



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



PHILIP D. MURPHY
Governor

CARL J. RICHKO
Chairperson

SHEILA Y. OLIVER
Lt. Governor

BENJAMIN L. SPINELLI, ESQ.
Executive Director

MEETING AGENDA Thursday, October 20, 2022 at 4:00pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. CHAIR'S REPORT
6. EXECUTIVE DIRECTOR'S REPORT
7. APPROVAL OF HIGHLANDS COUNCIL MINUTES – July 21, 2022
8. APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES – July 21, 2022
9. BUDGET & FINANCE COMMITTEE
 - a. CONSIDERATION OF RESOLUTION - Approval of Fiscal Year 2023 General Operating Budget (*voting matter with public comment*)
 - b. CONSIDERATION OF RESOLUTION - Approval of Fiscal Year 2023 Highlands Protection Fund Capital Budget (*voting matter with public comment*)
 - c. CONSIDERATION OF RESOLUTION - Approval of FY2023 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants (*voting matter with public comment*)
10. OTHER BUSINESS:
 - a. CONSIDERATION OF RESOLUTION – Highlands Council Annual Meeting Schedule for 2023 (*voting matter with public comment*)
 - b. CONSIDERATION OF RESOLUTION - Highlands Development Credit Bank Annual Meeting Schedule for 2023 (*voting matter with public comment*)
11. OLD & NEW BUSINESS
12. PUBLIC COMMENTS (*To ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
13. EXECUTIVE SESSION, *if deemed necessary*
14. ADJOURN

RESOLUTION 2022-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2023 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 2023; and

WHEREAS, the Budget and Finance Committee has reviewed a proposed general operating budget for Fiscal Year 2023; and

WHEREAS, the Budget and Finance Committee recommends the approval of the proposed general operating budget for Fiscal Year 2023; and

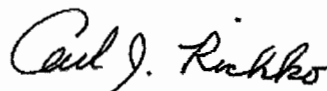
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the attached Fiscal Year 2023 General Operating Budget; and

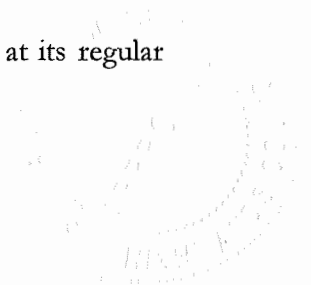
BE IT FURTHER RESOLVED that the Budget and Finance Committee shall review the budget periodically and make recommended adjustments to the Council, as appropriate.

CERTIFICATION

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



Carl J. Richko, Chairman



RESOLUTION 2022-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2023 GENERAL OPERATING BUDGET

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

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS GENERAL OPERATING BUDGET FY2023

Revenues:

State of New Jersey Appropriation	\$	2,429,000.00
Balance from prior fiscal year	\$	590,302.34
Miscellaneous Revenues & Reimbursements	\$	1,000.00
Total Revenues	\$	3,020,302.34

Expenditures:

Salaries	\$	2,325,773.34
Materials and Supplies	\$	34,800.00
Other Operating Expenses	\$	242,379.00
Rent, Maintenance and Repairs	\$	281,900.00
Equipment, Additions, and Improvements	\$	135,450.00
Total Expenditures:	\$	3,020,302.34

Approved at the October 20, 2022 Highlands Council Meeting

RESOLUTION 2022-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2023
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

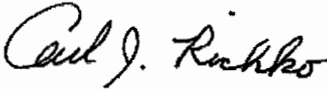
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior 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 2023; 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 20th day of October, 2022.



Carl J. Richko, Chairman

RESOLUTION 2022-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF FISCAL YEAR 2023
HIGHLANDS PROTECTION FUND CAPITAL BUDGET

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

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
HIGHLANDS PROTECTION FUND CAPITAL BUDGET ESTIMATES FY2023

Revenues:

Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: Plan Conformance	\$	4,600,490.38
Highlands Protection Fund Grants - Balance of Unexpended Encumbrances: TDR	\$	58,645.25
Highlands Unencumbered Funds (rollover from FY2022)	\$	-
State of New Jersey FY2023 Appropriation - Highlands Protection Fund Regional Master Plan Compliance Aid	\$	2,182,352.00
Total Revenues	\$	6,841,487.63

Expenditures:

