

RESOLUTION 2020-17

APPROVAL OF FY2021 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANT FOR PASSAIC COUNTY ECONOMIC DEVELOPMENT TRANSPORTATION ANALYSIS

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 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 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 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, 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 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, Passaic County has requested supplemental Plan Conformance grant funding to complete the Economic Development Transportation Analysis that was previously approved by the Highlands Council in its FY2018 Highlands Protection Fund Capital Budget; and

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WHEREAS, the FY2018 award of \$75,000 was intended to cover the costs for both professional transportation engineering work, projected at \$60,000, and County staff time, projected at \$15,000 (based on a standard salary and fringe benefit calculation); and

WHEREAS, upon receipt of bids for the project, the County found that the engineering portion of the project would cost significantly more than anticipated and, as such, Passaic County is seeking an additional \$24,400 to fund the cost of the remaining work:

Plan Conformance Funding

(not-to-exceed amounts):

Municipality	Purpose	Amount
Passaic County	Transportation Analysis	\$24,400
Total	FY 2021 Plan Conformance	\$24,400

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with the aforementioned County for the funding allotted to the above-referenced task in the amount designated, not to exceed in the aggregate, \$99,400, \$75,000 having previously been granted, leaving \$24,400 remaining to be drawn from; and

WHEREAS, the above-referenced \$24,400 allocation will be included in a forthcoming FY 2021 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 Agreement with the above-listed county, 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 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.

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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 15th day of October, 2020.



Carl 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			√			
Councilmember Walton			√			
Chairman Richko			√			