



**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

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

**GENE F. FEYL**  
*Executive Director*

**MEETING AGENDA**  
**Thursday, October 17, 2013 at 5pm**

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – September 19, 2013
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. COMMITTEE REPORTS

**BUDGET AND FINANCE:**

- **Consideration of Resolution** – Approval of the Highlands Council FY2014 General Operating Budget (*voting matter with public comment*)
- **Consideration of Resolution** – Approval of the FY2014 Highlands Protection Fund Capital Budget (*voting matter with public comment*)
- **Consideration of Resolution** – Approval Of A Transfer Of Development Rights Receiving Zone Feasibility Grant To Township of Vernon (*voting matter with public comment*)
- **Consideration of Resolution** – Approval Of Contract For Development Of Municipal Fiscal Analysis Of Potential Municipal Transfer Of Development Rights (TDR) Receiving Areas Pursuant To The Highlands TDR Program, Highlands Center Designations, And Highlands Redevelopment Area Designations (*voting matter with public comment*)

8. EXECUTIVE DIRECTOR'S REPORT
9. CONSIDERATION OF RESOLUTION - Approval of 2014 Annual Meeting Schedule (*voting matter with public comment*)
10. 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.*)
11. ADJOURN

## **RESOLUTION 2013-26**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF FISCAL YEAR 2014 GENERAL OPERATING BUDGET**

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

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

**WHEREAS**, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a general operating budget for Fiscal Year 2014; and

**WHEREAS**, the Budget and Finance Committee has reviewed a proposed general operating budget for Fiscal Year 2014; and

**WHEREAS**, the Budget and Finance Committee recommends the approval of the proposed general operating budget for Fiscal Year 2014;

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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby approves the attached Fiscal Year 2014 General Operating Budget; and

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

### **CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17th day of October, 2013.



\_\_\_\_\_  
Jim Rilee, Chairman

**RESOLUTION 2013-26**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF FISCAL YEAR 2014 GENERAL OPERATING BUDGET**

**Vote on the Approval of  
This Resolution**

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

**HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**HIGHLANDS GENERAL OPERATING BUDGET FY2014**

**Revenues:**

State of New Jersey Appropriation	\$	2,315,000.00
Balance from prior fiscal year	\$	252,318.99
Miscellaneous Revenues & Reimbursements	\$	3,000.00
<b>Total Revenues</b>	<b>\$</b>	<b>2,570,318.99</b>

**Expenditures:**

Salaries	\$	1,802,828.47
Materials and Supplies	\$	33,145.00
Other Operating Expenses	\$	193,854.00
Maintenance and Repairs	\$	283,400.00
Equipment, Additions, and Improvements	\$	95,950.00
Transfer to RMP Account	\$	161,141.52
<b>Total Expenditures:</b>	<b>\$</b>	<b>2,570,318.99</b>

## **RESOLUTION 2013-27**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE FY2014 HIGHLANDS PROTECTION FUND CAPITAL BUDGET**

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

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

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

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

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

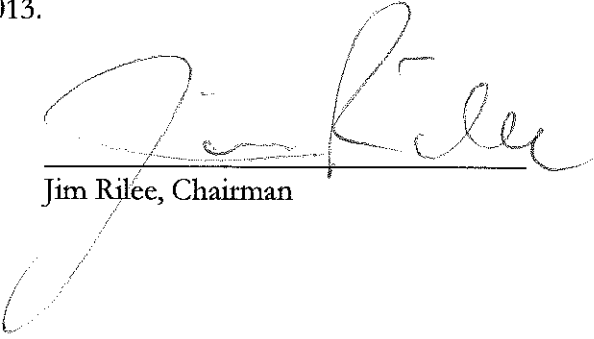
**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby approves the attached Highlands Protection Fund Capital Budget for Fiscal Year 2014; and

