and resumed the New Jersey Highlands Water Protection and Planning Council meeting at 7:44pm.

The meeting was adjourned at 7:44pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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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: 5/16/14

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote on the Approval of
These Minutes**

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

RESOLUTION 2014-7
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
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WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

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WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of

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human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, 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, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

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WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits 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, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; 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, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, the Township of Jefferson is located entirely within the Highlands Region, and contains approximately 24,080 acres in the Preservation Area and 3,303 acres in the Planning Area; and

WHEREAS, on December 8, 2009, Jefferson Township submitted a Petition for Plan Conformance including one resolution adopted by the Governing Body seeking Plan Conformance for all lands lying in the Preservation Area; and

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WHEREAS, on April 30, 2012, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on May 11, 2012, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on August 19, 2013, the Executive Director provided Jefferson Township with the revised Draft Consistency Review and Recommendations Report, which provided the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided Jefferson Township with a deliberative municipal response period allowing Jefferson Township to review and respond to the revised Draft Consistency Review and Recommendations Report; and

WHEREAS, on March 14, 2014, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before March 28, 2014; and

WHEREAS, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

WHEREAS, on April 14, 2014, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on April 17, 2014, the Highlands Council held a public hearing on Jefferson Township's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendations of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, Jefferson Township's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Jefferson Township's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines recognize that conformance in the Planning Area is voluntary under the Highlands Act and provide that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Jefferson Township of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal

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and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provide that no amendment to any master plan or development regulations applicable to the development and use of land in Jefferson Township shall be effective until Jefferson Township has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Jefferson Township that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provide that following the receipt of any amendment to Jefferson Township's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provide that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Jefferson Township and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provide that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; 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 Jefferson Township's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

BE IT FURTHER RESOLVED, that the Highlands Council hereby approves the Township of Jefferson's Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement

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consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

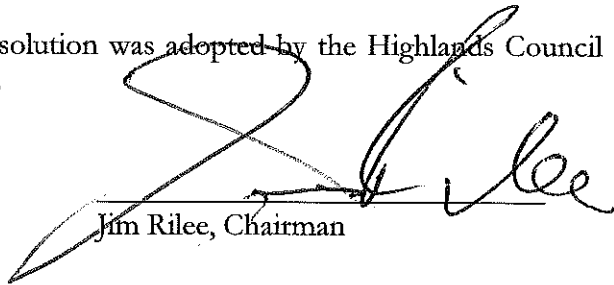
BE IT FURTHER RESOLVED, that Jefferson Township is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Jefferson Township remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Jefferson Township's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council; and

BE IT FURTHER RESOLVED, that the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th of April 2014.


Jim Rilee, Chairman

Vote on the Approval of This Resolution

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



New Jersey Highlands Council

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Jefferson Township

Jefferson Township in Morris County has 3,303 acres in the Planning Area and 24,080 acres in the Preservation Area of the Highlands Region. The municipality has submitted a Petition for Plan Conformance for its Preservation Area. This page contains links to documents related to the Township's petition.

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

Approved Petition for Plan Conformance

Jefferson Township's Petition for Plan Conformance was approved by the Highlands Council on April 17, 2014.

Council Approved Documents

- [To be posted.](#)

Materials from Public Hearing

- [Petition Presentation](#) (pdf)
- [Press Release](#) (pdf)
- [Resolution 2014-7](#) (pdf)

Final Posting Prior to Public Hearing

The documents below include all edits made prior to Highlands Council consideration of Jefferson Township's Petition for Plan Conformance.

- All documents listed below as one compressed file: [Final Posting Prior to Public Hearing](#) (485 KB zip)
- Individual files:
 - [Final Draft Consistency Review & Recommendations Report](#) (266 KB pdf)
 - [Highlands Implementation Plan & Schedule](#) (232 KB pdf)

Petition for Public Comment

A public comment period was held March 14 -28, 2014 and announced by [Public Notice](#). The following documents constitute the municipality's final submission to the Highlands Council prior to its consideration of the full Petition.

