

RESOLUTION 2021-23

APPROVAL OF PLAN CONFORMANCE GRANT FUNDING FOR A REGIONAL LAKE MANAGEMENT PLAN FOR WEST MILFORD TOWNSHIP, PASSAIC COUNTY

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 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 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 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 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 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 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 Township of West Milford in Passaic County is in need of reimbursement-based grant funding in order to implement Phase II of a regional lake management plan which covers in-lake water quality monitoring, trophic state analyses, and final reporting; and

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COUNTY

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

| Municipality | Purpose | Amount |
|-----------------------|---------------------------------|-----------------|
| West Milford Township | Lake Management Plan | \$86,250 |
| Total | FY 2022 Plan Conformance | \$86,250 |

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with the aforementioned municipality for the funding allotted to the above-referenced tasks in the amounts designated, not to exceed in the aggregate, \$86,250; and

WHEREAS, the above-referenced \$86,250 allocation will be included in a forthcoming FY 2022 Highlands Protection Fund Capital Budget; and

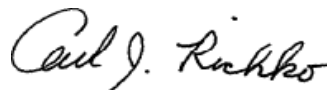
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior 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 a Plan Conformance Grant Agreement with the above-listed municipality, in the not-to-exceed amount as set forth above; and

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2022 in order to provide grant funding for that Highlands municipality to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan, not to exceed \$86,250 in the aggregate.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 23rd day of September 2021.



Carl J. Richko, Chairman

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| 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 | | | √ | | | |