

**RESOLUTION 2008-73**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**ESTABLISHMENT OF THE PLAN CONFORMANCE GRANTS PROGRAM**

**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 14.f of the Highlands Act states that any municipality or county located partially within the Preservation Area and partially within the Planning Area shall be required to submit to the Highlands Council such revisions of the municipal or county master plan and associated regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary in order to conform them with the goals, requirements, and provisions of the Regional Master Plan (RMP) only with respect to that portion of the municipality or county lying within the Preservation Area; and

**WHEREAS**, Section 14.f of the Highlands Act also states that conformance with the RMP as it may apply to those portions of a municipality or county lying within the Planning Area is voluntary and shall be permitted as provided pursuant to Section 15 of the Highlands Act; and

**WHEREAS**, Section 18.b of the Highlands Act states that the Highlands Council shall make available grants and other financial and technical assistance to municipalities and counties for any revision of their master plans, development regulations, or other regulations in order to bring them into conformance with the RMP; and

**WHEREAS**, the grants and other financial assistance shall pay for the reasonable expenses incurred by a municipality or county and shall be distributed according to such procedures and guidelines as may be established by the Highlands Council; and

**WHEREAS**, the Highlands Council shall make the grants and other financial assistance from any State, federal, or other funds that shall be appropriated or otherwise made available to it for that purpose, including monies required to be made available from the Highlands Protection Fund; and

**WHEREAS**, a municipality or county wholly or with portions lying within the Planning Area is not required to reimburse to the Highlands Council grant monies expended toward Plan Conformance should the municipality or county decide not to conform their Planning Area lands to the RMP; and

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council create a Plan Conformance Grants Program in which the Executive Director is authorized to enter into a Grant Agreement with any municipality or county that has submitted a duly adopted Notice of Intent to petition Highlands Council in accordance with the Council's Plan Conformance Guidelines and that the Executive Director be required to report at regular meetings of the Highlands Council all grants approved and the status of the Plan Conformance Grants Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Council that:

1. The Executive Director, or her designee, is hereby authorized to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants Program in an amount not to exceed \$7.5 million;

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2. The Executive Director, or her designee, is hereby authorized to enter a grant agreement under the Plan Conformance Grants Program with municipalities or counties that have submitted a duly adopted Notice of Intent to petition Highlands Council in accordance with the Council's Plan Conformance Guidelines;
3. The Executive Director, or her designee, may authorize additional amounts under a grant agreement pursuant to her authority under Highlands Council Bylaws; however, the maximum grant for a municipality or county under this program shall not exceed \$100,000 unless authorized by the Highlands Council; and
4. The Executive Director, or her designee, shall report to the Highlands Council all approved grants and the status of the Plan Conformance Grants Program at regular meetings of the Highlands Council.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of December, 2008.

  
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John Weingart, Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese			✓			
Councilmember Carluccio	✓		✓			
Councilmember Cogger			✓			
Councilmember Dillingham						✓
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli				✓		
Councilmember Peterson						✓
Councilmember Schrier		✓	✓			
Councilmember Vetrano						✓
Councilmember Way						✓
Councilmember Whitenack			✓			
Councilmember Weingart			✓			