

PLANNING BOARD MINUTES
PUBLIC MEETING
NOVEMBER 12, 2015 - 7:00 P.M.
HELD AT OAKLAND SENIOR CENTER
20 Lawlor Drive, Oakland, New Jersey

Pursuant to Chapter 231, Public Law 1975 (Open Public Meetings Act) adequate notice of this meeting has been provided by:

- ❑ Adoption of an annual schedule of meetings
- ❑ Posting a copy of same at Borough Hall
- ❑ Forwarding a copy of same to The Record
- ❑ Mailing a copy to any person requesting same

** MEETINGS CONCLUDE AT 10:30 P.M., THEREFORE, NO TESTIMONY WILL BE TAKEN AFTER 10:00 P.M.

PLANNING BOARD MEMBERS:

John Madden, Robert Knapp, Jason Shafron, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Jensen, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:00 P.M., ROLL CALL:

Present: Messrs. Madden, Knapp, Shafron, DiLandro, Haymon, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash
Absent: Mrs. Rowin

Also in attendance Mr. Joseph Russo, Esq., Board Attorney, Ms. Rebecca Mejia, Board Engineer and Donna Miller, Board Planner.

Mr. Knapp sitting in for Mrs. Rowin.

Motioned by Councilman Jensen and seconded by Mr. Shafron, to excuse the absences were voted unanimously by the Board.

Motioned by Mr. Morris and seconded by Councilman Jensen, to open the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

No comments.

Motioned by Mr. Morris and seconded by Councilman Jensen, to close the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

PUBLIC HEARING:

1. Unison Energy – 14 Post Road, Block 2701, Lot 1. Public hearing for an amended.

Chairman Potash informed the Board that there was no one present to represent the application. He suggested that they continue with the public hearing and see if the applicant shows up.

2. Nu Products Seasoning Company – 20 Potash Road, Block 3601, Lot 37. Public hearing for an amended site plan.

Mr. William Smith, Esq. of Franklin Lakes was before the Board to represent the applicant. He introduced Mr. Henry Goldstein, owner of the company, who was sworn in.

Mr. Goldstein testified that is the owner of Nu Products Seasoning Company and has moved his company from Hackensack to Oakland. He is also one of the owners of Goldpod, LLC which owns the building. He explained that his company mixes spices and sells them to companies manufacturing food products.

Mr. Haymon enters the meeting at 7:05 p.m.

He explained that dust particles and odors derive from the mixing process so the applicant is proposing a concrete pad and an infiltration system to help eliminate the dust and odor from the interior of the building. The concrete pad and infiltration system would be approximately 16' by 24' and located on the northerly side of the building.

Chairman Potash questioned if a there was an infiltration system at his prior location in Hackensack. Mr. Goldstein responded no. Mr. Haymon questioned the type of material being collected. Mr. Goldstein responded that dust generated from the spices mixed are characterized as GRAS, meaning "generally regarded as safe". A discussion ensued concerning noise decibels generated from the system. Mr. Goldstein responded that it is below the OSHA requirements.

Mr. Smith introduced Mr. Bryan Murphy, president of the company Dustpipe, who would be installing the system. His business is located in Massachusetts and in operation for over 40 years.

The proposed dust collection system is operated by two 60 HP motors which will suck the dust out of the grinding room and packaging room. The cartridge filter in the unit will capture 99.998 percent of the dust particles and odor from the building.

A discussion ensued concerning the noise generated from the system and the distance from the property line. Mr. Hagberg responded that the system would need to comply with the Borough's ordinance where it prohibits no more than 50 noise decibels at the property line. Mr. Murphy responded that the noise would be less than 50 decibels and the applicant would comply with the Borough's noise ordinance.

Chairman Potash questioned the type of screening the applicant proposes. Mr. Goldstein responded that they would be using an open chain link fencing. Ms. Mejia questioned the thickness of the concrete pad. Mr. Goldstein responded that a six-inch reinforced pad would be installed. She confirmed with Mr. Goldstein that there would be a locked gate installed as part of the fence being proposed.

Exhibits were entered.

Exhibit A-1, Site Plan for 20 Potash Road prepared by Christopher Lantelme dated September 3, 2015.

Exhibit A-2, Interior Alterations for 20 Potash Road prepared by Pulice/Williams Architect dated October 1, 2015.

