

# RESOLUTION 2023-18

## APPROVAL OF FY2024 HIGHLANDS PROTECTION FUND CAPITAL BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

**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 or 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**, the following municipalities are in need of reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance:

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

<b>Municipality/County</b>	<b>Purpose</b>	<b>Amount</b>
West Milford Township	Trails Plan	\$55,000
Ringwood Borough	Open Space Plan	\$15,000
Byram Township	Stormwater Management Planning	\$60,000
Chester Borough	Water Use and Conservation Management Plan	\$60,000
<b>Total</b>	<b>FY 2024 Plan Conformance Grants</b>	<b>\$190,000.00</b>

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of Plan Conformance Grant Agreements with the above municipalities, for the funding allotted to the above-referenced tasks in the amounts designated, not to exceed in the aggregate, \$190,000; and

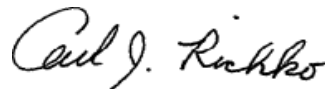
**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior 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 Agreements with the above-listed municipalities, each 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 Plans and Schedules of the above-listed municipalities, consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plans and Schedules 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 21<sup>st</sup> day of September, 2023.



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 Carl J. Richko, Chairman

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<b>Vote on the Approval of The Resolution</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede			√			
Councilmember Dougherty						√
Councilmember Dressler			√			
Councilmember Francis			√			
Councilmember Holtaway	√		√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli		√	√			
Councilmember Vohden			√			
Chairman Richko			√			