

BOROUGH OF  
*Kinnelon*  
130 Kinnelon Road  
Kinnelon, New Jersey 07405

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BOROUGH CLERK

November 30, 2009

RECEIVED

DEC 01 2009

THE BUZAK LAW GROUP, LLC

John Miller, Esquire  
The Buzak Law Group LLP  
150 River Road Suite N-4  
Montville, New Jersey 07045

Re: Highlands Resolutions

Dear John:

Enclosed you will find certified copies of both of the Highlands Resolutions which were adopted at the November 19<sup>th</sup> M&C meeting.

Also enclosed is a certified copy of the consent agenda page from the minutes from that date.

Very truly yours,

BOROUGH OF KINNELON

Elizabeth M. Sebrowski, RMC  
Borough Clerk

Enclosure

- B. Approval of the October 15, 2009 M&C Minutes.
- C. RESOLUTION 11.01.09 – Chapter 159 – Drunk Driving Enforcement Fund (Attached)
- D. RESOLUTION 11.02.09 – Authorization for Tax Collector to Sell Tax Liens (Attached)
- E. RESOLUTION 11.03.09 – Borough of Kinnelon's Intention to Revise Master Plan and Development Regulations for Plan Conformance For Land In The Planning Area (Attached)
- F. RESOLUTION 11.04.09 – Borough of Kinnelon's Submission of Petition For Plan Conformance To The Highlands Water Protection and Planning Council For Land In Preservation Area (Attached)
- G. RESOLUTION 11.05.09 – B.A.N. Rollover for \$2,396,300 Various Bond Anticipation Notes (Attached)
- H. RESOLUTION 11.06.09 - Award of Contract – Eastern States – For DPW Wetlands (Attached)
- I. RESOLUTION 11.07.09 - Transfer of Funds (Attached)
- J. RESOLUTION 11.08.09 - Chapter 159 – Recycling Tonnage Grant \$10,487.46 (Attached)
- K. RESOLUTION 11.09.09 - Determining General Refunding Bonds of 2009 (\$6,750,000) (Attached)
- L. RESOLUTION 11.10.09 - Authorizing In Rem Foreclosure of Tax Sale Certificate #308 For Block 58, Lot 111.1 (Attached)
- M. Raffle License 685KB – Jewish Congregation of Kinnelon
- N. Authorize Clerk to Advertise for Sealed Bids for Fire Engine When Specs Are Available
- O. Authorized Clerk to Advertise for Sealed Bids for Refurbishment of a Fire Rescue Truck When Specs become Available.

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**CERTIFIED TO BE A TRUE  
COPY OF ORIGINAL**  
BY: *Ephraim M. Silverman*  
KINNELON BOROUGH CLERK

**RESOLUTION ~~09-11.03.09~~ BOROUGH OF KINNELON'S INTENTION TO  
REVISE MASTER PLAN AND DEVELOPMENT  
REGULATIONS FOR PLAN CONFORMANCE FOR  
LAND IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act ("Highlands Act"), N.J.S.A. 13:20-1, *et seq.*, finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council ("Highlands Council") to prepare and adopt a Regional Master Plan for the Highlands Region; and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan ("Plan Conformance"); and

**WHEREAS**, the Borough of Kinnelon ("Kinnelon") is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the

Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area and Kinnelon may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

**WHEREAS**, at any time during the Plan Conformance process, the Borough of Kinnelon may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on Kinnelon; and Kinnelon may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

**WHEREAS**, should Kinnelon make the determination that Kinnelon shall petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan and Plan Conformance Guidelines, Kinnelon shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

**WHEREAS**, upon application of Kinnelon, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Kinnelon for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide

grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and


**WHEREAS**, should Kinnelon formally withdraw from the Plan Conformance process, grant funding awarded to Kinnelon up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Kinnelon hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

This Resolution shall take effect immediately.

#### C E R T I F I C A T I O N

I, Elizabeth M. Sebrowski, Borough Clerk of the Borough of Kinnelon, do hereby certify the foregoing is a true copy of a Resolution adopted by the Governing Body at a regular meeting held on November 19, 2009.

  
Elizabeth M. Sebrowski, Borough Clerk