Motioned by Mr. Morris and seconded by Mr. DiLandro, to open the meeting to the public regarding matters concerning Nu Products Seasoning Company was voted unanimously by the Board.

No comments.

Motioned by Mr. Morris and seconded by Mr. Haymon, to open the meeting to the public regarding matters concerning Nu Products Seasoning Company was voted unanimously by the Board.

Mr. Goldstein requested that the Board allow him to be able to install the concrete pad before the application has been memorialized. The Board granted his request. Chairman Potash entertained a motion.

Motioned by Mr. Morris and seconded by Mr. Shafron, to approve the Nu Products Seasoning Company application.

Roll call: Ayes: Messrs. Mr. Madden, Knapp, Shafron, DiLandro, Haymon, Hagberg, Jensen, Morris, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: None
 Absent: Mrs. Rowin

3. Square One Day Care, LLC – 112 Bauer Drive, Block 3204, Lot 4. Public hearing for an amended site plan.

Mr. Ben Cascio, Esq. of Franklin Lakes was before the Board to represent the application. He introduced Mrs. Hetal Selarke, one of the principals for the daycare, and Mr. William Bonzulak, owner of the property. Both Mrs. Selarke and Mr. Bonzulak were sworn in.

Mr. Cascio explained that this application is a permitted use and the applicant is seeking to lease approximately 8,200 square feet to be utilized as a day care facility. There are currently three other tenants leasing space in the building.

Mr. Bonzulak testified that he manages WSJ II, LLC which is a family owned business that owns the property for 15 years. He explained that they have had little success in leasing to companies that are light industrial uses but have been successful in leasing to non-industrial uses.

The businesses leasing currently are Digi-Chrome Studios, Inc., Prestige Gymnastics and Dance Theater of New Jersey. The proposed space was occupied by Haband which moved several years ago. This remaining space is approximately 8,200 square feet with ample parking spaces available. There are 185 parking spaces available will be sufficient for the existing and proposed tenants.

Mr. Bonzulak reviewed the access for the proposed daycare and the existing tenants. He explained that the applicant is proposing eight classrooms, a playground with equipment, a ramp with guardrails to linking the playground area with the building and an externally lit monument sign. The playground will be enclosed by a 4-foot high chain link fence that will connect with a 36-foot gate. A request from the Board to change the current gate size to 44-feet in width. Mr. Bonzulak agreed to the Board's request.

A handicapped ramp leading to the front entrance as well as handicapped accessible bathrooms will be added. The applicant's engineer provided the Health Department with water use records and agreed on the number of occupants being proposed.

A discussion ensued concerning starting times for all tenants in the building. The peak start time would stagger for all four tenants would be between the hours of 7:00 a.m. to 9:00 a.m. and an influx of vehicles entering the parking lot between 3:30 p.m. and 5:00 p.m. for the Dance Theatre of New Jersey. It was suggested that the applicant work with the Board Engineer and revise the plans un-striping two of the parking spaces allowing for a central corridor walkway leading through the parking lot to the proposed daycare.

Exhibit A-1, Consisting of site plan, floor plan with playground equipment and floor plan showing interior renovations prepared by Fred Klenk, last revised October 7, 2015.

Mrs. Selarke testified that she was one of the principal owners for the daycare. They are seeking to occupy the 8,200 square feet of the subject building to run a daycare for ages six months to six years of age. She explained that she conducted a study that

They are awaiting their licensed by the State of New Jersey.

She explained that the State closely monitors required construction, playground, equipment and staff. Employees go through a preliminary application before hiring which includes background check and finger printing. The state determines the number of students which is 35 square feet per child, approximately 125 students and the number of staff per ratio of students.

Hours of operation would be 7:00 a.m. to 9:00 a.m. for drop off. Parents would park their vehicle and walk/carry their children from the parking lot into the school. This would take the parent approximately 5 to 10 minutes. All children would need to be signed in when entering and signed out before leaving. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Councilman Jensen and seconded by Mayor Schwager, to open the meeting to the public regarding matters concerning the Square One Daycare, LLC was voted unanimously by the Board.

No comments.

Motioned by Councilman Jensen and seconded by Mayor Schwager, to close the meeting to the public regarding matters concerning the Square One Daycare, LLC was voted unanimously by the Board.

Mr. Russo verified that the monument sign being proposed would not create a variance. Mr. Cascio responded that the monument sign would comply with all setback requirements and be externally lit.

