

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 16, 2017

PRESENT

| | | |
|----------------------|---|-----------------|
| JIM RILEE |) | CHAIRMAN |
| KURT ALSTEDE |) | VICE CHAIR |
| TIMOTHY P. DOUGHERTY |) | COUNCIL MEMBERS |
| MICHAEL R. DRESSLER |) | |
| MICHAEL FRANCIS |) | |
| BRUCE JAMES |) | |
| CARL RICHKO |) | |
| MICHAEL SEBETICH |) | |
| JAMES VISIOLI |) | |
| ROBERT G. WALTON |) | |

VIA-TELECONFERENCE

| | |
|-----------------|---|
| TRACY CARLUCCIO |) |
| ROBERT HOLTAWAY |) |
| MICHAEL TFANK |) |
| RICHARD VOHDEN |) |

CALL TO ORDER 152ND meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:06pm.

ROLL CALL

Roll call was taken. Members Carluccio, Holtaway, Tfank, and Vohden were present via tele-conference. Member Dressler was absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Dicton, Chris Ross, Keri Green, Drew Siglin, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

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 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

Member Dressler was present at 4:07pm.

Chairman Rilee noted that the approval of Minutes of February 16, 2017 will be considered after the Executive Session.

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CHAIRMAN'S REPORT

There was no Chairman's report.

EXECUTIVE DIRECTOR'S (ED) REPORT

Ms. Nordstrom highlighted some of Council staff's activities.

Plan Conformance Implementation

- Clinton Town, Hunterdon County
 - Highlands Referral Ordinance: Deemed consistent
- Mount Arlington Borough, Morris County
 - Highlands Referral Ordinance: Deemed consistent
 - Highlands Environmental Inventory: Deemed consistent
 - Master Plan Highlands Element: Deemed consistent

COMMITTEE REPORT

Landowner Equity & Land Preservation Committee

Committee Chair Walton reported on the following updates/recommendations of the committee:

Updates:

- Regarding the Highlands Development Credit Purchase Program (HDCPP), of the 28 purchases approved by the HDC Bank and Council in November, 27 applicants have signed offer letters and Highlands staff is moving through the closing process.
- Regarding the Open Space Partnership Funding Program (OSP), 31 applications were received, for a total of \$13,490,477 in requests.
- 34 HDCPP applications from the first round of applications last year remain unfunded, totaling \$10,620,000 in requests.
- This results in a total of approximately \$24 million in requests across both programs.
- Available funding from leftover HDCPP approval, Highlands Penalties Fund, Federal Highlands Conservation Act Grant, and remaining PSE&G Mitigation funding is approximately \$12 million available for the two programs.

Committee Chair Walton reported that the committee recommends that Council allocate this funding as follows:

- Fund five (5) OSP applications that best met the Priority Criteria established in the Rule (over 2,500 acres to be preserved).

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- Fund eighteen (18) additional HDCPP applications, pending HDC Bank Board approval (nearly 700 additional acres to be preserved).
- Hold in reserve \$3,514,001 to have as match for next Federal Highlands Conservation Act (HCA) funding cycle and/or fund additional applications.

Council Action:

By a voice vote, the Council was asked to allocate funding as follows:

- OSP - \$2,735,653
- HDCPP - \$6,108,000
- Hold \$3,514,001 for HCA match and/or future allocations

Committee Chair Walton made a motion to approve the allocation of funding for the OSP and HDCPP. Member Dressler seconded it.

There was no Council comment.

A roll call vote was taken. All members present voted to APPROVE 14-0.

Resolution – Approval of Applications Under the Highlands Open Space Partnership Funding Program

Committee Chair Walton made a motion on the Resolution. Member Visioli seconded it.

There was no Public comment.

There was no Council comment.

All members present voted on the Resolution. The Resolution was APPROVED 14-0.

