

PLANNING BOARD MINUTES  
PUBLIC MEETING  
NOVEMBER 14, 2013 - 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:

Gina Steele, Jason Shafron, Lee Haymon, Nicholas DiLandro, Eric Kulmala, Dan Hagberg, Elaine T. Rowin, John Morris, Councilwoman Coira, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:03 P.M., ROLL CALL:

Present: Mrs. Rowin and Mrs. Steele, Messrs. Shafron, Haymon, DiLandro, Kulmala, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.

Absent: Mr. Morris

Also in attendance Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates and Mr. Kevin Boswell, Boswell Engineering also in attendance.

Motioned by Mayor Schwager and seconded by Mr. DiLandro, to excuse the absences were voted unanimously by the Board.

Chairman Potash announced that Mr. Shafron would be sitting in for Mr. Morris but had to recuse himself from the first application, therefore, Mrs. Steele would sit in for that application.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to open the meeting to the public for matters not on the agenda was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to close the meeting to the public for matters not on the agenda was voted unanimously by the Board.

#### PUBLIC HEARING:

1. Berardi – 22 & 24 River Road, Block 1805, Lot 10 and 24 River Road, Block 1805, Lot 11. Continued public hearing for the construction of two homes in the flood plain requests to be carried to the December 12, 2013 public hearing.

Chairman Potash announced that this hearing would be carried to the December 12, 2013 public hearing with no further notice.

2. Kuffel – 120 Andrew Avenue, block 5504, Lot 26. Public hearing for a major soil move.

Mr. Alex Kuffel and Mr. Jeffery Egarian were sworn in. Mr. Egarian offered his credentials and the Board accepted his qualifications.

Mr. Kuffel testified that he is proposing to level the northern portion of his property that is slanted. He explained that prior to owning the home, that particular section of the property was used as a dumping area. The trees have been removed and he would like to add retaining walls and fill that portion of the property to make his property level for the kids to play.

Exhibit A-1, Grading Plan prepared by David J. Edgarian and Associates dated September 19, 2013.

Chairman Potash questioned the quantity of soil being moved. Mr. Kuffel responded that approximately 628 cubic yards of fill would be transported in. Chairman Potash verified that this soil move would involve 40 to 50 tandem truckloads and that the material being brought in would be tested for contaminants. Mr. Kuffel confirmed that it would take 40-50 truckloads and that contaminate testing was done.

Chairman Potash questioned the type of wall being proposed. Mr. Edgarian responded that the walls would be constructed of modular block and boulders. He explained that the boulder walls would be tiered and would not exceed 2 – 3-feet and the retaining wall would not exceed 4-feet in height. Chairman Potash informed Mr. Edgarian that any retaining exceeding 4-feet in height would need to be certified by a licensed engineer.

Mr. Rowin verified that Abma's Farm would be supplying the material being brought onto the property. She informed the applicant that the Borough has an ordinance in place prohibiting an applicant from increasing stormwater runoff to the neighboring properties. Mr. Edgarian responded that they would not be increasing the impervious area and the drainage pattern would remain the same. He added that he believes by removing the slight slope and leveling the property, this would improve any runoff.

Mrs. Rowin requested that the tandem trucks carrying the soil use the route through Franklin Lakes and not by Route 202 through the town. Mr. Edgarian responded that they would request that route.

Mr. Boswell informed the applicant that there is a stipulation that retaining walls can go no higher than 3-feet without being certified by a licensed engineer. He requested that the applicant revise the plans noting that the driveway would be at least 10-feet away from the west side retaining walls and a note that the walls would not exceed 3-feet in height.

Motioned by Mrs. Rowin and seconded by Councilwoman Coira, to open the meeting to the public regarding matters concerning the Kuffel application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mr. Kulmala, to close the meeting to the public regarding matters concerning the application was voted unanimously by the Board.

Discussion: None

Chairman Potash entertained a motion.

