**R: 2018-191**

**RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PRE-APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR MAJOR DIVERSION FOR**

**SUBSURFACE UTILITY EASEMENT ACROSS DELAWARE HEIGHTS PARK**

WHEREAS, Block 3004, Lot 21 is part of the Town of Phillipsburg’s (“Town”) Delaware Heights Park, which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection’s Green Acres Program; and

WHEREAS, in conjunction with the proposed installation of a subsurface electrical supply line through the Park via an average 3’ deep trench running through a 10’ wide easement for approx. 1500 feet connecting to a 10 MW solar farm, it is necessary to remove the Green Acres restrictions from an approximately 0.799 acre portion of Delaware Heights Park; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Town wishes to apply for approval for the aforesaid subsurface utility easement as a major disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, the first step in the application process for approval of a major disposal or diversion of parkland is the filing of a pre-application under N.J.A.C.7:36­26.9; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.9(d)11, it is necessary for the Town to submit as part of the pre-application a Resolution endorsing the application to divert or dispose or parkland;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, in the County of Warren, State of New Jersey, as follows:

1. The Town of Phillipsburg endorses the filing of a pre-application for an approximately 0.799 acre easement for the installation of an subsurface electrical supply line through Delaware Heights Park pursuant to N.J.A.C.7:36-26;

1. The Town of Phillipsburg hereby finds that the granting of an approximately 0.799 acre easement for the installation of an subsurface electrical supply line through Delaware Heights Park would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d)by fulfilling a compelling public need and yielding a significant public benefit by providing for the generation and transmission of 10MW of clean, renewable energy sufficient to power 1640 homes and will reduce carbon output by 115,686 tons over the 20 year life span of the solar facility, both of which are consistent with and advance New Jersey’s Energy Master Plan.

3. The Town of Phillipsburg acknowledges that in order to obtain the approval of the subsurface utility easement across Delaware Heights Park, all substantive and procedural requirements of N.J.A.C. 7:36-26must be met, including compensation requirements at N.J.A.C. 7:36-26.

26.10.

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on November 07, 2018.

Victoria L. Kleiner, RMC