Municipal Plan Conformance Petition Planning and Implementation	\$	1,877,352.00
County Plan Conformance Grants	\$	305,000.00
Highlands Protection Fund Grants - Projected Closure of Unexpended Encumbrances	\$	100,000.00
Highlands Protection Fund Grants - Projected Reimbursements of Encumbered Funds	\$	1,400,000.00
Highlands Protection Fund Grants - Projected Balance of Encumbrances	\$	3,159,135.63
Total Highlands Protection Fund Grant Encumbrances	\$	6,841,487.63

Approved at the October 20, 2022 Highlands Council Meeting

RESOLUTION 2022-19

APPROVAL OF FY2023 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

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

WHEREAS, Section 6.g the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility assigned to it under the Highlands Act; and

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

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

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

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

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

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

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

RESOLUTION 2022-19
APPROVAL OF FY2023 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR
PLAN CONFORMANCE FUNDING GRANTS

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

Municipality	Purpose	Amount
Allamuchy Township	Interactive Environmental Resource Inventory "ERI" Implementation and Adoption	\$8,000
Washington Borough	Land Use Plan Update, Sustainable Economic Development Plan	\$75,000
West Milford	Master Plan Update	\$44,000
West Milford	Trail and Open Space Planning	\$40,000
West Milford	Redevelopment Planning	\$30,000
West Milford	Land Use Ordinance Updates	\$25,000
Bethlehem Township	Farmland Preservation Plan	\$20,000
Bethlehem Township	Master Plan Reexamination, ERI Update	\$20,000
Vernon Township	Master Plan Update/Economic Development Planning	\$55,000
Green Township	Farmland Preservation Plan	\$15,000
Mountain Lakes	Initial Assessment Grant	\$15,000
Total	FY 2023 Plan Conformance	\$347,000

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts designated, not to exceed in the aggregate, \$347,000; and

WHEREAS, the above-referenced \$347,000 allocation will be included in a forthcoming FY2023 Highlands Protection Fund Capital Budget; and

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

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

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

RESOLUTION 2022-19

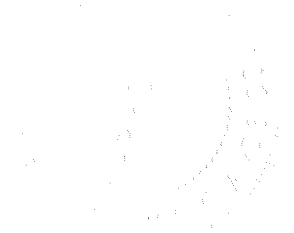
APPROVAL OF FY2023 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

CERTIFICATION

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

Carl J. Richko

Carl J. Richko, Chairman



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

RESOLUTION 2022-20
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2023

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 2023; 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 2023. All scheduled meetings will begin at **4:00pm**:

January 19
February 23
March 16
April 20
May 18
June 22
July 20
August 17
September 21
October 19
December 14

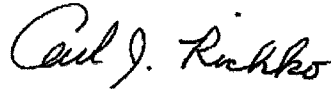
2. The Highlands Council's regular public meetings shall be held at the dates and times noted above at its office at 100 North Road, Chester, New Jersey, and/or virtually, with the understanding that the Council may choose to make changes in location or time, but only with the provision of adequate advance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

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

RESOLUTION 2022-20
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ANNUAL MEETING SCHEDULE FOR 2023

CERTIFICATION

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



Carl J. Richko, Chairman

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

RESOLUTION 2022-21
NEW JERSEY HIGHLANDS DEVELOPMENT CREDIT BANK
ANNUAL MEETING SCHEDULE FOR 2023

WHEREAS, pursuant to Section 13.i of the Highlands Water Protection and Planning Act (Highlands Act), the Highlands Water Protection and Planning Council established the Highlands Development Credit Bank (Bank) by Resolution 2008-24 adopted on June 26, 2008; and

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

WHEREAS, pursuant to the Highlands Development Credit Bank By-laws, a true copy of the Board's meeting minutes shall be prepared and forthwith delivered to the Highlands Council and no action taken at such meetings by the Board shall have effect until the Highlands Council's period of review has expired and the Governor's period of review for that Council meeting has expired pursuant to the following paragraph; and

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

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Development Credit Bank hereby adopts the following schedule of regularly scheduled meetings of the Highlands Development Credit Bank for the year 2023:

Thursday, February 2, 2023
Thursday, May 4, 2023
Thursday, August 3, 2023
Thursday, November 2, 2023

2. The Highlands Development Credit Bank's regular public meetings shall be held at the dates above at **4:00pm** at its office at 100 North Road, Chester, New Jersey, and/or by teleconference or videoconference with the understanding that the Highlands Development Credit Bank may choose to make changes in location or time, but only with the provision of adequate advance public notice; and