- All documents listed below as one compressed file: [Petition Posting for Public Comment](#) (16 MB zip)
- Individual documents:
 - [Final Draft Consistency Review & Recommendations Report](#) (255 KB pdf)
 - [Highlands Implementation Plan & Schedule](#) (231 KB pdf)
 - [Highlands Environmental Resource Inventory \(ERI\) Draft](#) (473 KB pdf)
 - [Highlands ERI Figures](#) (11.9 MB pdf)
 - [Highlands Master Plan Element Draft](#) (223 KB pdf)
 - [Highlands Master Plan Element Exhibits](#) (2 MB pdf)
 - [Highlands Checklist Ordinance Draft](#) (160 KB pdf)
 - [Highlands Checklist Ordinance Exhibit](#) (1 MB pdf)

****PLEASE NOTE:** The documents provided on this page include a complete history of the municipality's Petition for Plan Conformance. The most current versions of Plan Conformance documents are at the top of the page, with prior drafts included below. Documents below this line are included for reference only.

Administratively Complete Petition for Plan Conformance

Jefferson Township's Petition for Plan Conformance has been deemed administratively complete by the Highlands Council.

- All documents listed below as one compressed file: [Municipal Petition for Plan Conformance](#) (16.5 MB zip)
- Individual Documents:
 - [Cover Letter](#) (149 KB pdf)
 - [Preservation Area Resolution](#) (279 KB pdf)
 - [Petition Submittal Checklist](#) (111 KB pdf) (Prepared by Highlands Council Staff)
 - [Record of Public Involvement](#) (59 KB pdf) (Meeting Minutes from Township Website)
 - [Current List of Planning/Regulatory Documents](#) (64 KB pdf) (Prepared by Highlands Council Staff)
 - Modules 1 and 2: [Highlands Municipal Build-Out Report](#) (2.98 MB pdf)
 - [Supporting Files](#) (34 MB zip)
 - Module 4: [Highlands ERI](#) (677 KB pdf) (Prepared by Highlands Council Staff)
 - [Highlands ERI Figures](#) (10.7 MB pdf)
 - Module 5: [Master Plan Highlands Element](#) (391 KB pdf)
 - Module 6: [Highlands Land Use Ordinance](#) (842 MB pdf)
 - Module 7:
 - [Municipal Self Assessment Report](#) (203 KB pdf)

- [Implementation Plan and Schedule](#) (200 KB pdf) (Provided by Highlands Council Staff)

Supporting Documents

- Municipal Resolution: [Notice of Intent](#) (703 KB pdf)
- Municipal Resolution: [COAH extension](#) (707 KB pdf)