Motioned by Hagberg and seconded by Councilwoman Coira, to approve the Kuffel application with the stipulation that plans be revised noting the driveway would be at least 10-feet away from the west side retaining wall, walls would not exceed 3-feet in height and no increase in runoff would result with the improvements.

Roll Call Vote:           Ayes: Mrs. Rowin and Steel, Messrs. Kulmala, DiLandro, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.  
                              Nays: None  
                              Abstain: Mr. Shafron  
                              Absent: Mr. Morris

3. Perneti – 13 Hobby Lane, Block 4303, Lot 34 and 19 Hobby Lane, Block 4303, Lot 33. Public hearing for a minor subdivision.

Mr. Frank Battersby, Esq. was before the Board to represent the application joined by Mr. and Mrs. Perneti. He explained that the application was for a minor subdivision involving 13 and 19 Hobby Lane.

Currently, the Perneti's reside at 13 Hobby Lane but also own the adjoining property at 19 Hobby Lane. They are proposing to increase the property size of 13 Hobby Lane to allow for an in-ground pool. The existing properties lack lot width and lot frontage.

Mr. Timothy and Danielle Perneti were sworn in testifying that they co-own both properties, 13 & 19 Hobby Lane. Mr. Perneti explained that they reside at 13 Hobby Lane and purchased the adjoining property at 19 Hobby Lane and removed the home on

that lot. He explained that he would like to take a portion of lot 33 and add it to lot 34 to allow for the addition of an attached garage and in-ground pool. It is a possibility that in the future they may decide to add a home to lot 33.

Chairman Potash questioned if the applicant was proposing to create additional lots. Mr. Perneti responded that they are just moving the lot line for additional room to install a pool on lot 34.

Mr. Weissman testified that a pre-existing dwelling is located on lot 34 and on lot 33 the home was demolished. These properties are located on a private right-of-way.

A portion of Lot 33 is within the transition area and state open waters. The applicant has applied to the NJDEP and was requested a Flood Hazard Area Verification which is a general permit to disturb a small portion of wetland to construct a single family home.

He referred to the drawings showing a diagonal shift in the lot line to enlarge Lot 34 and a conceptual dwelling on lot 33. Test holes have been done on lot 33 to install a new septic and seepage pits for drainage if needed.

A variance would be required for minimum lot width and no frontage on a public street for lot 33. He supplied the Board with a survey showing room for a turnaround in the driveway to allow emergency vehicle ingress and egress.

Chairman Potash questioned if the four dwellings have an easement agreement for the access road. Mr. Battersby responded that there is a right of access agreement by lot 32. Mr. Russo verified that the owner of that access easement is located on the right hand side of Hobby Lane on lot 32. Mr. Battersby responded that that was correct.

Mr. Boswell commented that an application for a minor subdivision should have plans accurately depicting what is being proposed as well as appropriate permits from NJDEP in place before any approval. He expressed that if approval were to be granted without these permits in place, it could result in a non-buildable lot. He suggested that the applicant hold off and return with the appropriate permits with revised plans showing what could be built. Mr. Battersby responded that the applicant is only requesting a lot line adjustment at this time to allow them to get started with the pool before the bad weather and know they will need to return to the Board for the other improvements. He expressed that the Pernetis are willing to adjust the lot line again if the NJDEP comes back with an unfavorable response.

A discussion ensued concerning the applicant's options. Chairman Potash confirmed with the applicant that it was understood the risk of moving forward with the application which could result in a non-buildable lot if NJDEP did not approve. Mr. Battersby responded that his client understands the gamble and is eager to adjust the lot line so he could start the improvements on the home. He explained that Mr. and Mrs. Perneti are prepared to come back again to change the lot line if necessary. Mr. Boswell advised the Board that if the Pernetis choose to proceed, it should be added in the resolution that the applicant shall submit revised plans showing the mutual easement, reflect the variances, a letter of agreement from the owner of the easement and be noted in the resolution that this subdivision could create a non-buildable lot.

