



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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Highlands Water Protection and Planning Council
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JIM RILEE
Chairman

GENE F. FEYL
Executive Director

MEETING AGENDA
Thursday, July 18, 2013 at 5pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – June 20, 2013
6. CHAIRMAN’S REPORT (and Council Member Reports)
7. COMMITTEE REPORTS – Audit Committee
8. EXECUTIVE DIRECTOR’S REPORT - Presentation
9. CONSIDERATION OF RESOLUTION – Acceptance of Audit Report (*voting matter*)
10. CONSIDERATION OF RESOLUTION - Approval To Extend The Fiscal Year Budgets 2013 At The Same Average Monthly Spending Level (*voting matter with public comment*)
11. CONSIDERATION OF RESOLUTION – Approval of Agritourism/ Ecotourism/ Economic Development Grant to Sussex County (*voting matter with public comment*)
12. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
13. CONSIDERATION OF RESOLUTION – To Enter in to Executive Session to discuss a potential settlement of a legal dispute with the Borough of Hampton, Hunterdon County.
14. ADJOURN



Highlands Council Meeting

Thursday, July 18, 2013

Executive Director's Report

Outreach and Constituent Update

- Outreach – since last report
 - 8 Municipal/County meetings
 - 3 Agency meetings
 - 1 Conference/workshop
 - 2 Site visits
 - 7 Constituent meetings
- Constituent response
 - 2013: 168 calls through end of June; average 28/mo.
 - Since 2006: 2,300+

Staff Update

- Currently reviewing resumes, scheduling interviews for two open positions
 - Cartographer/GIS Specialist
 - Resource Management Specialist (PT)
- Ongoing Professional Activities
 - Statewide Habitat Connectivity project sponsored and organized by NJDEP
 - Morris County Resource for the Administration of Private Septics, Technical Advisory Committee
 - Water Supply Advisory Council

Conformance & Implementation

- Implementation tasks recently completed (local adoption):
 - Master Plan Reexamination Report:
Chester Township, Glen Gardener Borough
 - Highlands Master Plan Element:
Chester Township
- 15 petitions currently in staff review.

Requests for Proposals Update

- Two pending RFPs:
 - Highlands Region Functional Ecosystem Valuation Model and Forest Conservation Guidance (closed June 17)
 - Fiscal Analysis of Potential Municipal TDR Receiving Zones (closed July 12)
- Proposals being scored, ranked and reviewed by a technical staff team

Highlands Council Meeting

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Highlands Council Meeting

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Highlands Council Website: Interactive Mapping & Plan Conformance Materials

**Highlands Council Meeting
July 18, 2013**



Key information available via Highlands Council website 24/7

- Interactive Mapping to:
 - View Planning Area/Preservation Area boundaries
 - Identify Highlands resources by parcel/lot(s)
 - Estimate Highlands Development Credit (HDC) allocation
 - Downloads of geospatial files (GIS data)
- Plan Conformance tracking information
- Plan Conformance Petition materials



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Q&A posted regarding Fiscal Analysis of Potential Municipal TDR Receiving Zones RFP - (7/3/2013) The Highlands Council has posted responses to questions received regarding the Fiscal Analysis of Potential Municipal TDR Receiving Zones RFP. Both the RFP and the Q&A are available here... ([read](#))

Garden State Preservation Trust Publishes Summary of Preservation in Highlands - (6/17/2013) The Garden State Preservation Trust recently released a report that identifies lands preserved through state funding in the Highlands Region since the enactment of the Highlands Act (FY2005 to FY2012). ([read](#))

Agenda posted for Highlands Council June 20 Meeting - (6/14/13) An agenda has been posted for the June 20, 2013 Highlands Council meeting. Additional materials related to this meeting will be posted as they become available. ([read](#))



Plan Conformance Tracking Information

Interactive Mapping Tools & Info

Highlands Regional Master Plan

Highlands Interactive Map

Consistency Review Application

HDC Estimator Tool

GIS Data Downloads

Calendar

Useful Links

Plan Conformance Petition Materials (quickest route)

