

RESOLUTION 2022-11

APPROVAL OF PLAN CONFORMANCE GRANT FUNDING FOR SOMERSET COUNTY PARK FOUNDATION WATERSHED MANAGEMENT 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 6.g of 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 and counties 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 (RMP); and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality or county 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 or county including: planning grants, technical assistance, state aid, priority for projects, 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 and counties 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 and counties 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 and county 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, Lake Management Plans are a required part of plan conformance (RMP Policy 1L6); and

WHEREAS, the Somerset County Park Foundation has submitted a scope of work (SOW) prepared by Princeton Hydro, LLC for a Proposed Somerset County Parks Watershed Management Program. The project proposes to conduct assessments of the watersheds of the lakes in Lord Stirling Park in Bernards Township and the Leonard J. Buck Garden in Far Hills Borough; these heavily utilized lakes have experienced recent harmful algal blooms potentially impacting their recreational use. Tasks

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identified in the SOW include historical data review, bathymetric surveys, watershed modeling, hydrologic and pollutant loading analyses, water quality monitoring, trophic state assessment and a general assessment report. The final report will identify the watershed management measures needed to address general causes of water quality impairments, relative costs of the measures and a schedule for implementation.

WHEREAS, the Somerset County Park Foundation has requested and is in need of the below referenced reimbursement-based grant funding to address the Highlands Act requirements for Plan Conformance; and

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

Municipality or County	Purpose	Amount
Somerset County	Somerset County Park Foundation - Parks Watershed Management Program.	\$59,150

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with Somerset County Park Foundation for the funding allotted to the Somerset County Parks Watershed Management Program, in the amount designated, not to exceed \$59,150; 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 a Plan Conformance Grant Agreement with the above-listed county, in the not-to-exceed amount as set forth above; and

BE IT FURTHER RESOLVED that that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedule of the above-listed county, 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.

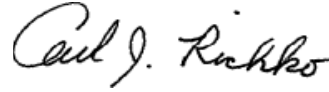
BE IT FURTHER RESOLVED that the Highlands Council hereby approves the above-referenced funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2022 in order to provide grant funding for Somerset County to cover the reasonable expenses associated with revisions to its master plan, inclusive of the background studies required to formulate effective resource management plan components, development regulations, or other regulations to conform them to the Regional Master Plan, not to exceed \$59,150 in the aggregate.

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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of June 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			✓			