

**BOROUGH OF RIVERDALE**

**RESOLUTION NO. 68 - 2008**

**RESOLUTION SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING**

**WHEREAS**, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

**WHEREAS**, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

**WHEREAS**, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for

the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

**WHEREAS**, on November 17, 2008 the governing body of the Borough of Riverdale adopted a resolution notifying the Highlands that the Borough of Riverdale has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance. This resolution was adopted based upon the Borough's understanding in accordance with the Highlands Council's plan conformance guidelines that this Notice of Intent is not binding with respect to lands within the planning area.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, that the Borough of Riverdale hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

**BE IT FURTHER RESOLVED** that the governing body of the Borough of Riverdale hereby directs the Borough Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

**BE IT FURTHER RESOLVED** that the governing body of the Borough of Riverdale hereby directs the Borough Clerk to immediately transmit a signed and sealed copy of the November 17, 2008 duly adopted Notice of Intent to Petition the Highlands Council for Plan Conformance in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

**BE IT FURTHER RESOLVED** that the governing body of Riverdale intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

Adopted:

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Carol Talerico, Borough Clerk

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William Budesheim, Mayor

**CLERK'S CERTIFICATION**

I, Carol J. Talerico, Municipal Clerk of the Borough of Riverdale do hereby certify that this is a true copy of a resolution duly adopted by the Governing Body of the Borough of Riverdale at its meeting of November 17, 2008.

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Carol J. Talerico, R.M.C.  
Municipal Clerk