

RESOLUTION 2015-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE ASSIGNMENT OF THE CITY OF PATERSON'S HIGHLANDS TRANSFER
OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT TO
THE COUNTY OF PASSAIC, STATE OF NEW JERSEY

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, 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 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

WHEREAS, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

WHEREAS, the Budget and Finance Committee reviewed the grant application submitted by the City of Paterson, County of Passaic, and recommended approval by the Highlands Council; and

WHEREAS, the Highlands Council by Resolution 2014-6, dated February 20, 2014, approved a grant agreement with the City of Paterson for a TDR Receiving Zone Feasibility Grant in the amount of \$50,000; and

WHEREAS, Grant Agreement 14-033-080-1608, Paragraph V., Assignability, permits the City of Paterson to assign or transfer any of the work or services covered by the Grant Agreement, only with express written prior approval of the New Jersey Highlands Council; and

WHEREAS, the TDR Receiving Zone Feasibility Study is directly related to the Madison Avenue Commuter Rail Corridor Study, a project associated with the Passaic/Bergen Passenger Rail Service Restoration Project, which is primarily a Passaic County initiative; and

WHEREAS, the City of Paterson, by Resolution 15:178, adopted March 10, 2015, authorized the City of Paterson to transfer the TDR Receiving Zone Feasibility Study to the County of Passaic and transfer \$50,000 for the Study to the County of Passaic; and

WHEREAS, the County of Passaic, by Resolution 2015-0268, adopted April 14, 2015, authorized the County of Passaic to accept the TDR Receiving Zone Feasibility Study from the City of Paterson and accept the \$50,000 for the Study from the City of Paterson; 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

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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 by the Highlands Council that the Executive Director, or her/his designee, hereby permits the City of Paterson to assign TDR Receiving Zone Feasibility Grant #14-033-080-1608 in the amount of \$50,000, and transfer said funds to the County of Passaic, provided that the Executive Director may authorize additional amounts under this contract pursuant to his authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of April, 2015.


Jim Rilee, Chairman

Vote on the Approval of The Resolution

	Motion	Second	Yes	No	Abstain	Absent
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			✓			