A discussion ensued concerning contacting Shade Tree Committee before removing a mature blue spruce that is interfering with the gas and water line.

Chairman Potash entertained a motion.

Motioned by Councilman Jensen and seconded by Mr. DiLandro, to approve the Square One Day Care application contingent to:

1. The proposed monument sign location keeping with the setbacks of the Borough's ordinance and be externally lit.
2. Enlarging the existing gate to 44-feet.
3. Un-striping 2 parking spaces to locate a walking corridor from the parking area to the day care.

Roll call: Ayes: Messrs. Madden, Knapp, Shafron, DiLandro, Haymon, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Mrs. Rowin

MEMORIALIZATION:

None

PAYMENT OF BILLS:

Motioned Mr. Morris and seconded by Mr. DiLandro, for the payment of bills subject to the availability of funds.

Roll call: Ayes: Messrs. Madden, Knapp, Shafron, DiLandro, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: None
Absent: Mrs. Rowin

APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Councilman Jensen, to approve the September 10, 2015 minutes.

Roll call: Ayes: Messrs. Madden, Knapp, Shafron, DiLandro, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash.
Nays: None
Abstain: Mr. Haymon
Absent: Mrs. Rowin

Motioned by Councilman Jensen and seconded by Morris, to approve the October 8, 2015 minutes.

Roll Call: Ayes: Messrs. Madden, Knapp, Dilandro, Hagberg, Morris, Councilman Jensen, Mayor Schwager and Chairman Potash
Nays: None
Abstain: Mr. Shafron
Absent: Mrs. Rowin

NEW BUSINESS:

Chairman Potash informed the Board that Mayor and Council has requested that material forwarded to the Board be discussed in an effort to help develop an ordinance. The Council would like the Planning Board's feedback on the impact the Pilgrim Pipeline would have on public utilities, the Borough's Master Plan and the Highlands Regional Master Plan. A letter from Borough Attorney, Brian Chewcaskie, Esq., was received by the Board today.

At the last meeting, a draft ordinance was presented to the Board to ban 'unregulated pipelines.' Mr. Chewcaskie forwarded a sample ordinance, similar to what was adopted by Chatham, to the Board for review and comments and how this ordinance conforms with the Borough's Master Plan, Highlands Regional Master Plan and public utilities. A discussion ensued and it was the decision of the Board not to offer an opinion on the proposed ordinance being adopted by the governing body.

Chairman Potash informed the Board that a letter was just received today and he feels the Board may not be ready to discuss this. It may be more appropriate to discuss this matter at the next meeting once the members and professionals have had an opportunity to study the issue.

Mr. Haymon informed the Board that the Environmental Commission did a report concerning the Pilgrim Pipeline and the key aspect of the report focused on the potential for leaks. Many of these unregulated pipelines contain liquid material versus natural gas and a leak could contaminate the Borough's ground water. In addition, much of Oakland is made up of 'fractured bedrock' which could be easily be penetrated making it difficult to clean up. He expressed that he would appreciate the Planning Board's consideration on this matter.

Chairman Potash expressed his appreciation to the Environmental Commission for an outstanding job researching and presenting information to the Planning Board and no one would argue the points and concerns made. However, in the last paragraph of the letter, it states that NJDEP will be the permitting agency requiring multiple permits for the pipeline project. Mr. Morris questioned that he thought the pipeline was unregulated and Councilman Jensen responded it is. Mr. Haymon also responded that a gas pipeline is a project that is regulated under state FERC (Federal Energy Regulated Commission) which is looked at as a whole and the permit process has to be performed as an entire project. Unregulated pipelines are processed at a number of different areas at the state level. They may need Stream Encroachment permits, a number of different Wetlands permits and general permits, which are done on an individual basis but the complete project is not regulated by the NJDEP. Aspects of that project will be regulated but specifically for that area and the whole pipeline is not looked at as a complete project. The regulatory process that FERC has for natural gas pipelines is strict. For example, FERC's process for pipelines has a rigid comment period and public involvement

period while unregulated pipelines permits do not have a rigorous public involvement process. Mr. Morris expressed that he understands it that pipelines, not regulated by FERC, still are under many other regulations. He believes it is not an accurate statement to say some pipelines are unregulated. Chairman Potash expressed that this was the issue he had with the Chatham ordinance because they mention unregulated numerous times but like Mr. Morris said, what pipeline is really unregulated. In his opinion, the term 'unregulated' does not really exist. Mr. Haymon expressed that 'unregulated' needs to be defined more clearly when it concerns pipelines. There might be an official definition of unregulated pipelines and suggested that the professionals look further into that.