Highlands Council Meeting

Thursday, April 17, 2014

Jefferson Township Petition for Plan Conformance



Jefferson Township Museum



Near Milton Village



Rockaway River

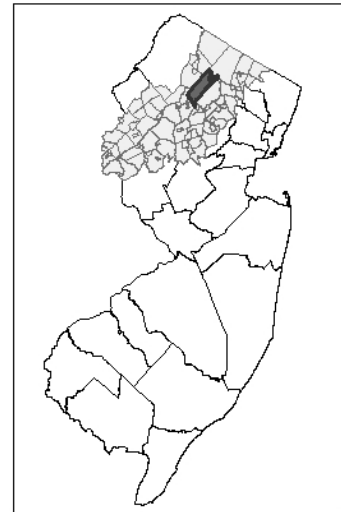
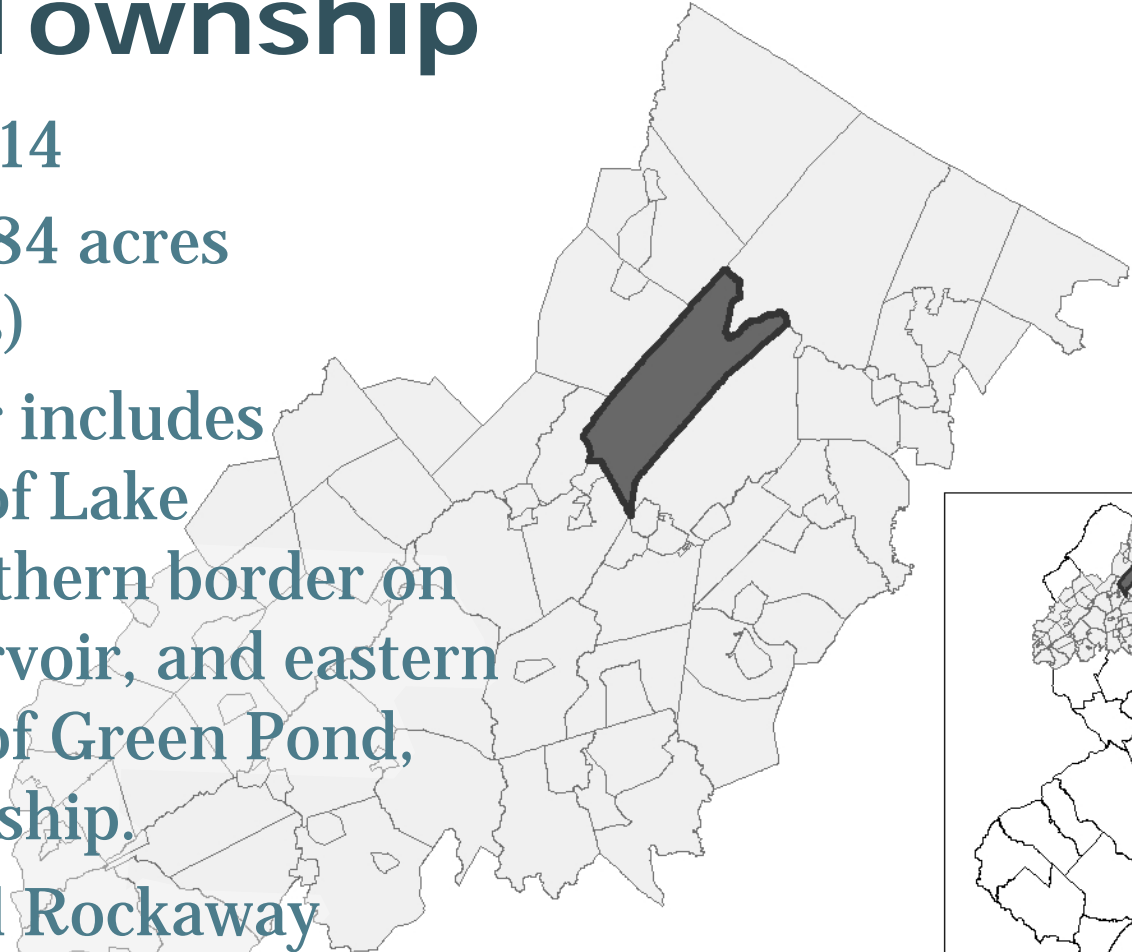