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

### **CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of October, 2013.



Jim Rilee, Chairman

## RESOLUTION 2013-27

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE FY2014 HIGHLANDS PROTECTION FUND CAPITAL BUDGET

#### Vote on the Approval of This Resolution

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

**HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**HIGHLANDS PROTECTION FUND CAPITAL BUDGET ESTIMATES FY2014**

**Revenues:**

Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: PC Grant	\$	3,387,597.77
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: PCAGA Grant	\$	3,555,835.00
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: TDR	\$	130,000.00
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: AG	\$	15,000.00
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: WUCMP Muns	\$	67,249.50
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: WUCMP Cons	\$	76,602.16
Highlands Unencumbered Funds (rollover from FY2013)	\$	2,783,752.10
State of New Jersey FY2014 Appropriation - Highlands Protection Fund		
Regional Master Plan Compliance Aid	\$	2,182,000.00
<b>Total Revenues</b>	<b>\$</b>	<b>12,198,036.53</b>

**Expenditures:**

Municipal Plan Conformance Grants - Projected FY2014	\$	1,248,300.00
Municipal Stormwater Management Plan (\$15k/award)	\$	675,000.00
Municipal TDR Feasibility Study Grants (\$40k/award)	\$	240,000.00
Municipal TDR Implementation Grants (\$250k/award)	\$	750,000.00
Resource Management Guidance Contracts on Behalf of Highlands Municipalities	\$	300,000.00
County Plan Conformance Grants - Projected FY2014	\$	735,000.00
Highlands Protection Fund Grants - Projected Closure of Unexpended Encumbrances	\$	202,384.10
Highlands Protection Fund Grants - Projected Reimbursements of Encumbered Funds	\$	2,000,000.00
Highlands Protection Fund Grants - Projected Balance of Encumbrances	\$	6,047,352.43
<b>Total Highlands Protection Fund Grant Encumbrances</b>	<b>\$</b>	<b>12,198,036.53</b>

## RESOLUTION 2013-28

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT TO TOWNSHIP OF VERNON, SUSSEX COUNTY

**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 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**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

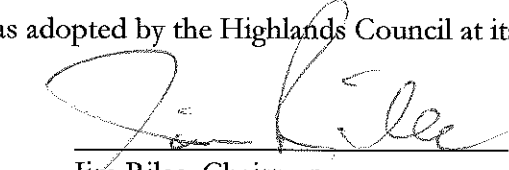
**WHEREAS**, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

**WHEREAS**, the Highlands Council staff has reviewed the grant application submitted by the Township of Vernon, County of Sussex, and recommends approval by the Highlands Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that the Executive Director, or his designee, is hereby authorized to enter into a grant agreement with the Township of Vernon for a TDR Receiving Zone Feasibility Grant in the amount of \$40,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to his authority under the Highlands Council Bylaws.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of October 2013.

  
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 2013-29**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR DEVELOPMENT OF MUNICIPAL FISCAL ANALYSIS OF POTENTIAL MUNICIPAL TRANSFER OF DEVELOPMENT RIGHTS (TDR) RECEIVING AREAS PURSUANT TO THE HIGHLANDS TDR PROGRAM, HIGHLANDS CENTER DESIGNATIONS, AND HIGHLANDS REDEVELOPMENT AREA DESIGNATIONS**

**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 18.b. 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**, 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**, the Highlands Act in N.J.S.A. 13:20-13 outlines the goals of the RMP mandating the establishment of Highlands Transfer of Development Rights program stating that “the council shall assist municipalities or counties in analyzing voluntary receiving zone capacity” (subsection e.); and that “the council shall perform the real estate analysis...that is required to be performed by a municipality prior to the adoption or amendment of any transfer ordinance”](subsection g.); and

**WHEREAS**, section 11 of the Highlands Act outlines the contents of the RMP mandating the establishment of financial and smart growth components; and

**WHEREAS**, the RMP includes goals, policies, and objectives relating to smart growth, redevelopment and transfer of development rights programs in Chapter 5, Parts 6, 7 and 8;

**WHEREAS**, to support the Highlands Council with implementation of these programs, the Highlands Council staff prepared a Request for Proposal (RFP) which was released to the public on June 11, 2013 seeking firms to advise and assist the Highlands Council; and

**WHEREAS**, three (3) firms submitted responses and proposals on or before the deadline of July 12, 2013; and

**WHEREAS**, the Highlands Council staff evaluated the responses based on work experience and professional qualifications, geographic location and interviews, recognizing that, in addition to Highlands Centers, Redevelopment Areas, and TDR Receiving Areas within the Highlands Region, the potential exists for TDR voluntary receiving zones to be located outside of the Highlands Region anywhere in the State; and