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

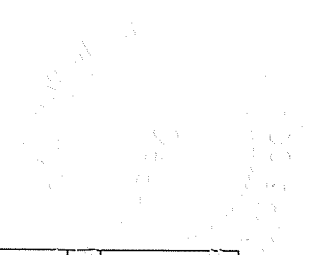
**RESOLUTION 2022-21
NEW JERSEY HIGHLANDS DEVELOPMENT CREDIT BANK
ANNUAL MEETING SCHEDULE FOR 2023**

CERTIFICATION

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

Carl J. Richko

Carl J. Richko, Chairman



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



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
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CARL J. RICHKO
Chairperson

BENJAMIN L. SPINELLI, ESQ.
Executive Director

MEMORANDUM

To: Budget & Finance Committee
From: Benjamin L. Spinelli, Esq., Executive Director
Subject: Committee Meeting Minutes – October 4, 2022
Date: October 13, 2022

A Budget and Finance (B&F) Committee meeting was held on Thursday, October 4, 2022 at 9:00am via Teams.

Committee Chair Holtaway opened the meeting at 9:00am. A roll call was taken. The following participants were present:

Committee: Committee Chair Holtaway, Council Chair Richko, and Members James and Visioli.

Highlands Staff: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Judy Thornton, Corey Piasecki, Allison Bittner, Herb August, Ranji Persaud, and Annette Tagliareni.

Governor's Authorities Unit: Jeffrey Nielsen, Associate Counsel

Committee Chair Holtaway announced the first agenda item and turned the meeting over to Highlands Council Grants Manager, Herb August for his summary.

Highlands Council FY2023 Highlands Protection Fund Budget:

Mr. August reported that the FY2023 Highlands Protection Fund Budget is an estimate of potential Highlands Council expenditures from July 1, 2022 through June 30, 2023 on tasks required by the Regional Master Plan (RMP), the Department of Environment Protection (NJDEP), and the Highlands Act, the latter specifically in regard to Highlands municipal and county conformance. The State re-appropriation funds total \$2,182,352 for new Plan Conformance initiatives. Council staff has estimated the need for FY2023 to be approximately \$1,877,352 for municipalities and \$305,000

for county Plan Conformance Grants. All grants are reimbursement-based with final budgeted amount to be determined by approved scopes of work and deliverables.

Mr. August added that Highlands Council staff will be recommending additional grant requests for Council's October 20th meeting. Mr. August also noted that the Highlands Council intends to extend/close approximately \$100,000 for inactive grants as well as \$1,400,000 in existing contracts within this fiscal year. Mr. August provided a summary and historical sheet to the committee.

Committee Member Visioli asked for clarification regarding the unexpended encumbrances. Mr. August responded that the Department of Treasury holds these encumbrances until an approved scope of work is provided by the municipality/county.

Committee Chair Holtaway asked for a motion to move the Highlands Council FY2023 Highlands Protection Fund Budget to the Council for consideration. Member James made a motion and Member Visioli seconded it. A roll call vote was taken, and all were in favor.

Committee Chair Holtaway announced the next agenda item and turned the meeting over to staff to provide summaries for grant recommendations.

Highlands Council FY2023 Highlands Protection Fund Grant Recommendations:

Township of Allamuchy (Warren County) – Environmental Resource Inventory (ERI) - \$8,000

Corey Piasecki, Principal Planner, reported that Allamuchy Township is looking to adopt a new ERI using the recently completed Highlands Interactive ERI. Mr. Piasecki added that the Township will be the first municipality to use the Interactive ERI instead of an individually prepared plan. Funding will pay for finalization of the mapping and document, as well as local adoption.

Ben Spinelli, Executive Director, asked how a “living” ERI will help municipalities. Mr. Piasecki responded that the Interactive ERI pulls new data from the most reliable sources electronically, thus providing the most current information available on any given topic at the moment it is sought. Municipalities will have access to a continually updated ERI database, rather than relying upon a static document containing information gathered at the time of the last ERI preparation.

Committee Chair Holtaway recommended that staff work closely with the Township since they are the first to implement this process. Mr. Piasecki added that the ERI has been tested so he does not anticipate issues with the Township's scope of work.