Quick Reference

- [Regional Master Plan](#) (pdf)
- **[Plan Conformance Documents by County and Municipality](#)**
- [Highlands Council Fact Sheet](#) (pdf)
- [2013 Highlands Council and HDC Bank Board Meeting Schedule](#)
- [2010 Land Preservation Report](#) (pdf)
- [2012 Annual Report](#) (pdf)

Interactive Mapping Tour



New Jersey Highlands Council

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[★ GIS Data Downloads](#)

[📅 Calendar](#)

[➔ Useful Links](#)

News & Public Notices

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Request for Proposals: Fiscal Analysis of Potential Municipal TDR Receiving Zones - (6/11/13) The Highlands Council is soliciting proposals to develop a method of fiscal analysis that provides a municipality with an understanding of the fiscal and local economic impacts of being a potential TDR receiving zone, a potential Highlands Center Designation, and/or a potential Highlands Redevelopment Area. Proposals should be received no later than 3:00 p.m. on Friday, July 12, 2013. Complete details are available

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Plan Conformance Petition & Tracking Information



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Plan Conformance
Petition Materials
(quickest route)



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Municipalities and Counties with no links have not submitted Petitions

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Municipal & County Plan Conformance Submittals

Follow the links below to view information and documents related to Regional Master Plans for a particular municipality or county. Municipalities or counties that are not linked currently have no plan conformance materials available.

Bergen County

Bergen County	Mahwah	Oakland
-------------------------------	------------------------	-------------------------

Hunterdon County

Hunterdon County	Alexandria	Bethlehem	Bloomsbury
Califon	Clinton Town	Clinton Township	Glen Gardner
Hampton	High Bridge	Holland	Lebanon Borough
Lebanon Township	Milford	Tewksbury	Union Township

Morris County

Morris County	Boonton Town	Boonton Township	Butler	Chester Borough	Chester Township
Denville	Dover	Hanover Township	Harding	Jefferson	Kinnelon
Mendham Borough	Mendham Township	Mine Hill	Montville	Morris Plains	Morris Township



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High Bridge Borough

High Bridge Borough in Hunterdon County has 1,555 acres in the Planning Area of the Highlands Region (where conformance is entirely voluntary). The municipality submitted a Petition for Plan Conformance that was approved by the Highlands Council on January 20, 2011. This page contains links to documents related to the Borough's conformance with the Highlands Regional Master Plan.

Note: For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

Conformance Documents Adopted by the Municipality

This section contains documents adopted by High Bridge to effectuate the Borough's conformance with the Highlands Regional Master Plan.

- [Highlands Planning Area Petition Ordinance](#) (746 KB pdf)
- [Highlands Environmental Resource Inventory](#) (4.8 MB pdf)
- [Highlands Master Plan Reexamination Report](#) (23.2 MB pdf)
- [Highlands Master Plan Element](#) (6.78 MB pdf)
- [Highlands Area Land Use Ordinance](#) (8.3 MB pdf)
- [Sustainable Economic Development Plan](#) (4.2 MB pdf)
- [Land Use Plan Element](#) (10 MB pdf)

Locally adopted documents (implementation)

Petition for Plan Conformance

High Bridge Borough's Petition for Plan Conformance was unanimously approved by the Highlands Council on January 20, 2011.

Council Approved Documents

- All documents listed below as one compressed file: [Petition Documents Approved by Highlands Council](#) (65 MB zip)
- Individual files:
 - [Highlands Council Resolution 2011-2 Approval of High Bridge Borough's Petition for Plan Conformance](#) (458 KB pdf)
 - [Highlands Final Consistency Review and Recommendations Report](#) (277 KB pdf) (posted 3/9/11)
 - [Highlands Implementation Plan and Schedule](#) (170 KB pdf)
 - [Highlands Municipal Build-Out Report](#) (2.29 MB pdf)
 - [Adopted Housing Element and Fair Share Plan](#) (4.13 MB pdf)
 - [Highlands Environmental Resource Inventory](#) (27 MB pdf)
 - [Highlands Master Plan Element](#) (26 MB pdf)
 - [Highlands Area Land Use Ordinance](#) (623 KB pdf)
 - [Highlands Area Land Use Ordinance Exhibits](#) (6.09 MB pdf)