**WHEREAS**, Highlands Council staff recommends that the Council enter into a contract with each of the three (3) teams insofar as they are all qualified vendors for the scope of work specified in the RFP; and further recommends that, upon execution of an acceptable master

## **RESOLUTION 2013-29**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR DEVELOPMENT OF MUNICIPAL FISCAL ANALYSIS OF POTENTIAL MUNICIPAL TRANSFER OF DEVELOPMENT RIGHTS (TDR) RECEIVING AREAS PURSUANT TO THE HIGHLANDS TDR PROGRAM, HIGHLANDS CENTER DESIGNATIONS, AND HIGHLANDS REDEVELOPMENT AREA DESIGNATIONS**

contract with the Council, the municipalities be provided with the list of each of the qualified vendors; and further, that a municipality be given the opportunity to select the most appropriate vendor, and enter into a contract as a component of the Highlands Council approved scope of work and budget provided to the municipality as part of the Plan Conformance Grant Contract Award or Highlands Transfer of Development Rights Receiving Area Grant Contract Award; and

**WHEREAS**, Highlands Council staff also recommends that the master contract to be executed with the three (3) teams also provide for the provision of direct technical support to staff in the establishment of Highlands Development Credit (HDC) Transfer program for both intra-municipal and regional HDC transfers and to assist in developing the requirements for the scope of work and analysis of economic conditions related to Highlands Designated Centers and Redevelopment Areas; and

**WHEREAS**, the Highlands Council staff recommends that the three (3) teams are suited to meet the needs articulated by the Highlands Council's RFP and further recommends that the Highlands Council authorize the Executive Director to enter into contracts with Clarke Caton Hintz, Mercer Planning Associates, and Urban Partners for Highlands Region assistance in the development of a municipal fiscal analysis of potential municipal TDR receiving areas pursuant to the Highlands TDR Program, Highlands Center Designations, and Highlands Redevelopment Area Designations; and to provide direct technical support to 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 contracts with Clarke Caton Hintz, Mercer Planning Associates, and Urban Partners consistent with the WHEREAS clauses, above, and that the master contract to be executed with each firm provide a not to exceed amount of \$25,000 per municipality; and further that the direct technical support to Highlands Council staff to be provided by each or any of the consultants as requested by the Highlands Council staff, not to exceed \$150,000 in the aggregate.

### **CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of October 2013.



\_\_\_\_\_  
Jim Rilee, Chairman

## RESOLUTION 2013-29

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF CONTRACT FOR DEVELOPMENT OF MUNICIPAL FISCAL  
ANALYSIS OF POTENTIAL MUNICIPAL TRANSFER OF DEVELOPMENT RIGHTS  
(TDR) RECEIVING AREAS PURSUANT TO THE HIGHLANDS TDR PROGRAM,  
HIGHLANDS CENTER DESIGNATIONS,  
AND HIGHLANDS REDEVELOPMENT AREA DESIGNATIONS**

**Vote on the Approval of  
This Resolution**

<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
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 2013-30**

## **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**

### **ANNUAL MEETING SCHEDULE FOR 2014**

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

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

**WHEREAS**, the Highlands Council has considered a schedule of regularly scheduled meetings of the Highlands Council for the year 2014; and

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

#### **NOW, THEREFORE, BE IT RESOLVED**

1. The Highlands Council hereby adopts the following schedule of regularly scheduled meetings of the Highlands Council for the year 2014. All scheduled meetings will begin at **4:00pm**:

January 16  
February 20  
March 20  
April 17  
May 15  
June 19  
July 17  
August 21  
September 18  
October 16  
December 4

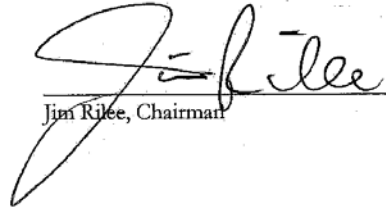
2. The Highlands Council's regular public meetings shall be held at the dates and times noted above at its office at 100 North Road, Chester, New Jersey, with the understanding that the Council may choose to make changes in location or time, but only with the provision of adequate advance public notice;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

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

**RESOLUTION 2013-30**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**ANNUAL MEETING SCHEDULE FOR 2014**

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of October, 2013.

  
Jim Rilee, Chairman

**Vote on the Approval of  
This Resolution**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
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			✓			