Washington Borough (Warren County), Land Use Plan Element and Sustainable Economic Development Plan - \$75,000

Corey Piasecki, Principal Planner, reported that Washington Borough plans to update/prepare a Land Use Plan Element which will be the basis of the comprehensive zoning ordinance revisions to review the existing zoning and land uses, incorporate the required climate change vulnerability assessment, as well as explore the feasibility of an intra-municipal TDR program. Mr. Piasecki noted

that the Borough will be the first municipality in the State to address climate change assessment as required in the Municipal Land Use Law. The estimated cost for this grant is \$35,000.

The Borough also plans to implement a Sustainable Economic Development Plan to bolster its downtown. This will be a proactive tool to create the foundation for long-term economic viability. The cost for this plan is estimated at \$40,000.

There was some discussion regarding the Council's region-wide Economic Sustainability Plan and the Borough's plan. It was also noted that costs have increased since the region-wide plan was developed.

West Milford Township (Passaic County), Master Plan Update, Trails/Open Space Planning, Redevelopment Study, and Ordinance Updates - \$139,000

Judy Thornton, Principal Planner, reported that West Milford plans to update its Master Plan, most significantly to incorporate the findings and recommendations of its recently adopted Sustainable Economic Development Plan. In addition, the Township intends to follow up on recent updates to its Open Space and Recreation Plan, by furthering efforts toward establishment of trails and acquisition of open space. As a Preservation Area-only community, it is also important to the Township to continue with Highlands Redevelopment Area studies for underutilized existing developments, including now, a vacant school building. Last, the Township anticipates needing funding to complete ordinance updates that will be required following the updates to its Master Plan.

1. Master Plan Update - \$44,000
2. Trail and Open Space Planning - \$40,000
3. Highlands Redevelopment Area studies, including a vacant school building - \$30,000
4. Ordinance updates - \$25,000

Member James noted that Passaic County is partnering with schools so anything that helps the economy is good.

Bethlehem Township (Hunterdon County), Master Plan Reexamination, Farmland Preservation Plan, and Interactive ERI Update - \$40,000

Ms. Thornton reported that Bethlehem Township, a fully conforming Planning/Preservation area municipality is getting active again and needs to conduct the following:

1. Master Plan Reexamination - \$15,000
2. Update to Farmland Preservation Plan - \$20,000
3. Interactive ERI Application - \$5,000

Vernon Township (Sussex County) – Master Plan Update and Sustainable Economic Development Plan –\$55,000

Allie Bittner, Regional Planner/Land Preservation Coordinator reported that Vernon Township plans to update its Master Plan to be consistent with the RMP; and at the same time develop a

Sustainable Economic Development Plan which will be a proactive tool to create the foundation for long-term economic viability. Director of Planning, Science & GIS, James Humphries noted that the Township is a center for outdoor recreation in the Highlands.

Green Township (Sussex County) – Farmland Preservation Plan - \$15,000

Ms. Bittner also reported on Green Township's plan to update its Farmland Preservation Plan. Ms. Bittner noted that this will be a great way to develop a relationship with the Township.

Mountain Lakes Borough (Morris County) – Initial Assessment Grant - \$15,000

Maryjude Haddock-Weiler, Planning Manager, reported that Highlands staff has had discussions with Mountain Lakes Borough over the past five years. The Borough Council passed a resolution to do an Initial Assessment Grant to explore the potential for partnering with the Highlands Council. Mountain Lakes Borough, a 100% Planning Area municipality, is interested in plan conformance. The first step in the process for the municipality is to conduct a self-assessment.

Committee Chair Holtaway asked for a motion to move the Highlands Council FY2023 Highlands Protection Fund Grants to the Council for consideration. Member Visioli made a motion and Member James seconded it. A roll call vote was taken, and all were in favor.

FY2023 Highlands General Operating Budget

Ranji Persaud, Manager of HR, Fiscal and Office Services, reported that the Council received \$2,429,000 in State Appropriations. With a carryover bank balance of \$590,302.24 and miscellaneous revenues projected at \$1000.00, the Council is expected to have an FY23 General Operating Budget of \$3,020,302.34.