Jefferson Township Governing Body 2014

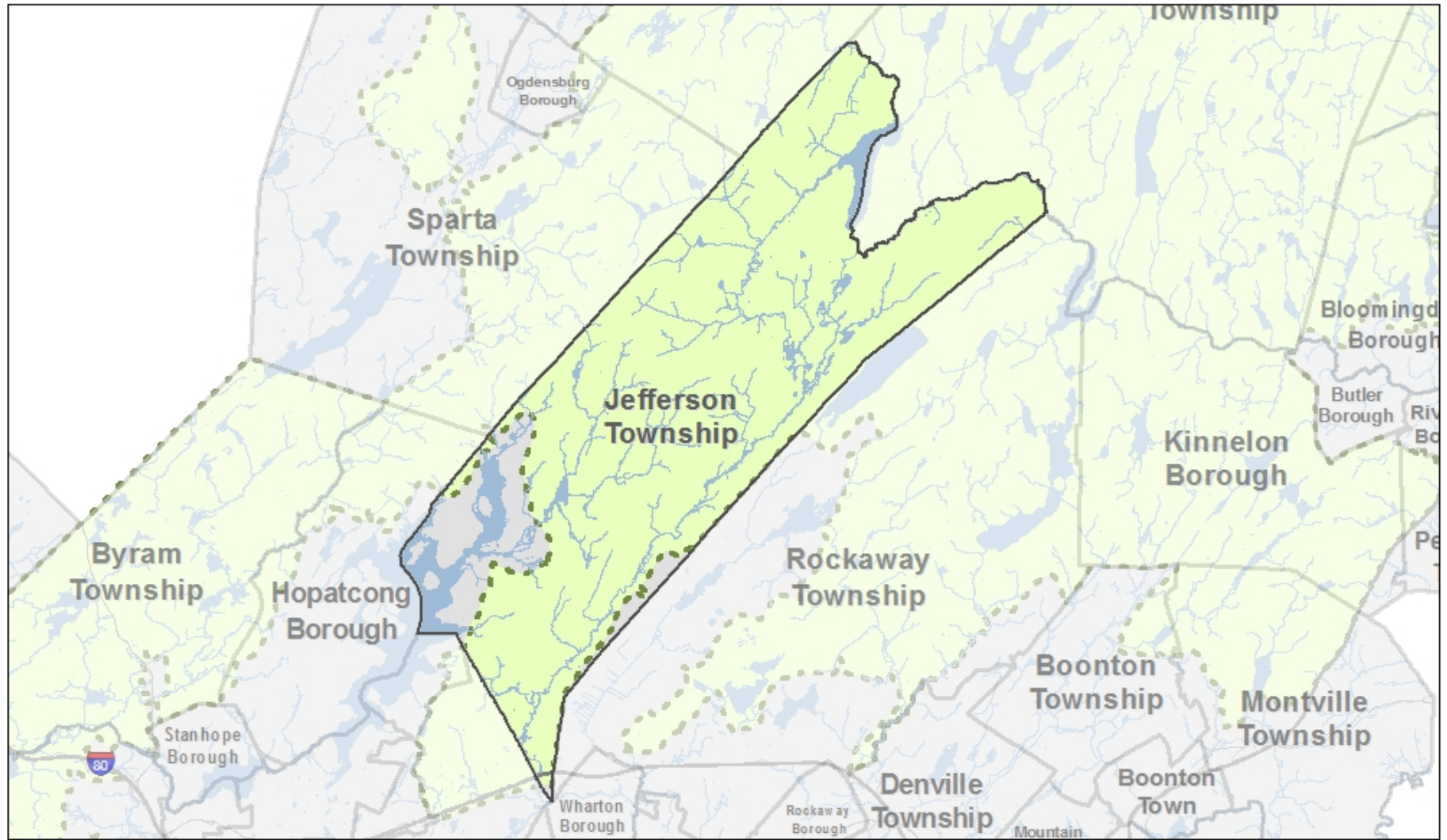
- Russell W. Felter, Mayor
- Robert Birmingham, Council Vice President
- Jay Dunham, Councilman
- Debi Merz, Councilwoman
- Michael Sanchelli, Councilman
- Richard Yocum, Council President

Jefferson Township

- Population: 21,314
- Land Area: 27,384 acres (43 square miles)
- Southern border includes northern shore of Lake Hopatcong, Northern border on Oak Ridge Reservoir, and eastern border on edge of Green Pond, Rockaway Township.
- Pequannock and Rockaway Rivers among several in municipality.

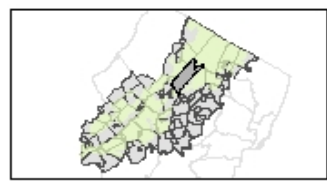


Preservation Area



- Preservation Area
- Open Water
- Municipal Boundaries
- Highlands Region

Jefferson Township



1 inch = 2.244 miles





Petition

- Petition for Preservation Area only
- Preservation Area Lands: 24,080 (88%)
 - Planning Area Lands: 3,303 acres (12%)
- Petition deemed administratively complete, April 2012
- Municipality held multiple public meetings to engage community in process
 - No public comments on the Petition were received by the municipality



