

**RESOLUTION 2017-14**  
**APPROVAL OF FY2018 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR**  
**WATER USE AND CONSERVATION MANAGEMENT PLAN, WASTEWATER**  
**MANAGEMENT PLANS, AND PLAN CONFORMANCE FUNDING**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has 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 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**, 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**, 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 a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; 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

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**WHEREAS**, every Highlands municipality that has successfully petitioned the Highlands Council for Plan Conformance has an Implementation Plan and Schedule that 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**, the following municipalities are in need of additional reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance funding:

**Water Use and Conservation Management Plan Funding (for regional sub-watersheds)**

Bedminster Township	Hampton Borough
Chester Borough	Hopatcong Borough
Clinton Township	Kinnelon Borough
Denville Township	Mahwah Township
Franklin Borough	Montville Township
Hamburg Borough	Phillipsburg Town
	Wharton Borough
Total: \$755,000	

**Wastewater Management Plan Funding (not-to-exceed \$5,000 per municipality)**

Alpha Borough	Hopatcong
Bethlehem Township	Kinnelon Borough
Bloomsbury Borough	Lebanon Township
Chester Borough	Lebanon Borough
Chester Township	Mahwah Township
Clinton Town	Oxford Township
Clinton Township	Phillipsburg Town
Glen Gardner Borough	Randolph Township
Greenwich	Ringwood Borough
Hampton Borough	Rockaway Township
High Bridge Borough	West Milford Township
Holland Township	Wharton Borough
Total: \$120,000	

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

Alpha	Open Space and Conservation Plan Element	\$25,000
Alpha	Historic Preservation Plan Element	\$50,000
Alpha	Stormwater Management	\$15,000
Bethlehem Township	Farmland Preservation Plan	\$15,000
Bethlehem Township	Sustainable Economic Development Plan	\$15,000

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Boonton Town	Initial Assessment Grant	\$15,000
Boonton Town	Plan Conformance Petition Preparation	\$50,000
Boonton Town	Plan Conformance Implementation - Phase I	\$50,000
Glen Gardner	Land Use Plan Element	\$20,000
High Bridge	Open Space/Recreation Plan Element	\$25,000
Hunterdon County	Sustainable Economic Development Plan	\$45,000
Lopatcong Township	Highlands Center Planning	\$20,000
Morris County	Economic Development Planning	\$75,000
Oxford Township	Highlands Center Planning - Phase II	\$30,000
Passaic County	Sustainable Economic Development Planning	\$75,000
Phillipsburg	Sustainable Economic Development Planning	\$75,000
Somerset County	Priority Investment Corridors (Economic Development)	\$50,000

Total: \$680,000; and

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Supplemental Amended Plan Conformance Grant Agreement with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts so designated, not to exceed in the aggregate, \$1,555,000; and

**WHEREAS**, the Highlands Council approved the FY2018 Highlands Protection Fund Capital Budget pursuant to Resolution 2017-15 on October 19, 2017; and

**WHEREAS**, the above-referenced \$1,555,000 allocation is included in the FY 2018 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 Supplemental Amended Plan Conformance Grant Agreements with the above listed municipalities, at not to exceed amounts as set forth above;

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2018 in order to provide grant funding for those 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, not to exceed \$1,555,000 in the aggregate; and

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby authorizes, ratifies and approves the Highlands Implementation Plan and Schedules for the above-referenced municipalities,

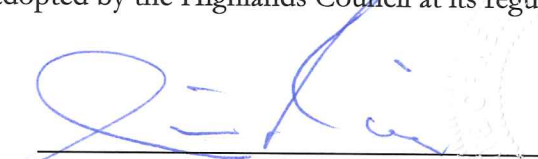
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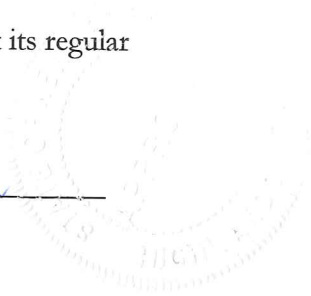
including the reallocation of their existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete their Plan Conformance conditions; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedules of the above listed municipalities, and to amend their Plan Conformance Grant Agreements consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plan and Schedule on behalf of the Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19<sup>th</sup> day of October, 2017

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



<b>Vote on the Approval of This Resolution</b>	<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 Tfrank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	✓	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____