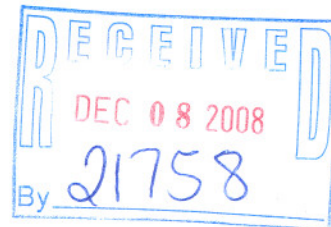


R:2008-207



**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 Town of Phillipsburg adopted a resolution notifying the Highlands that the Town of Phillipsburg *has* set December 1, 2009 as the target date for submission of a Petition for Plan Conformance.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Phillipsburg 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

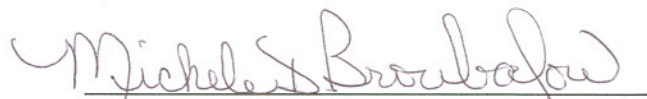
BE IT FURTHER RESOLVED that the governing body of the Town of Phillipsburg hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

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

BE IT FURTHER RESOLVED that the governing body of the Town of Phillipsburg 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.

CERTIFICATION

I, Michele D. Broubalow, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their December 2, 2008 meeting.


MICHELE D. BROUBALOW, RMC