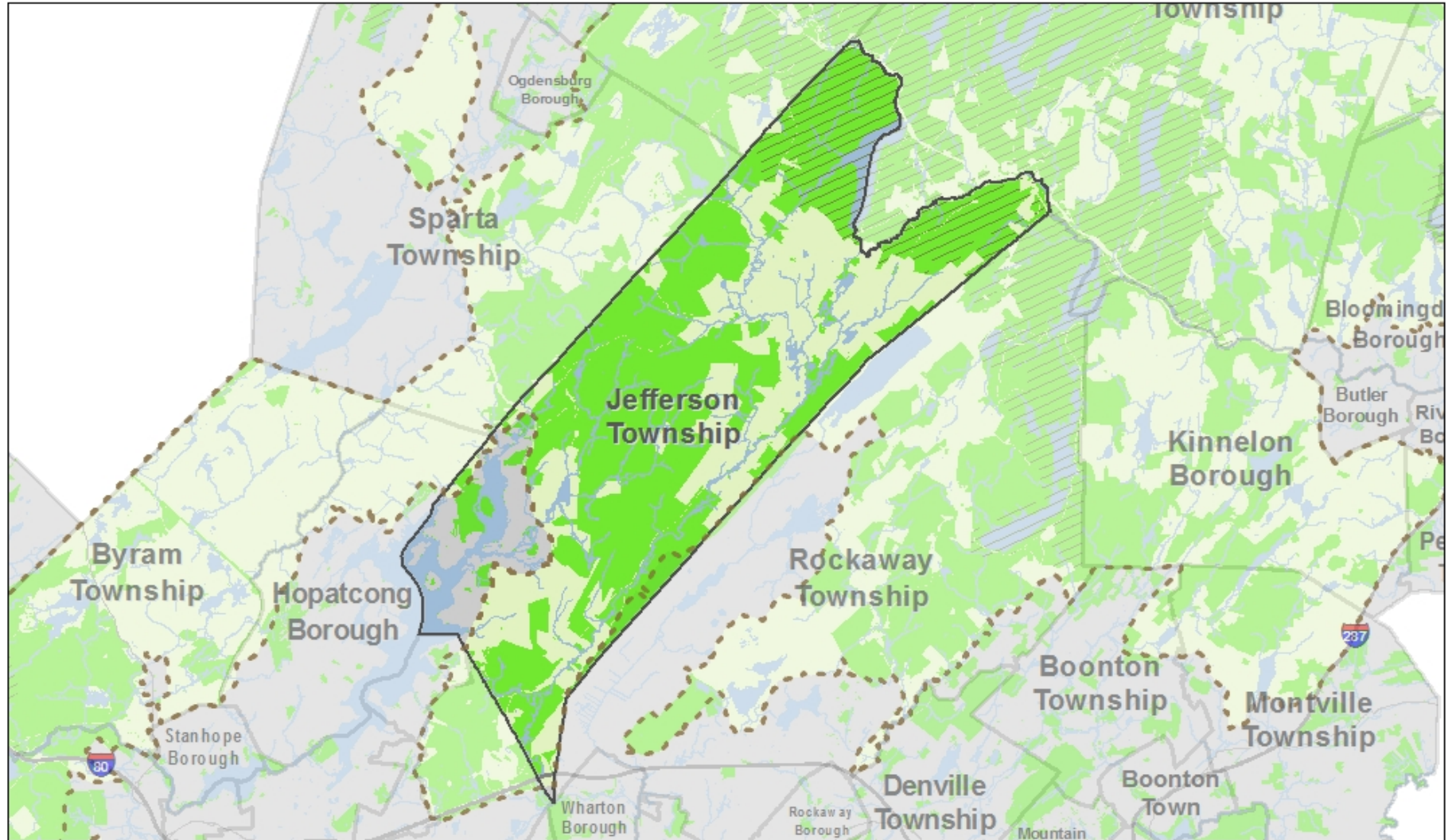
Checklist Committee Review

January 2014

- 62% of Jefferson Preservation Area already preserved
- Limited public water, sewer infrastructure
- Subject to NJDEP Highlands Preservation Area Rules
- Conclusion: No developable parcels that would be subject to Highlands Land Use Ordinance review

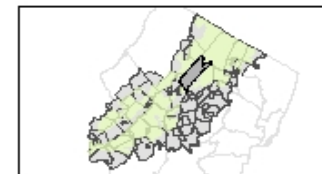
Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	0

Preserved Lands



- Preserved Lands
- Preservation Area
- Green Acres Conservation Easement
- Open Water
- Municipal Boundaries
- Highlands Region

Jefferson Township



1 inch = 2.244 miles



Public Comment Summary

- Public Comment Period: March 14-28, 2014
- One (1) comment received, however it was not related to the Petition.
- Revised Final documents were posted to the Highlands Council website: April 11, 2014



Weldon Brook, Mahlon Dickerson Reservation



Staff Recommendation:

Approve w/conditions

- Adoption of approved:
 - Highlands ERI
 - Highlands Master Plan Element
 - Checklist Ordinance
 - Housing Element & Fair Share Plan
- Adherence to Implementation Plan & Schedule



Implementation Funding

- Completion of components including:
 - Sustainable Economic Development Plan
 - Habitat Conservation & Management Plan
 - Stream Corridor Protection/Restoration Plan
 - Stormwater Management Plan
- Funded planning will cover entire municipality, not only Preservation Area