Approved Petition Documents

Materials from Public Hearing

- [Meeting Agenda](#)
- [High Bridge Presentation \(pdf\)](#)

Older draft versions further down on page





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Plan Conformance

This page provides detailed information and links regarding the process of municipal and county conformance to the Regional Master Plan. Use the following links for easy access to specific topics:

1. [Municipal Notices of Intent to Conform](#)
2. [Plan Conformance Status](#)
3. [Plan Conformance Petition Process](#)
4. [Highlands Municipal Build-Out Reports](#)
5. [Municipal and County Plan Conformance Tracking](#)
6. [Plan Conformance Guidelines](#)
7. [Municipal Plan Conformance Administrative Documents](#)
8. [Municipal Instructions for Plan Conformance](#)
9. [County Instructions for Plan Conformance](#)
10. [RMP Updates & Map Adjustments](#)
11. [Highlands Center Designation](#)
12. [Municipal & County Plan Conformance Submittals](#)
13. [Municipal Plan Conformance Implementation Documents](#)
14. [Wastewater Management Plans for Highlands Municipalities](#)
15. [Highlands Area Delegated Exemption Certification Program](#)
16. [Plan Conformance Staff Liaisons](#)



1. [Municipal Notices of Intent to Conform](#)

The map below shows the areas for which a municipality has submitted a Notice of Intent to Petition for Plan Conformance within the Highlands Region.



after they are posted on the Council web site. Please make an appointment for review of materials to allow staff to prepare and submit them. At the same time, the Highlands Council considers all petition materials to be preliminary, and requests for such petition materials such be made to the petitioning county or municipality.

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5. **Municipal and County Plan Conformance Tracking**

Highlands Council Plan Conformance Tracking Sheets support a transparent process that provides interested parties with ready access to information about the status of all Petitions for Plan Conformance as well as progress toward Plan Conformance Implementation.

The **Plan Conformance Petition Tracking Sheet** provides an overview of the entire process of Plan Conformance from the date a Petition is received by the Highlands Council through the date of final action by the Highlands Council, and public notice of decision.

- [Plan Conformance Petition Tracking Sheet \(pdf\)](#)

The **Plan Conformance Implementation Tracking Sheet** tracks progress once a Petition for Plan Conformance is approved by the Highlands Council. The document indicates dates when key elements of the implementation process, such as the adoption of the Highlands Master Plan Element or Highlands Land Use Ordinance, are completed in each municipality. Please note: this tracking sheet currently does not include all implementation steps, but will be expanded as required as municipalities progress through the process.

- [Plan Conformance Implementation Tracking Sheet \(pdf\)](#)

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6. **Plan Conformance Guidelines**

These guidelines were adopted by the Highlands Council in 2008 following opportunity for public comment. The guidelines provide an overview of procedures for municipal and county development of documents to be submitted in Petitions for Plan Conformance with the Regional Master Plan. Detailed instructions under the Plan Conformance Grant Program are provided in sections below for each module (for municipalities) or tasks (for counties).

- [Highlands Plan Conformance Guidelines](#)

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7. **Municipal Plan Conformance Administrative Documents**

- [Correspondence: Letter to municipalities](#) (Sept. 9, 2008)
- [Correspondence: Letter to municipalities](#) (Sept. 23, 2008)
- [Correspondence: Letter to municipalities](#) (Oct. 7, 2008)
 - [Sample resolution for Notice of Intent](#) (Word document)
 - [Sample language for inclusion in resolutions and reports](#) (Word document)
 - [Notice of Intent timeline](#) (pdf)
- [Correspondence: Highlands/COAH Letter Regarding Executive Order 114](#) (Oct. 31, 2008)
 - [Highlands/COAH Memorandum of Understanding](#) (pdf)
 - [Sample resolution for Notice of Intent](#) (Word document)

Summary

- Interactive mapping tools provide detailed data anytime, anywhere to anyone for a variety of uses.
- Resource mapping informs/shapes Plan Conformance Petition materials.
- Plan Conformance Petition materials available anytime, anywhere to anyone.