Mr. Persaud noted that the carryover bank balance was unusually high due to staff separation and rehiring, as well as a delay in salary increases for CWA employees. Items of significant importance to the FY23 budget include: (a) all unexpended FY22 funds set aside for salary expenses (\$265,400) were returned to the Council by the Dept. of Treasury and rolled into the FY23 budget, (b) the budget accommodates anticipated hiring of two additional, full time staff; (c) the reserve includes a set aside for CWA contractual salary increases and non-CWA employees; (d) the small increase in insurance line item is due to cost; (e) the legal fees line item increased, with reserve set aside for any litigation and counsel fees; and (f) all other line items remain the same or were adjusted slightly for rising costs in materials and services.

Committee Chair Holtaway asked for a motion to move the FY2023 General Operating Budget to the Council for consideration. Member James made a motion and Member Visioli seconded it. A roll call vote was taken, and all were in favor.

The meeting was adjourned at 9:36am.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JULY 21, 2022

PRESENT

VIA TELECONFERENCE:

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

ABSENT

MICHAEL SEBETICH)

CALL TO ORDER 191ST meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. Members Dougherty, Francis, and Sebetich were absent. Member Dressler was present via teleconference. All other Council Members were present in person. *The following staff members were present: Lisa J. Plevin, Gabrielle Gallagher, James Humphries, Kelley Curran, Neda Hartman, Herb August, Ranji Persaud, Annette Tagliareni, Allison Bittner, Carole Ann Dicton, and Tom Tagliareni. Others present: Jeffrey Nielsen, Associate Counsel, Governor's Authorities Unit. Deputy Attorney General's (DAG's) office: Jason Kane via teleconference.*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN'S REPORT

Chair Richko acknowledged the service of Lisa J. Plevin and read into the record the following resolution commending her leadership and dedication to the Highlands Council and its mission as Executive Director from 2018-2022.

Resolution - Commending Lisa J. Plevin for her Leadership and Dedication to the Highlands Council and Its Mission as Executive Director, 2018-2022

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 empowers the Highlands Council to appoint an Executive Director to serve, at the pleasure of the Council, as its chief administrative officer; and

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WHEREAS, the Executive Director plays a vital role in implementing policies established by the Highlands Council, identifying new initiatives, and managing and providing leadership to the staff of the Highlands Council; and

WHEREAS, Lisa J. Plevin has been the Executive Director for the Highlands Council for the past four years having been appointed in July of 2018; and

WHEREAS, Ms. Plevin brought to the Highlands Council a wide breadth of experience working on varied environmental matters;

WHEREAS, over the course of four years as Executive Director, Ms. Plevin has ably assisted the Highlands Council and has led the Highlands Council staff in its mission to implement the goals of the Highlands Act and the Highlands Regional Master Plan (RMP); and

WHEREAS, Ms. Plevin's commitment and dedication to the mission of the Highlands Council has served to guide its efforts and established the tone for all Council activities; and

WHEREAS, Ms. Plevin has sought to encourage significant public participation in the Council's operations and has endeavored to involve all stakeholders in Council initiatives; and

WHEREAS, Ms. Plevin provided exceptional leadership of the Highlands Council team during the COVID-19 pandemic, which was perhaps the most challenging time the organization has faced since the development of the RMP; and

WHEREAS, Ms. Plevin was the driving force behind an incredibly successful effort to engage municipal and county partners in implementation of the RMP; and

WHEREAS, based on these efforts, several Petitions and Amended Petitions for Plan Conformance came before the Council and were approved, strengthening collaborative implementation of the Highlands Act and RMP; and

WHEREAS, during Ms. Plevin's tenure more than 20 municipal and county planning grants were approved for work including Water Use and Conservation Management, Stormwater Management, Transportation Planning, Lake and Stream Management, Economic Sustainability Planning, and more; and

WHEREAS, Ms. Plevin spearheaded the completion of an effort that began in 2007 to have the Regional Master Plan endorsed by the State Planning Commission, which results in significant benefits for Highlands municipalities and counties; and

WHEREAS, Ms. Plevin quickly ramped-up outreach to municipal and county partners experiencing Harmful Algal Blooms (HABs) to facilitate grant funding for watershed assessments, lake and stream management plans, and stormwater management plans to help identify and address many of the root causes of HABs; and

WHEREAS, Ms. Plevin has significantly contributed to furthering the goals of the Highlands Act and the Highlands RMP, and has left a solid foundation for future activities of the Highlands Council; and

WHEREAS, Ms. Plevin has many other accomplishments that distinguish her tenure as Executive Director and will have a lasting, positive impact on the Highlands Region; and

WHEREAS, the Highlands Council wishes to publicly and formally acknowledge Ms. Plevin's accomplishments as Executive Director, and the legacy she leaves to the future of the Highlands Council and the Highlands Region generally;

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby commends Lisa J. Plevin for her outstanding service as Executive Director of the Highlands Council and her service to the people of the State of New Jersey;

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Governor Philip D. Murphy recognizing Ms. Plevin's achievements as Executive Director of the Highlands Council from 2018 to 2022.