Chairman Potash explained that the Environmental Commission's report and the NJDEP's concerns with this pipeline are generally environmental and not land use concerns which are handled by the Board. The Board members are not experts in environmental issues and that is why there is a DEP to look at the effects on wildlife, ground water, stream encroachment and things of that nature.

Mr. Hagberg suggested that maybe the Board is trying to say too much and he suggested the ordinance read; pipelines that are not public utilities are prohibited. It is not a matter of regulated or unregulated, if a private company wants to run a pipeline through the town and it is not a public utility, the town does not want it.

Ms. Mejia commented the term of unregulated specifically by the Board of Public Utilities does not have any say in the project but it will go through NJDEP and other agencies. She informed the Board that unregulated is not specific and in Chatham's ordinance it is very specific. It states the term 'unregulated' is defined as not regulated by the state New Jersey and BPU. Chairman Potash expressed that he is not sure he agrees with Mr. Hagberg's statement because we do not want to prohibit any type of pipeline since everyone benefits from pipelines. All the concerns are understood with this particular pipeline but maybe people do not understand the benefits deriving from pipelines. Mr. Hagberg questioned if the town's objective is to stop this particular project that has the possibility of running through the town. He is not sure what the Borough's goal in this matter is whether to restrict all pipelines or a specific pipeline. Mr. Morris responded that we are restricting all to prohibit the specific one. He questioned Mr. Haymon if the Environmental Commission has done an analysis looking at the risks associated with pipelines compared to the other ways used for transport. If the transport of oil is not going to be by pipeline, would the risk be greater or lesser than railroads, tractor trailers or oil barges. We live in a society dependent on oil and doubt people would be willing to give up their standard of living in order to cut down on oil use. He pointed out that there will always be transport of petroleum product and we should be looking at the best way to transport it. Mr. Haymon responded that the Environmental Commission looked at the frequency and the number of pipeline leaks, railcar and barge incidents. There was a substantial amount of pipeline leaks. The Barge transport on a qualitative level appeared to be the safest way to transport the bulk of petroleum since it is fast, safe and regulated.

Councilman Jensen expressed that the purpose of the proposed pipeline ordinance is to cut the costs on transport and make it more efficient to transport from the refinery and return it back to Albany with the finished product. A discussion ensued between Councilman Jensen and Mr. Haymon concerning the differences between pipeline transporting oil versus natural gas pipelines. If a pipeline were to rupture carrying natural, the gas would escape and rise up into the atmosphere and dissipate whereas oil, being heavy material, would seep into the soil, into water sources and impact water quality for years. Mr. Haymon explained that the clean-up for gas and oil are difficult and different. Gas is dangerous, light and moves quickly and oil will sink into the earth and is very difficult to clean up. Mr. Morris expressed that it is not the Board's place to debate the risks with modern pipeline technology, leak detection and shutoff controls that are available.

Mr. Morris expressed his opinion that he feels safer with a pipeline than barging oil down the Hudson River. He expressed that the Board's job is to make sure all projects comply with the Borough's ordinance and follow the master plan. He agrees with the Chairman that the professionals should review the material and the Board can discuss it at the next meeting. Chairman Potash added that no real direction was given by Mr. Chewcaskie and questioned if Council was looking to ban pipelines or establish an ordinance that does not necessarily ban the pipeline but provide safeguards when the pipeline is constructed. Councilman Jensen informed the Board that he believes the intention of Brian Chewcaskie's letter and draft ordinance was to prohibit the pipeline. Mr. Russo reviewed the paragraph of the first page of proposed ordinance and agreed with Councilman Jensen that the essence of the ordinance is to prohibit but the question is to define regulated and unregulated. This ordinance will be an amendment to the Borough's land use ordinance so it will come back to the Planning Board regardless to give their recommendation.

Mr. Shafron expressed confusion as to the request of Mayor and Council. He explained that the Planning Board should not advise or recommend to pass the ordinance but to advise Mayor and Council on the affects the ordinance could have on the current zoning and master plan. Mayor Schwager explained that the Mr. Chewcaskie was advised by Mayor and Council to give the Planning Board direction and not draft the ordinance. Mr. Russo expressed that ordinances come to the Planning Board for recommendation and perhaps tweaking and sent back with suggestions. Mr. Shafron suggested that the proposed ordinance should be reviewed by the professionals on affects to the current zoning and master plan then come back to the Planning for consideration. Councilman Jensen responded that this is being requested as well as how the ordinance will conform with the Highlands Regional Master plan. Chairman Potash entertained a motion to open the meeting to the public.