Highlands Council Meeting

Thursday, July 18, 2013

RESOLUTION 2013-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ACCEPTANCE OF AUDIT REPORT

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 conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, in order to properly perform independent audits as required by State law, the Highlands Council established the Highlands Council's Audit and Evaluation Committees by Resolution 2006-06 on January 19, 2006; and

WHEREAS, the Highlands Council's Evaluation Committee approved a Request for Proposal (RFP) to provide auditing services on January 19, 2012; and

WHEREAS, after the review and recommendations of the Evaluation Committee and the Audit Committee, the Highlands Council approved Resolution 2012-16 on May 17, 2012 authorizing the Executive Director to enter a contract for auditing services with Mercadien , P.C. (Mercadien); and

WHEREAS, Mercadien completed and prepared the final report on the Highlands Council's financial statements and recommended actions for Fiscal Years 2011 and 2012 and presented it to the Audit Committee of the Highlands Council; and

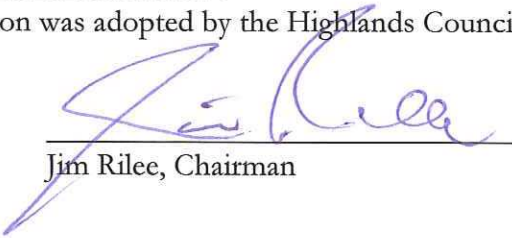
WHEREAS, the Highlands Council Audit Committee reviewed the final report and the annual management letter with Mercadien and recommended that the Highlands Council accept the final report.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby:

- 1) accepts Mercadien's final audit report for Fiscal Years 2011 and 2012; and
- 2) directs the Audit Committee to continue to oversee the proper implementation of the audit requirements in accordance with State law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of July 2013.



Jim Rilee, Chairman

RESOLUTION 2013-17
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ACCEPTANCE OF AUDIT REPORT

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 Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli			✓			
Councilmember Vohden	✓		✓			
Councilmember Walton			✓			
Chairman Rilee			✓			

RESOLUTION 2013-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2013
AT THE SAME AVERAGE MONTHLY SPENDING LEVEL

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 conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare general operating and grants budgets for Fiscal Year 2014; and

WHEREAS, the Budget and Finance Committee has reviewed the approved New Jersey State Budget for Fiscal Year 2014; and

WHEREAS, several material budget components for Fiscal Year 2014, while substantially complete, remain subject to final determination and, in an effort to avoid subsequent revisions, Highlands Council staff is requesting the extension of the current Fiscal Year 2013 operating and grants budgets until the Fiscal Year 2014 Budget is approved; and

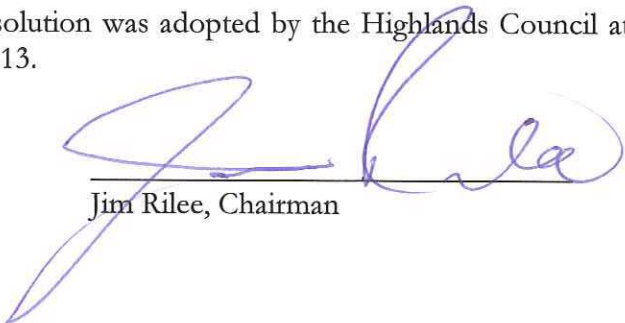
WHEREAS, the Budget and Finance Committee recommends the approval of the extension of the approved general operating and grants budgets for Fiscal Year 2013; and

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 approves the extension of the approved Fiscal Year 2013 Budgets at the same average monthly spending level not to exceed 90 days.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of July, 2013.



