

HIGHLANDS AT MORRIS, INC.)

COUNCIL ON AFFORDABLE HOUSING
Docket No. 95-914

v.)

ROCKAWAY TOWNSHIP,)
MORRIS COUNTY)

SCARCE RESOURCE ORDER

WHEREAS, upon motion by the Highlands at Morris, Inc., ("Highlands") the Council on Affordable Housing ("COAH") issued a preliminary scarce resource order with regard to the Township of Rockaway, Morris County, ("Rockaway") on March 6, 1996 (COAH Docket No. 95-914); and

WHEREAS, COAH extended the preliminary scarce resource order on June 5, 1996 and July 10, 1996 up to August 7, 1996 the date of COAH's August meeting, pending the outcome of mediation between Highlands and Rockaway on Rockaway's fair share plan; and

WHEREAS, on June 25, 1996 Highlands and Rockaway signed a Settlement Agreement as a result of mediation that provides for the extension of the scarce resource order to January 1, 1997, consistent with conditions set forth in Section 3 of the Settlement Agreement; and

WHEREAS, COAH on August 7, 1996 voted to extend the scarce resource order until January 1, 1997 consistent with the conditions and terms of the Settlement Agreement signed by Highlands and Rockaway.

It is on this 7th day of August, 1996 hereby ordered that:

The Preliminary Scarce Resource Order of the New Jersey Council on Affordable Housing issued on March 6, 1996 will extend

until January 1, 1997 as revised to include only the following conditions:

1. Rockaway Township shall:

a. Continue its previous allocation of 50,000 gallons per day gpd) to the Highlands Project as set forth in a resolution adopted by the Rockaway governing body on November 30, 1993.

b. Allocate 2,000 gpd of Rockaway's remaining "New Growth Reserve" allocation to the Highlands project.

c. Grant priority status to the Highlands project for any gallonage that becomes available to Rockaway as a result of any revocation or recoupment of gallonage held by others for projects in Rockaway that have failed to obtain the requisite Rockaway approvals, failed to proceed to construction, have been abandoned or otherwise failed to utilize their gallonage within the time periods required (hereafter termed "Lapsed Project").

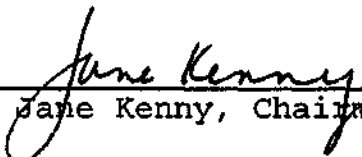
d. Diligently pursue discussions with member municipalities of the Rockaway Valley Regional Sewerage Authority (RVRSA) and the RVRSA with regard to the transfer of any unused committed flow gallonage, growth reserve gallonage or any other gallonage held by any such municipality to Rockaway for allocation to the Highlands project.

e. Immediately initiate and diligently undertake all actions necessary to revoke and recoup gallonage previously allocated by Rockaway to the Lapsed Projects

irrespective of the source of said gallonage. All gallonage recouped by Rockaway as a result of such efforts shall be reallocated to the Highlands project by the township unless Highlands has obtained sufficient gallonage through other sources to complete the development as set out in the settlement agreement, subject, however, to the provisions of any Court Order entered in such recoupment proceedings and subject to the inclusion of the Highlands project in the RVRSA sewer service area.

2. This order may be enforced by motion of Highlands to COAH with notification to all affected parties or by COAH's own action pursuant to its regulations.

3. This order shall terminate on January 1, 1997 and this termination date assumes that the allocation of gallonage from January 1, 1997 forward shall be made directly from the RVRSA gallonage in accordance with current Court Orders, as extended, entered in the matter entitled Department of Health, State of New Jersey, et al. v. City of Jersey City, et al., Docket No. 3447-67, Chancery Division, Morris County.


Jane Kenny, Chairman

~ October 23, 1996.