Motioned by Mayor Schwager and seconded by Councilman Jensen, to open the meeting to the public regarding matters concerning the discussion of the proposed pipeline ordinance was voted unanimously by the Board.

Mr. Donald Sena, 47 Thackery Road, expressed that this pipeline carries hazardous material not gas or water. The proposed pipeline consist of two pipelines transporting oil from Albany to Linden, New Jersey and the refined product goes back to Albany. There are no benefits to Oakland and the state of New Jersey.

According to the Wall Street Journal, comparing oil from 86 locations, bakken oil is the most explosive of all oils and highly corrosive. According to Hazardous Material Safety Administration within the Department of Transportation, on shore pipeline spills occurring between 2010 and 2013 was 139 spills per year totaling 84,000 barrels which is 3.5 million gallons of oil spilled on shore by pipelines.

The Pilgrim pipeline is said to have new technology that will prevent spills yet the PHMSA (Pipeline Hazardous Material Safety Administration) says that 40 percent of the spills are not technology related but due to construction damage and improper operations. Pipelines do spill more than railroads and barges. Mr. Morris questioned if the spills he is referring to are on shore and not underground pipelines. Mr. Sena responded that they were not referring to underground pipelines.

The pipeline being proposed will pass through Oakland, the Ramapo water shed, across the Ramapo fault line and endanger our water supply, our families, our properties and the environment. He expressed that no amount of check valves for monitoring could prevent human error, equipment failure or an earthquake on the fault line. In addition, no remediation team would be able to save our drinking water if the pipeline gives way.

The Federal Government and state does not have jurisdiction over hazardous material pipelines and there is no statewide ordinance according to the Eastern Environmental Group. He expressed that it makes no sense not to have an ordinance banning these pipelines, local zoning ordinances should apply. To date eight other municipalities have passed ordinances and 34 municipalities in New Jersey have passed resolutions opposing the pipeline. If the pipeline companies filed a lawsuit, they would have to sue all the municipalities who have passed the same type of resolution. Finally, if there is a lawsuit, Oakland can always decide whether or not to defend the ordinance at that time.

Michael Prichard, 1143 Calumet Drive, explained that he agrees with Mr. Sena not to allow the pipeline but in a different way. When he reviewed the ordinance presented to the Board, he questioned the wording. He explained that the BPU (Board of Public Utilities) has no jurisdiction and can only forward a report to the NJDEP. The pipeline in question is regulated by the U.S. Department of Transportation through the Office of Pipeline Safety. He explained that New Jersey has four gas pipelines which are not hazardous. It is prohibited to mix gas in hazardous pipelines which is monitored by the Office of Public Safety. New Jersey is excellent with dealing with gas pipelines. FERC (Federal Energy Regulatory Commission) plays a minor part by putting a tariff on the oil going through the pipeline which has been limited by Congress. NJDEP and the EPA play a

role in the review of pipelines. The problem is if Oakland's aquifer were to be affected by a spill or leak, it could never be reverse.

Mr. Prichard went on to discuss the federal government's involvement including consultation zones where Oakland would qualify for what's called Unusual Sensitive Areas (USA's) due to the aquifer and environmental sensitivities. An oil pipeline needs to be 660 to 1,000 feet away from a gas pipeline as well as other oil pipelines according to the Office of Pipeline Safety. He suggests that Oakland refer to these three federal statutes, Hazardous Liquid Pipelines, Pipeline Safety Act and the Pipeline Regulatory Certainty and Job Creation Act, Public Law 112-90 to understand regulations for pipelines. In the code of federal regulations, an aquifer is served by U.S. EPA and the NJDEP. Oakland has a sole source aquifers that travels from Wayne, New Jersey to Woodbury, New York which varies from 20-feet to 200-feet into the ground. He expressed that it would be foolish to follow an ordinance drafted by Chatham since Oakland has its own unique situation.