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Chairman Richko asked for a motion on the resolution.

Member Alstede moved the resolution. Member Holtaway seconded it.

Prior to Council discussion, Chairman Richko introduced Jeffrey Nielsen, Associate Counsel, Governor's Authorities. On behalf of Governor Murphy, Mr. Nielsen congratulated Ms. Plevin on her retirement and read into the record a letter from Governor Murphy.

It is my honor to congratulate you on your retirement from your incredible career in government and non-profit leadership roles, departing as the Executive Director of Highlands Council.

You have established a career of significant work in environmental advocacy and natural resource protection. Your role for U.S. Senator Frank Lautenberg, as a Senior Advisor on environmental issues in New Jersey, as Chief of Staff for the U.S. Environmental Protection Agency (EPA) Region 2, and as Deputy Director of our innovative Environmental and Energy Transition Committee; coupled with your involvement in the developmental framework causing numerous Conservation Acts to be passed deserves to be highlighted and recognized. Your personal contributions and leadership in support of important environmental issues and programs will forever be remembered by the Garden State. The tireless work you have done within the State of New Jersey for more than three decades has undoubtedly earned you the respect and admiration from colleagues and is owed a great debt of gratitude from all of New Jersey.

Lisa, you have made a tremendous impact on New Jersey's environmental protection, development, and advocacy system that has initiated many policies and implementation strategies to better our lives. On behalf of the State of New Jersey, I applaud you for your generous dedication throughout your esteemed career. Now, as you embark upon this new and exciting chapter in your life, take pride in knowing that the entire Garden State will benefit from your hard work and lasting contributions for years to come.

Congratulations, again, and best wishes for lasting health and happiness!

Council Comment

Vice Chair Alstede commented that he has served with every Executive Director since the inception of the Council and as the Council has matured in terms of functionality and serving residents in the region, so have our Executive Directors. Vice Chair Alstede added that Lisa's professionalism, objectivity, dedication did not go unrecognized.

Member Holtaway commented that watching Lisa gave the public a much better vision of what we are and Lisa was also able to get more towns involved. The outreach she has done, has done all of us good. Member Holtaway added he is very pleased to have had the opportunity to work with Lisa for the past 4 years and wished her Godspeed.

Member Visioli thanked Lisa and commented that the proclamation and letter from Governor says it all.

Member Van Abs commented that he has interacted with Lisa on almost every major position of her career and always enjoyed working with her and respects her tremendously as a professional. Member Van Abs added that he is very pleased to have had the last couple of years on the Highlands Council working with her for the first time in an official capacity.

Member Vohden commented that he believes all of us agree with what has been said and that Lisa has done a great job.

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Member Dressler was present at 4:18pm.

Member Dressler commented that Lisa is the consummate professional. She is courteous, personable and knows her stuff. It has been a pleasure to work with Lisa. Member Dressler added that Lisa has taken this Council to heights we have never been before.

Member James commented he and Lisa have a friendship and he is happy . that they will continue to spend time together.

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga congratulated Ms. Plevin as a representative of the environmental community. Mr. Ruga added that Lisa has won the respect of the council members, advocacy groups, municipal officials throughout the Highlands, agencies and has carried this position with a great deal of professionalism.

Chairman Richko commented that he has never worked with anyone like Lisa. Lisa has done her job very well. Chairman Richko added a sincere thank you and many years of happy, healthy retirement.

Members Dougherty and Francis were present at 4:19pm.

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

At this time, Ms. Plevin said she was speechless and overwhelmed by the well wishes, the resolution and added that Governor Murphy's letter was a nice surprise. Ms. Plevin said that it has been an honor to serve as the Executive Director for the last four years. She appreciated the opportunity to have worked with both the dedicated members of the Council as well as the dedicated staff. Together, we've made significant strides in advancing the mission and goals of the agency. We've undertaken many new, creative, and far-reaching projects, developed new and improved relationships with municipalities and counties. Ms. Plevin added that despite the obstacles of COVID, we all continued to move forward with advancing the work of Council and goals of the Highlands Act.