Chairman Potash suggested that the Board could vote that a resolution in the affirmative be drafted by Mr. Russo and take an official vote December on the application as well as the memorization so no time is wasted for the applicant. He entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Haymon, to open the meeting to the public regarding matters concerning the Perneti application was voted unanimously by the Board.

No comments.

Motioned by Mrs. Rowin and seconded by Mayor Schwager, to close the meeting to the public regarding matters concerning the Perneti application was voted unanimously by the Board.

Mr. Russo suggested that the exhibits be entered as evidence.

Exhibit A-1, Minor subdivision plan prepared by Robert J. Weissman dated February 19, 2013.

Exhibit A-2, Survey showing turnaround for the two properties.

Exhibit A-3, Deed for right-of-way dated May 14, 1981 Albert L. Bal and Carmelina M. Bal to John and Mary Spence.

Exhibit A-4, Minor subdivision plan prepared by Robert J. Weissman dated February 19, 2013 and revised November 15, 2013 consisting of one sheet.

Discussion: None

Chairman entertained a motion.

Motioned by Mr. DiLandro and seconded by Councilwoman Coira, to authorize Mr. Russo to draft a resolution in the affirmative with the condition that the applicant submit revised drawings showing variances involved, a copy of easement agreement from the owner of lot 32 and the understanding by the applicant that lot 33 could end up a non-buildable lot in the event NJDEP disapproves.

Roll Call Vote:           Ayes: Mrs. Rowin, Messrs. Shafron, Kulmala, DiLandro, Haymon, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.  
                              Nays: None  
                              Abstain: None  
                              Absent: Mr. Morris

4. Vitale – 46 Academy Circle, Block 3905, Lot 2. Public hearing for a major soil move.

Mr. Brian Vitale and Mr. Drew Nicolielo were sworn in. Mr. Nicoliele testified that he is the contractor proposing to level his client's rear yard by adding retaining walls to improve the condition and create a flat area for his kids can use to play.

Chairman Potash verified that two walls on either side of the property would be installed at a maximum of 6-feet high and would require certification by a licensed engineer. He

questioned the amount of cut and fill the applicant is proposing. Mr. Nicolliello responded that he is proposing to cut approximately 194 cubic yards of soil from a sloped area in the yard and using 185 cubic yards of that fill to level out the property. He would be exporting approximately 9 cubic yards.

Chairman Potash informed Mr. Nicolliello that when cutting into the existing grade, the walls would require a geotech fabric behind. Mr. Nicolliello responded that geogrid is what holds the wall from falling over and the geotech fabric separates the gravel and dirt. A discussion ensued concerning whether the geogrid would need to extend from the wall on to another property. Mr. Nicolliello responded that it would not.

Mrs. Rowin verified that the Board would be addressing the 0 increase of runoff during the meeting and questioned the route taken by the trucks during the soil removal. Mr. Nicolliello responded that the soil would be taken to the quarry or to Brand X Excavating which is in North Haledon by way of Ramapo Valley Road. Mrs. Rowin recommended that the truckload exporting soil not travel down Ramapo Valley Road during school hours or they could take the route through Franklin Lakes. Mr. Nicolliello agreed and responded that he would inform the company.

Mr. Boswell expressed that the wall is too close to the property line on the left hand side. Mr. Nicolliello agreed and explained that they would move the wall closer into the Vitale property. Mr. Boswell recommended that the wall be moved in a minimum of 2-feet to 4-feet in on the left side towards the Vitale property. Mr. Boswell informed Mr. Vitale that the building department would require "fall protection" for the retaining wall on the northern side. Mr. Russo informed Mr. Vitale that stability calculations would be required for the Board Engineer. Chairman Potash informed Mr. Vitale that his engineer should provide detail on the plans so that the geogrid does not become damaged when installing the fence.