Jefferson Township Petition for Plan Conformance



Saffin Pond, Mahlon Dickerson Reservation



Municipal Complex



Rockaway River

RESOLUTION 2014-8
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ACCEPTANCE OF AUDIT REPORT

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

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

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

WHEREAS, the Highlands Council's Evaluation Committee approved a Request for Proposal (RFP) to provide auditing services on January 19, 2012; and

WHEREAS, after the review and recommendations of the Evaluation Committee and the Audit Committee, the Highlands Council approved Resolution 2012-16 on May 17, 2012 authorizing the Executive Director to enter a contract for auditing services with Mercadien , P.C. (Mercadien); and

WHEREAS, Mercadien completed and prepared the final report on the Highlands Council's financial statement and recommended actions for Fiscal Year 2013 and presented it to the Audit Committee of the Highlands Council; and

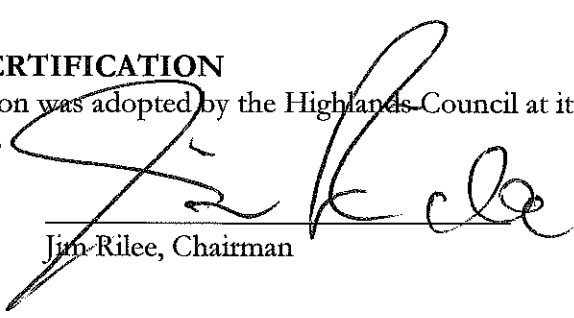
WHEREAS, the Highlands Council Audit Committee reviewed the final report and the annual management letter with Mercadien and recommended that the Highlands Council accept the final report.

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

- 1) accepts Mercadien's final audit report for Fiscal Year 2013; and
- 2) directs the Audit Committee to continue to oversee the proper implementation of the audit requirements in accordance with State law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of April 2014.



Jim Rilee, Chairman

RESOLUTION 2014-8
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ACCEPTANCE OF AUDIT REPORT

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty	✓		✓			
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James			✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember T'fank			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			

RESOLUTION 2014-9
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MODIFICATION TO EXISTING VERTICES, LLC CONTRACT

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, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, on January 19, 2006, the Highlands Council authorized the Executive Director to enter into a contract with VERTICES, LLC (“VERTICES”) to perform data management services in support of the development of the Regional Master Plan; and

WHEREAS, upon approval of the Highlands Council, this contract was subsequently modified to include the development of the Council’s Interactive GIS map applications known as the Property Search Tool, the Consistency Review Application, and the Highlands Development Credit Estimator Tool, which is currently available on the Council’s website; and

WHEREAS, to date, VERTICES has satisfactorily performed work under the existing contract; and

WHEREAS, the Highlands Council wishes to amend the current contract with VERTICES to provide that VERTICES will prepare a Stormwater Management Interactive Mapping Application based upon the Property Search Tool; and

WHEREAS, VERTICES has prepared a scope of work to develop the interactive mapping application for a total cost of \$20,250; and

WHEREAS, VERTICES will also provide hosting and maintenance services for an annual cost of \$2,400; and

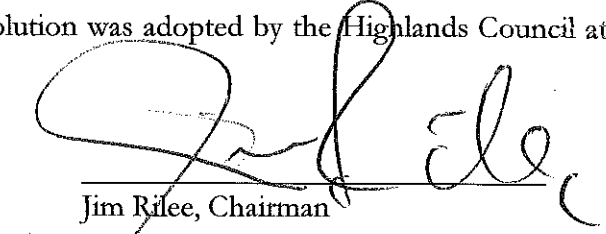
WHEREAS, both scopes of work and their associated costs have been reviewed and recommended for approval by Highlands Council staff;

NOW THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is hereby authorized to enter into a contract modification with VERTICES for an amount not to exceed \$20,250 to develop a Stormwater Management Interactive Mapping Application, and hosting and maintenance services for an annual cost of \$2,400.

RESOLUTION 2014-9
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MODIFICATION TO EXISTING VERTICES, LLC CONTRACT

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 17th day of April, 2014.



Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

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

**DRAFT - FOR CONSIDERATION AT THE APRIL 17, 2014
MEETING OF THE HIGHLANDS COUNCIL**

**RESOLUTION 2014-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CONTRACT TO DEVELOP A FISCAL IMPACT ASSESSMENT OF THE
HIGHLANDS WATER PROTECTION AND PLANNING ACT AND ASSOCIATED
REGIONAL MASTER PLAN**

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, section 8a. of the Highlands Act states that the RMP shall be periodically revised and updated at least once every six years, after public hearings; and

WHEREAS, Policy 10A5 of the RMP states that to ensure the long term success of the RMP, the Highlands Council evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities through the tracking and monitoring of regional indicators; and

WHEREAS, Objective 10A5a of the RMP states that the Highlands Council prepare a Highlands RMP Monitoring Review Report at least every six years to ensure that the RMP is meeting its goals; and

WHEREAS, Objective 10A5b of the RMP states that the Highlands Council prepare a fiscal impact assessment that measures the overall economic health of the Region as compared to the rest of the State, to be included in the Highlands RMP Monitoring Review Report; and

WHEREAS, in consideration of the requirements of the Act and RMP, the Highlands Council intends to develop a fiscal impact assessment demonstrating the economic effects of the Act and the RMP on municipalities and counties wholly or partially within the region as compared to the State and other comparable region; and

WHEREAS, to support the Highlands Council with implementation of this program, the Highlands Council staff prepared a Request for Proposal (RFP) which was released to the public on December 18, 2013 seeking firms to advise and assist the Highlands Council; and

WHEREAS, four firms submitted a response and proposal on or before the deadline of February 7, 2014; and

WHEREAS, the Highlands Council staff has reviewed its findings with the Budget and Finance Committee of the Council on April 15, 2014, and this committee has reviewed the staff findings, and process to evaluate the submissions, and further determined that funds are available for the award of a contract pursuant to this RFP; and

DRAFT - FOR CONSIDERATION AT THE APRIL 17, 2014
MEETING OF THE HIGHLANDS COUNCIL

RESOLUTION 2014-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CONTRACT TO DEVELOP A FISCAL IMPACT ASSESSMENT OF THE
HIGHLANDS WATER PROTECTION AND PLANNING ACT AND ASSOCIATED
REGIONAL MASTER PLAN

WHEREAS, the Highlands Council staff recommends that The Planning Center DC&E/PlaceWorks be awarded a contract to address the needs articulated by the Highlands Council’s RFP and further recommends that the Highlands Council authorize the Executive Director to enter a contract in connection with the RFP and the proposal of The Planning Center DC&E/PlaceWorks;

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 The Planning Center DC&E/PlaceWorks for an amount not to exceed, \$136,455 with a contingency of \$13,645, to be allocated at the discretion of the Executive Director, for a total of \$150,100.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of April, 2014.

Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

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

RESOLUTION 2014-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF CONTRACT TO DEVELOP A HIGHLANDS REGIONAL MASTER
PLAN MONITORING PROGRAM RECOMMENDATION REPORT

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

WHEREAS, section 6.g of the Highlands Act authorizes the Highlands Council to 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, section 8a. of the Highlands Act states that the RMP shall be periodically revised and updated at least once every six years, after public hearings; and

WHEREAS, Policy 10A5 of the RMP states that to ensure the long term success of the RMP, the Highlands Council evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities through the tracking and monitoring of regional indicators; and

WHEREAS, Objective 10A5a of the RMP states that the Highlands Council prepare a Highlands RMP Monitoring Review Report at least every six years to ensure that the RMP is meeting its goals; and

WHEREAS, Objective 10A5b of the RMP states that the Highlands Council prepare a fiscal impact assessment that measures the overall economic health of the Region as compared to the rest of the State, to be included in the Highlands RMP Monitoring Review Report; and

WHEREAS, the RMP Monitoring Program is the mechanism that addresses the periodic RMP update requirement in the Highlands Act. The RMP Monitoring Program and associated report will evaluate progress in achieving the goals of the Act through implementation of policies and programs defined in the RMP; and

WHEREAS, to support the Highlands Council with implementation of this program, the Highlands Council staff prepared a Request for Proposal (RFP) which was released to the public on January 17, 2014 seeking firms to advise and assist the Highlands Council; and

WHEREAS, two firms submitted a response and proposal on or before the deadline of March 7, 2014; and

WHEREAS, the Highlands Council staff has reviewed its findings with the Budget and Finance Committee of the Council on April 15, 2014, and this committee has reviewed the staff findings, and process utilized to evaluate the submissions, and further determined that funds are available for the award of a contract pursuant to this RFP; and