Jim Rilee, Chairman

RESOLUTION 2013-18
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2013
AT THE SAME AVERAGE MONTHLY SPENDING LEVEL

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 Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank	✓		✓			
Councilmember Visioli			✓			
Councilmember Vohden		✓	✓			
Councilmember Walton				✓		
Chairman Rilee			✓			

RESOLUTION 2013-19
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Council is of the opinion that those circumstances presently exist; and

WHEREAS, the general nature of the subject to be discussed is potential litigation by the Borough of Hampton concerning legal fees and expenses, for which advice from counsel subject to the attorney-client privilege is required.

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of July 18, 2013, for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 18th day of July, 2013.

Jim Rilee, 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 Richko		✓	✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli			✓			
Councilmember Vohden	✓		✓			
Councilmember Walton						✓
Chairman Rilee			✓			

RESOLUTION 2013-20
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A SETTLEMENT AGREEMENT WITH THE BOROUGH OF
HAMPTON, HUNTERDON 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, 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 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 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 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 to 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, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

RESOLUTION 2013-20
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A SETTLEMENT AGREEMENT WITH THE BOROUGH OF
HAMPTON, HUNTERDON COUNTY

WHEREAS, in the Borough of Hampton, 823 acres are in the Preservation Area and 134 acres are in the Planning Area; and

WHEREAS, on September 30, 1981, Jacob Haberman (Haberman), the owner of Block 23, Lot 1 and Block 24, Lot 2 in Hampton Borough, otherwise referred to as the Hampton Farm LLC property, filed a lawsuit against the Borough concerning the Borough's affordable housing obligation;

WHEREAS, Hampton Borough and Haberman entered into a Settlement Agreement in 1988 that was incorporated into a Final Judgment in 1991, which permitted Haberman to construct 300 market rate housing units on the Hampton Farm LLC property, in consideration to which Haberman agreed, among other items, to help pay for the rehabilitation of twenty-seven existing substandard housing units to satisfy Hampton Borough's affordable housing obligation; and

WHEREAS, over thirty years after filing suit the Hampton Farm LLC property has not been developed, nor has the owner moved forward with any proposed subdivision for the subject property; and

WHEREAS, on August 10, 2004, the Highlands Act was enacted; and

WHEREAS, on December 3, 2009, Hampton Borough submitted a Petition for Plan Conformance including two resolutions, one for all lands lying in the Preservation Area and one for all lands lying in the Planning Area; and

WHEREAS, Section 20 of the Highlands Act instructs the Highlands Council to provide legal representation to governmental units in the Highlands Region provided that certain conditions are met, and the Council indicated to Hampton Borough that it could be eligible for legal representation; and

WHEREAS, the Hampton Farm LLC property is partly in the Preservation Area and partly in the Planning Area, and the 1991 Final Judgment permitted all 300 market rate housing units to be constructed on land now in the Preservation Area; and

WHEREAS, in June 2010, Hampton Borough filed a motion in Superior Court (the Superior Court litigation) seeking to vacate the 1991 Final Judgment with Haberman on the basis that the Highlands Act prohibits development of the Hampton Farm LLC property as permitted by the Final Judgment; and

WHEREAS, Hampton Farm LLC opposed the Borough's motion and filed a cross-motion in the Superior Court litigation asking the Court to modify the Final Judgment to allow development of the 300 market rate housing units in the Planning Area portion of the Hampton Farm LLC property; and

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HAMPTON, HUNTERDON COUNTY

WHEREAS, on November 19, 2010, after due consideration the Highlands Council approved Hampton Borough’s Petition for Plan Conformance with conditions set forth in Resolution 2010-9, the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

WHEREAS, Highlands Council Resolution 2010-9 authorized the Executive Director to amend Hampton Borough’s Plan Conformance Grant Agreement consistent with direction from the Highlands Council; and

WHEREAS, with respect to Hampton Borough’s Fair Share Plan, the Highlands Council’s approval was specifically conditioned on approval of the Borough’s adopted Housing Element and Fair Share Plan through substantive certification or through approval of those plans by the Law Division of the Superior Court; and