Ms. Plevin added that she feels incredibly lucky to have worked on issues that she is passionate about for most of her career. Ms. Plevin gave a special thanks to Carl, Kurt, and Bob for their strong leadership and support in helping guide this agency. In addition, the Council Committees are the engine that keep this agency moving forward. Ms. Plevin thanked Committee Chairs Members James, Dressler, Visioli, Van Abs, Vohden, and Francis for their hard work and dedication to the mission of the agency. Ms. Plevin also thanked the staff as they are just as passionate about the goals of the agency and accomplishing the mission.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin then gave her last Executive Director's report and highlighted the following updates and staff activities:

Plan Conformance Updates

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Municipal Petitions

Petition for Center Designation for Clinton Township, Hunterdon County was approved by Council on June 15, 2022.

Municipally Issued Exemptions

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

- Washington Township, Morris County: three exemption #5, one exemption #1
- Hardyston Township, Sussex County: one exemption #5
- High Bridge, Hunterdon County: one exemption #4.
- Montville Township, Morris County: one exemption #5
- Sparta Township, Sussex County: 12 exemption #5s.

Project Review Updates

Staff reviewed two (2) Highlands Applicability Determination (HAD) Exemption #11 projects.

- Veolia Water New Jersey, Inc., has applied to NJDEP for HAD #11's for 2 separate projects, both in West Milford, Passaic County, and both to achieve regulatory compliance for chlorine contact time:
 - The first involves the installation of a water main under the driveway of the Sussex Drive Well facility. Highlands Council staff finding: Consistent.
 - The second involves the installation of approximately 30 feet of water main piping at the Bald Eagle Water Treatment Plant. Highlands Council staff review is pending.

Personnel Update

The vacant Environmental Scientist 3 position has been filled, and the candidate is expected to begin August 15. Also, Council will be considering a resolution for the Executive Director position at this meeting.

The next Council Meeting is scheduled for August 18, 2022.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JUNE 16, 2022

Chairman Richko asked for a motion on the Council Minutes of June 16, 2022

Member Visioli made a motion to approve the Highlands Council Minutes of June 16, 2022. Member James seconded it.

A roll call vote was taken. The Highlands Council Minutes of June 16, 2022 were APPROVED 10-0.

PRESENTATION – New York-New Jersey Trail Conference

Ms. Plevin gave an overview on the New York-New Jersey Trail Conference project and then introduced Zachary Cole, Long-Distance Trails Program Coordinator who provided a presentation which can be found on the Highlands Council website at the following link:

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https://www.nj.gov/njhighlands/about/calend/2022/jul21/preso_jul21.pdf

Council Comments

Vice Chair Alstede asked if he has been able to track/quantify the economic impact of the trail. Mr. Cole responded that we do keep track of visitors to the trail and there could possibly be a way to quantify the impact and will be happy to bring his question back to the office.

Jeffrey Neilson, Associate Council, Governor's Authorities Unit commented on his upcoming trip to the Camino de Santiago trail and examples of its economic impacts. Mr. Neilson added that he could foresee the New York-New Jersey Highlands Trail having that same identity.

Member Vohden asked who maintains the trails. Mr. Cole responded that the trails are maintained by the Conference and over 2,000 volunteers who take ownership of a mile of the trail.

BUDGET & FINANCE COMMITTEE

Resolution – Approval to Extend the Fiscal Year Budgets 2022 at the Same Average Monthly Spending Level

Committee Chair Holtaway reported that per annual practice, the Council will consider a resolution to extend the monthly amounts for the FY22 Operating and Grants budgets until the Council approves and adopts its FY23 budgets in the fall.

Chairman Richko asked for a motion on the resolution.

Member Holtaway moved the resolution. Member Visioli seconded it.

Council Comment

There was no Council comment.

Public Comment

There was no public comment.

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

Resolution – Executive Session

Chair Richko announced that Council would enter executive session. Chief Counsel Gabrielle Gallagher read the following resolution 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 Highlands Water Protection and Planning Council ("Council") is of the opinion that those circumstances presently exist; and

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WHEREAS, the Council will discuss personnel matters concerning a prospective employee within the meaning of N.J.S.A. 10:4 12(b)(8);

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of July 21, 2022 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.

This Resolution shall become effective upon a roll call vote of the Council.

