

RESOLUTION 2019-21
APPROVAL OF FY2020 HIGHLANDS PROTECTION FUND CAPITAL BUDGET
FOR PLAN CONFORMANCE FUNDING FOR HOPATCONG BOROUGH

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 and execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, 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; 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 an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits 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 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, every Highlands municipality that has successfully petitioned the Highlands Council for Plan Conformance has an Implementation Plan and Schedule that includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance; and

WHEREAS, the following municipality is in need of additional reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance funding:

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

| Municipality/County | Purpose | Amount |
|----------------------------|---------------------------|---------------|
| Hopatcong Borough | Economic Development Plan | \$10,000 |
| Total | | \$10,000 |

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Supplemental Amended Plan Conformance Grant Agreement with the aforementioned municipality for the funding allotted to the above-referenced task in the amount so designated, not to exceed in the aggregate, \$10,000; and

WHEREAS, the Highlands Council approved the FY2020 Highlands Protection Fund Capital Budget pursuant to Resolution 2019-18 on October 17, 2019; and

WHEREAS, the above-referenced \$10,000 allocation is included in the FY 2020 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 Supplemental Amended Plan Conformance Grant Agreement with the above listed municipality, at a not to exceed amount as set forth above;

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 2020 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 \$10,000 in the aggregate; and

BE IT FURTHER RESOLVED, that the Highlands Council hereby authorizes, ratifies and approves the Highlands Implementation Plan and Schedule for the above-referenced municipality, including the reallocation of their existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete its Plan Conformance conditions; 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 municipality, and to amend its Plan Conformance Grant Agreement 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 17th day of October, 2019.

Carl J. Richko

 Carl J. Richko, Chairman

**Vote on the Approval of
 This Resolution**

| | Motion | Second | Yes | No | Abstain | Absent |
|-------------------------|---------------|---------------|------------|-----------|----------------|---------------|
| Councilmember Alstede | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Carluccio | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Dougherty | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Dressler | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Francis | _____ | _____ | _____ | _____ | _____ | ✓ |
| Councilmember Holtaway | _____ | ✓ | ✓ | _____ | _____ | _____ |
| Councilmember James | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Sebetich | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Visioli | ✓ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Vohden | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Walton | _____ | _____ | _____ | _____ | _____ | ✓ |
| Chairman Richko | _____ | _____ | ✓ | _____ | _____ | _____ |