WHEREAS, as part of the Highlands Council’s approval, the Council stated in its comment and response document that “Hampton is able to amend its Housing Element, Fair Share Plan or implementing regulation, if necessary, to comply with COAH’s review of the Borough’s affordable housing plans or the Court’s decision on Hampton Borough’s action to invalidate the 1991 Final Judgment on Compliance;” and

WHEREAS, the Highlands Council’s comment and response document also specifically stated that “[w]hile the density of development currently proposed for the Hampton Farm LLC property (whether in the Preservation Area or Planning Area) is inconsistent with the policies of the RMP, the Council recognizes that some development may take place in the Planning Area portion of property in a way that could be found consistent with the RMP, Hampton’s proposed Highlands Area Land Use Ordinance, and the Mount Laurel doctrine. For example, the expansion of public water and waste water systems in the Protection Zone and Conservation Zone – Environmentally Constrained Subzone is generally prohibited by the RMP; however it may be approved if the development can meet the standards for cluster development which includes an 80% open space set aside. Moreover, the RMP provides a process for seeking an amendment to the Highlands land use capability mapping through a petition for a Map Adjustment with priority given for creation of meaningful opportunities for affordable housing;” and

WHEREAS, on December 28, 2010, Hampton Farm LLC filed a Notice of Appeal in the Appellate Division of the Superior Court challenging the Highlands Council’s approval of Hampton Borough’s Petition for Plan Conformance; and

WHEREAS, on March 30, 2011, Hampton Borough sought the Highlands Council’s guidance on the process to amend Hampton Borough’s Petition for Plan Conformance to address the potential to provide affordable housing on Block 23, Lot 1; and

WHEREAS, on April 4, 2011, the Highlands Council provided guidance to Hampton Borough specifying the Highlands Council’s jurisdiction to entertain an amendment from Hampton

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Borough pursuant to the Plan Conformance provisions of the Highlands Act, the condition in the approved Petition requiring review of any amendments to the Borough's Fair Share Plan, and the authority of the Council to provide conforming municipalities with technical and financial assistance to examine the feasibility of development, redevelopment, and center designation; and

WHEREAS, on April 26, 2011, Hampton Borough formally requested an Amended Petition for Plan Conformance to address the potential to provide affordable housing on Block 23, Lot 1 and requested financial and technical assistance to examine the maximum feasible development potential of the site; and

WHEREAS, on May 18, 2011, Hampton Farm LLC wrote an objection letter to the Highlands Council seeking that the draft resolution included in the agenda and posted on the Council's website on May 13, 2011 be tabled; and

WHEREAS, on May 19, 2011, the Highlands Council approved Resolution 2011-19, which adopted the Highlands Council staff's recommendation that Hampton Borough's request for an Amended Petition was premature and not ripe, and authorized technical assistance and financial assistance with a grant for a feasibility analysis in the amount of \$65,000, with oversight, to enable Hampton Borough to examine: 1) the feasibility of the provision affordable housing on Block 23, Lot 1 consistent with the Regional Master Plan; 2) the feasibility of a community on-site wastewater treatment plant to serve this site and proximate existing development in Hampton Borough presently served by individual subsurface systems; and 3) the feasibility of Highlands Center and/or Redevelopment Area designation(s) in the Borough based in significant part on water supply/wastewater utility planning (with an emphasis on efficient utility uses), such designation and associated planning and development activities offering opportunities to improve the economic sustainability of the Borough; and

WHEREAS, on May 25, 2012, Hampton Farm LLC filed a motion in the Appellate Division seeking to preclude the Highlands Council's funding of the feasibility grant, which motion was denied on June 28, 2011; and

WHEREAS, Hampton Farm LLC and Hampton Borough have now been engaged in litigation spanning over thirty years, resulting in substantial legal fees for the Borough; and

WHEREAS, Hampton Borough believed that it was entitled to reimbursement for its legal fees from the Highlands Council in connection with the Superior Court litigation and sought reimbursement from the Council for those expenses; and

WHEREAS, the Highlands Council determined that Hampton Borough was not entitled to reimbursement for its legal fees in connection with the Superior Court litigation; and