Chair Richko requested a motion on the resolution.

Member Van Abs made a motion. Member James seconded it.

There was no Council discussion.

A roll call vote was taken. The Resolution was approved 10-0.

Public portion of the meeting was temporarily dismissed at 4:50pm.

[EXECUTIVE SESSION]

The New Jersey Highlands Water Protection and Planning Council meeting resumed at 5:10pm.

Chair Richko asked Personnel Committee Chair to read the resolution into record.

Resolution – Appointment of Executive Director

Committee Chair James read:

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED

1. The Highlands Council hereby appoints Benjamin L. Spinelli, Esq. as its Executive Director, at an annual basis of \$135,000.00.

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2. The Executive Director is hereby authorized and directed to exercise all of the duties and responsibilities as set forth in the bylaws.

Chairman Richko asked for a motion on the resolution.

Member James moved the resolution. Member Alstede seconded it.

At this time, Chairman Richko provided a summary on Mr. Spinelli's professional experience:

- B.A. Political Science/History - Muhlenberg College
- Law Degree – Seton Hall University – School of Law
- Assistant County Prosecutor for Essex County Prosecutor's Office and Trial Attorney
- 1998-2007 –Chester Township Mayor
- 1991-1998 – Chairman, Chester Twp Environmental Commission
- Chairman, Morris County Open Space & Farmland Preservation Trust
- Member, State Agriculture Development Committee
- Member, NJ Environmental Infrastructure Trust Board
- Executive Director, Westchester Land Trust
- Executive Director, State of New Jersey – Office of Smart Growth
- 2004-2006 - Original Member, NJ Highlands Council - worked with fellow board members to establish the RMP and procedures that we follow to this day; and presently,
- Principal/Partner of Greener by Design – provides consulting service related to agriculture, alternative energy, open space planning, and sustainable and affordable housing. Principal areas of the practice center on environmental and conservation matters including working with governmental agencies.

Council Comment

There was no Council comment.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented that he likes Council's choice for Executive Director. Mr. Klumpp also added that landowners have not been compensated since the Act was passed. Mr. Klumpp commended Ms. Plevin for her efforts and maybe the new Executive Director can find the funding landowners deserve.

There were no further comments from the Council.

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

Chair Richko congratulated Mr. Spinelli and offered him an opportunity to say a few words.

Mr. Spinelli congratulated Lisa on her next stage in life. Working as a customer with Lisa, Mr. Spinelli commented that she has always been a professional, fair, kind, and decent person. Mr. Spinelli hopes to carry on the work Ms. Plevin has done with the Council.

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Mr. Spinelli then thanked the Council members. Mr. Spinelli added that he has worked on issues surrounding the Highlands council, the policies that protect the resources for over two decades and having been here at the beginning as a Council member and this appointment brings things full circle for him. Ms. Spinelli hopes to carry out the Council's wishes and to help bring the policies and the goals of the Act to fruition going forward and to help you to continue to implement the Act. Thank you again for the confidence the Council has shown in hiring him.

Chairman Richko noted that it is anticipated that we will have a smooth transition.

Council Comment

Vice Chair Alstede asked when Ben's start date will be. Ms. Plevin responded that if everything goes smoothly, Mr. Spinelli will start August 15th. Chief Counsel Gallagher emphasized that we need to wait out the veto period.

OLD/NEW BUSINESS:

There was no old/new business reported.

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

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga congratulated the Council on selecting Ben Spinelli as its Executive Director. Mr. Ruga added that Mr. Spinelli brings a valuable perspective as a former Council member, as well as in his other positions, including being a representative of a developer of the regulated community and someone that builds good projects. Mr. Spinelli has a visionary high-level way of seeing things, gets the big picture and understands the goals and objectives of the Highlands Act and the RMP and what this body can do.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented that his public comment made at the end of Council's June meeting was never answered. Mr. Klumpp also added that it is a crime that the land being used is not being compensated for.

Chairman Richko read Mr. Klumpp's comment from the June meeting and confirmed that it was in the minutes.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:29pm.

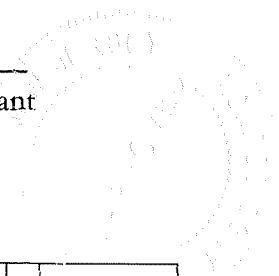
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CERTIFICATION

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: 10/21/2022

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant



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