WHEREAS, the Highlands Council staff recommends that Regional Plan Association (RPA) be awarded a contract to address the needs articulated by the Highlands Council's RFP and further

RESOLUTION 2014-10

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT TO DEVELOP A HIGHLANDS REGIONAL MASTER PLAN MONITORING PROGRAM RECOMMENDATION REPORT

recommends that the Highlands Council authorize the Executive Director to enter a contract in connection with the RFP and the proposal of RPA;

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 RPA for an amount not to exceed \$150,000, with a contingency of \$15,000, to be allocated at the discretion of the Executive Director, for a total of \$165,000.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of April, 2014.


Jim Rilee, Chairman

Vote on the Approval of This Resolution

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

RESOLUTION 2014-11
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

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

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

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

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

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

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

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

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

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

RESOLUTION 2014-11
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

WHEREAS, Section 30 of the Highlands Act includes seventeen exemptions from the provisions of the Act, the RMP, any rules or regulations adopted by NJDEP pursuant to the Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the RMP; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council shall hereby take the following actions to implement the Highlands Regional Master Plan:

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

RESOLUTION 2014-11
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

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

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

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

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

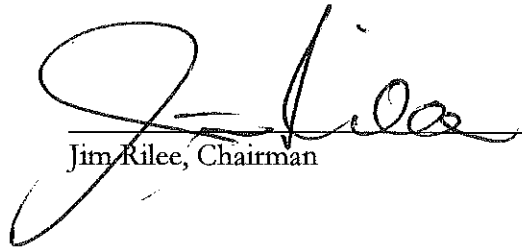
THEREFORE, BE IT FURTHER RESOLVED that any and all actions taken by the Executive Director pursuant to Resolution 2013-25 from March 20, 2014 through the effective date of this Resolution be and hereby are ratified by the Highlands Council; and

THEREFORE, BE IT FURTHER RESOLVED that the Highlands Council shall reassess this Resolution on or before the Council Meeting on October 16, 2014 and every six months thereafter, or may, at any time, determine that a reassessment should take place; and

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 17TH day of April, 2014.


Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

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

RESOLUTION 2014-12
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

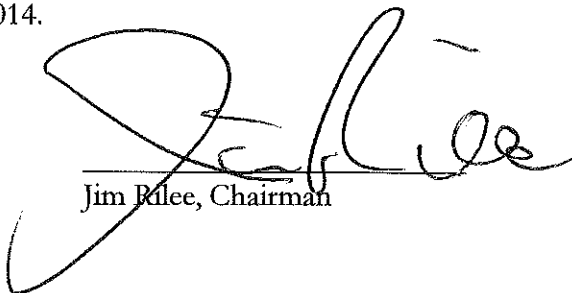
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

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 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 17th day of April, 2014.



Jim Rilee, Chairman

RESOLUTION 2014-12
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF VICE-CHAIR

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	✓	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

RESOLUTION 2014-13
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

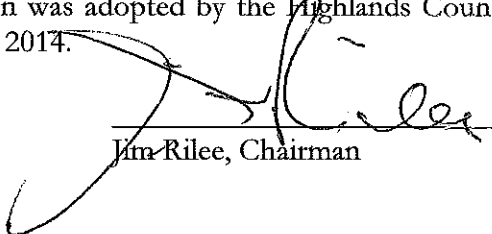
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

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 17th day of April, 2014.


Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

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

RESOLUTION 2014-14 NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL EXECUTIVE SESSION

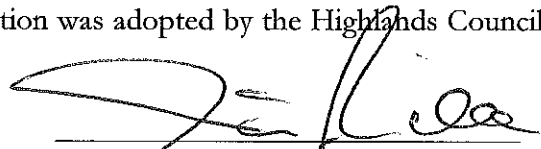
WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Council is of the opinion that those circumstances presently exist; and

WHEREAS, the general nature of the subject to be discussed is anticipated litigation or contract negotiations in which the Highlands Council may become a party in connection with the potential approval of a contract to develop a fiscal impact assessment of the Highlands Water Protection and Planning Act and associated Regional Master Plan, for which advice from counsel subject to the attorney-client privilege is required, and other matters involving attorney-client privilege.

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of April 17, 2014, for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of April, 2014.



Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

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