Any litigation goes through the federal court system since it is all federal law and preemption is a part of it. Chairman Potash questioned what part of the Chatham's ordinance does not apply. Mr. Prichard responded that the part stating the BPU has no authority. Chairman Potash explained that the ordinance references non-regulated that are not regulated by the BPU. Mr. Prichard responded that this pipeline is regulated by the Department of Transportation and Office of Pipeline Safety. Mr. Russo questioned what information should be used to prohibit the pipeline when crafting an ordinance with the information shared this evening. Mr. Prichard responded that he would forward a sample ordinance drafted by the federal government that can be used by local municipalities. Mr. Shafron expressed that he believes that the draft ordinance from Chatham is straight forward stating if it is not regulated by the state or BPU, then it is prohibited. Mr. Prichard responded that the BPU cannot regulate this pipeline because it has not been authorized by state legislation and this is the reason the federal government has offered model ordinances to follow. Mr. Russo verified that if the Borough crafts the ordinance pursuant to these federal statutes, this ordinance would uphold any lawsuit. Mr. Prichard responded that he assumes it would because it would go to federal court.

Mr. Hagberg questioned whether the proposed ordinance is being drafted to monitor the construction or prohibit a pipeline. He questioned what a consultation zone was. Mr. Prichard responded that it is an area such as in Oakland that is reviewed according to population and environmental areas. A discussion ensued concerning whether the ordinance should prohibit or have control monitoring. Councilman Jensen responded that the Board is being asked to consider three things while helping to draft the ordinance; to explore how the pipeline could affect our public utilities and essential services, provide recommendation for the conservation area and to see if it consists with the Borough's master plan and in conformance with the Highland Regional Master Plan. Mr. Hagberg agrees with that but does not feel the Board should be responsible for

writing the ordinance. He expressed that he does not feel that he or the Board are qualified to oversee federal regulations.

Chairman Potash recommended that the Board take a vote to authorize the Board Engineer, Planner and Attorney to review this information and look at the master plan, the Highlands Regional Master Plan and give some recommendations by the December meeting. Ms. Mejia verified what the Board is asking her to address the three items Councilman Jensen shared and we are not looking at ordinance language. Councilman Jensen responded that is correct, that the professionals would be responsible for looking at how the three items he mentioned would shape the ordinance.

Mr. Sena returned and expressed that this is a sighting ordinance, there is no issues with preemption by the federal government or the state. He has shown Council a number of documents that the state, PHMSA and FERC are not responsible for sighting. The town needs a sighting ordinance.

Nancy Krause, Environmental Commission President, expressed that she is in favor of the ordinance prohibiting unregulated pipelines. She has reviewed ordinances drafted by eight of the surrounding towns and they are all very similar. She expressed her biggest concern is the Borough's water source as for the public's health as well as our property values. She offered assistance with research and expressed that the Environmental Commission would be happy to do this.

Motioned by Councilman Jensen and seconded by Mr. Shafron, to close the meeting to the public regarding matters concerning the proposed pipeline ordinance was voted unanimously by the Board.

Mr. Knapp expressed that the information being shared by the two people during the open to the public segment seem conflicting and confusing to follow. He questioned if it would be possible to get some neutral advice on this topic to explain it to the Board. Chairman Potash responded that this is the reason the Board turned it over to the professionals. Mr. Russo would look over some of the legal statutes instated by the federal government and Mr. Lydon and Ms. Mejia will look at whether or not the proposed ordinance fits into the master plan and Highlands Regional master plan.

Mr. DiLandro questioned Councilman Jensen how much progress the Council has made and what information they could share with the Board. Councilman Jensen responded that Mr. Russo will contact Mr. Chewcaskie for more information. Mr. DiLandro questioned what information has the Council received on this topic. Councilman Jensen responded that Council has received less information than what was provided for this meeting. Mr. DiLandro questioned that the Board is being asked to start from scratch to help draft an ordinance. Councilman Jensen responded that he does not think so since they have received several sample ordinances. He believes this is a good start.

OLD BUSSINESS:

Mr. Russo informed the Board that a case management order was entered by Judge Meehan concerning the COAH litigation. A special master has been appointed for the Borough to come up with a plan and decide what the Borough's Fair Share should be. Then it will go back and force between the Borough and those entities who are involved in the lawsuit. It is still ongoing what Fanale and Bi-County's Fair Share will be.

OLD BUSINESS:

None

PUBLIC MEETING ADJOURNED AT 9:40 P.M.

Motioned by Councilman Jensen and seconded by Mr. Morris, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on December 8, 2015.