WHEREAS, Hampton Borough maintains that it is entitled to reimbursement from the Highlands Council for its legal fees in connection with the Superior Court litigation; and

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WHEREAS, in an effort to settle the matter between the Highlands Council and Hampton Borough amicably and without resort to costly and time-consuming litigation with an uncertain outcome the Council has offered the Borough \$30,000 towards its past expenses; and

WHEREAS, Hampton Borough has accepted the Council's offer and agreed not to seek further reimbursement of its accrued legal fees from the Highlands Council; and

WHEREAS, Hampton Borough and the Highlands Council agree that the \$30,000 settlement is to be used solely to resolve a disputed claim for past fees, and shall not be used to fund any future litigation; and

WHEREAS, on December 17, 2012, Hampton Borough authorized Resolution 98-12, which directed the Borough attorney to cease activities in the Superior Court litigation concerning the Hampton Farm LLC property due to a lack of funding; and

WHEREAS, on February 14, 2013, a Consent Order was filed in the Superior Court litigation whereby: (1) the Borough attorney withdrew as counsel for Hampton Borough; (2) Hampton Borough withdrew its motion to vacate the 1991 Final Judgment with prejudice; (3) the Honorable Eugene D. Serpentelli, retired Judge of the Superior Court, was appointed as a Master to prepare a report for the Court concerning Hampton Farm LLC's cross-motion to modify the 1991 Final Judgment; and

WHEREAS, the Superior Court litigation between Hampton Borough and Hampton Farm LLC remains pending; and

WHEREAS, in light of the developments in the Superior Court litigation, on February 15, 2013, the Highlands Council filed a motion in the Appellate Division seeking to remand Hampton Farm LLC's appeal back to the Council; and

WHEREAS, on April 12, 2013, the Appellate Division granted the Council's remand motion; and

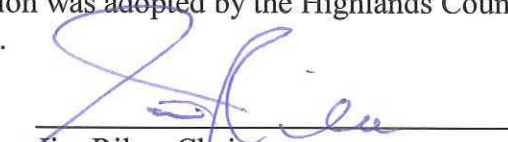
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to extirpation 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 his designee, is hereby authorized to enter into a Settlement Agreement and remunerate the Borough of Hampton in the amount of \$30,000 to settle this matter without resort to litigation and as a means to resolve all other claims by and between the Borough of Hampton and the Highlands Council related to the reimbursement of legal fees.

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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 18th day of July, 2013.



 Jim Rilee, 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 Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfanck	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	✓
Chairman Rilee	_____	_____	✓	_____	_____	_____

**RESOLUTION 2013-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF AGRITOURISM/ECOTOURISM/ECONOMIC DEVELOPMENT
GRANT TO SUSSEX 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, 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 in furtherance of the Regional Master Plan; and

WHEREAS, on May 11, 2006, the Highlands Council by Resolution 2006-19 authorized the initiation of a grant application process for Sustainable Agriculture grants to municipalities and counties within the Highlands Region in furtherance of Highlands Act goal of promoting and sustaining the Region's agriculture; and

WHEREAS, Sussex County seeks an Agritourism/Ecotourism/Economic Development grant to produce an analysis of the regional economy focusing on agriculture and ecotourism, utilizing Sussex County's experience with prior Highlands Council Sustainable Agriculture grants, which will enable Sussex County to develop a marketing strategy and an interactive website for Sussex County with companion brochures which can then be used as a template for all Highlands Region counties; and

WHEREAS, the Highlands Council staff has reviewed Sussex County's grant application and recommends approval by the Highlands Council;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is hereby authorized to enter into a grant agreement with Sussex County for the award of an Agritourism/Ecotourism/Economic Development Grant in an amount not to exceed \$200,000, provided that the Executive Director may authorize additional amounts under this agreement 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 18th day of July, 2013.

Jim Rilee, Chairman

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF AGRITOURISM/ECOTOURISM/ECONOMIC DEVELOPMENT
GRANT TO SUSSEX COUNTY

**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 Richko	_____	_____	_____	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	_____
Chairman Rilee	_____	_____	_____	_____	_____	_____