Committee Chair Walton noted that after the HDC Bank's April 5, 2017 meeting, if the Bank Board approves the additional recommended HDC purchases, the total funding to landowners in the Highlands region, in exchange for the preservation of their land, would amount to \$26,695,653.00.

Regional Master Plan Amendment Committee

Committee Chair Alstede reported that the committee is making progress toward the completion of the Monitoring Program Recommendation Report (MPRR). The Draft MPRR will be presented to the full Council at its May meeting. The regularly scheduled May Council meeting will be a work session for Council members to become familiar with the format of the MPRR document prior to its release to the public for comment.

Chairman Rilee requested a motion to enter into closed session.

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Resolution – Executive Session

Chairman Rilee announced that Council would enter into an executive session. Chairman Rilee asked Chief Counsel Maher to read into the record the resolution. Mr. Maher 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 Council is of the opinion that those circumstances presently exist, specifically the need to discuss matters falling within the attorney-client privilege; and

WHEREAS, the Council is seeking legal advice concerning a pending petition for a redevelopment area designation in Bloomsbury Borough, which may result in litigation involving the Council, and for which advice from counsel subject to the attorney-client privilege is required;

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of March 16, 2017, 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. Walton made a motion and Mr. Francis seconded it.

Council Comment

Member Dressler commented that after a review of Council's bylaws since last Council meeting he determined that the Council bylaws already provide the Council shall be governed by Robert Rules of Order and asked that the Council follow these rules in all facets. He also requested that the Executive Director provide to all Council members a copy of Roberts Rules of Order.

Chairman Rilee commented that the bylaws do not state that the Council will be governed by Roberts Rules of Order, but that he did not have the exact language in front of him and asked Chief Counsel Maher for the language in the bylaws.

Chief Counsel Maher stated that the bylaws provide that Council meetings will be "guided" by Roberts Rules of Order.

Member Dougherty requested that Council receive in writing that Council meetings are guided by Roberts Rules of Order.

A roll call vote was taken. The Resolution was approved 14-0.

Public portion of the meeting was temporarily dismissed at 4:21pm.

[EXECUTIVE SESSION]

Chairman Rilee resumed the New Jersey Highlands Water Protection and Planning Council meeting at 4:47pm.

Chief Counsel Maher summarized the Executive Session. Mr. Maher explained that the vote regarding the Bloomsbury Borough Redevelopment Area Designation, which took place at the February 16 meeting, did not garner the required eight (8) votes for Council action; therefore, the

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Council has yet to take action on the matter. Mr. Maher further explained that the applicant is willing to supplement information previously submitted in an effort to address some of the concerns expressed by members at the February meeting. It is anticipated that this matter will be placed on a future Council agenda.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF FEBRUARY 16, 2017

Chairman Rilee asked for a motion on the Minutes of February 16, 2017.

Member Francis made a motion to approve the Minutes of February 16, 2017. Member Visioli seconded it.

A roll call vote was taken. The Minutes of February 16, 2017 were APPROVED 14-0.

Chairman Rilee opened the meeting to the general public for comments.

Public Comment

Tim Crouse, Alexandria Township, NJ – Mr. Crouse commented on his campground business, which he would like to expand. James Humphries provided Mr. Crouse with his business card to reach out to him to discuss his property.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented that, in his opinion, Member Carluccio, as an employee of the Delaware Riverkeeper Network, should excuse herself from any voting matters regarding land use. Mr. Klumpp also asked what the monetary value is per acre of land in the Highlands Preservation Area. Mr. Klumpp submitted his handwritten comments for the record.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that Mr. Klumpp should talk to the New Jersey Conservation Foundation who can tell him what his property is worth because neighboring property was paid \$40,000/acre.

Member James made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 4:59pm.

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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: 5-18-17

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 Tfrank | | | ✓ | | | |
| Councilmember Visioli | | | ✓ | | | |
| Councilmember Vohden | | | ✓ | | | |
| Councilmember Walton | | ✓ | ✓ | | | |
| Chairman Rilee | | | ✓ | | | |