Mr. Nicolliello requested that due to issues with moisture and possible mold in the basement, if his client could proceed immediately with the improvements before the 30-day memorialization. Mr. Vitale informed the Board that he drafted a letter to the building department stating if there were any objections from his neighbors that he would stop the improvements immediately. Chairman Potash responded that the memorialization is a formality but on occasion the Board will honor this type of request.

Mr. Hagberg questioned the hours of operation and informed Mr. Vitale that he did not think that the applicant could conduct work on Saturday without Mayor and Council approval and to verify this with the Zoning Officer.

Chairman Potash opened the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Kulmala, to open the meeting to the public regarding matters concerning the Vitale application was voted unanimously by the Board.

Mr. Peter Tuohy, 42 Academy Circle, expressed to the Board that his rear yard abuts Mr. Vitale's side yard where the proposed 6-foot retaining wall will go. He explained that the wall would be approximately 30-feet from his house and 20-feet from his patio and he has concerns with exacerbating his current water runoff problems.

Mr. Tuohy explained his concerns for his home being affected with his neighbor moving the soil, changing the topography and the removal of the trees. He shared pictures with the Board of his property and the location of the proposed retaining wall.

Mr. Tuohy explained that his house sits below some of the surrounding properties and when they first moved in, he installed a 4-foot deep french drain with a 6-inch pipe which has helped but not during the very heavy rainstorms or snowfalls. He expressed concern that his drainage system would not be able to handle the runoff of from the improvements his neighbor is proposing.

Mr. Tuohy requested that the Board make sure that this project provides adequate drainage and questioned what his recourse was if his water situation worsened. Mr. Nicolliello responded that they have revised their plans to include weep-holes within the wall every 4-feet requested by Boswell Engineering. He explained to Mr. Tuohy that this project would improve the drainage situation for both properties by eliminating most of the slope that probably causes the runoff problem to his property. In addition, by adding 6-feet of dirt to that side would help absorb a lot more water.

Mr. Boswell explained that he did recommend the weep-holes 4-inches from the bottom of the wall in lieu of a seepage pits. However, seepage pits put water back into the ground but if the applicant runs a 4-inch perforated pipe to a solid pipe along the wall and emptying out to the curb, it would be more effective and he could eliminate the weep-holes. He assured Mr. Tuohy's this would make his situation much better. Chairman Potash expressed that it is critical not to impact the neighboring properties and agreed with Mr. Boswell that this would be a favorable solution to both property owner's drainage problems. Mr. Vitale agreed to install a 60-foot drainage pipe on the northern side of the property to empty out to the curb.

Chairman Potash questioned if trees were to be removed. Mr. Vitale responded that he did remove trees and plans on replanting some trees in the rear yard. He informed the Board that he would put up an ornamental fence and add some landscaping on the side of the wall that faces Mr. Tuohy's property. Mr. Vitale offered that Mr. Tuohy could pick out the color of the modular block used to build the retaining wall.

Mr. Tuohy expressed concerns with the retaining wall and roots of a tree in his rear yard. A discussion ensued concerning how to avoid damage to the roots of a tree in Mr. Tuohy's yard by the retaining wall.

Mr. Tuohy questioned if the applicant had considered installing a tiered wall. Mr. Vitale responded that he did and the cost was more and he would lose more yard. Chairman Potash suggested that the applicant shift the wall back 1 to 3-feet to save Mr. Tuohy's tree. Mr. Nicolliello agreed to move the wall back 2 to 3-feet to avoid the tree and this way they would be able to include appropriate landscaping on Mr. Tuohy's side of the wall.

Mrs. Rowin commented that Planning Board does things within the law but try to remedy a situation. She pointed out that it could cost the applicant more but it could cost Mr. Tuohy in his property value. She expressed that it is important for the applicant to be open to alternate plans considering the impact of looking at a big wall by his neighbor. Mr. Vitale responded that he did agree to move the retaining wall back and soften the wall by buffering it. He added that he is also making the drainage better.

A discussion ensued concerning tiered walls. Mr. Hagberg questioned Mr. Boswell if the drainage problem would become more difficult to control with two tier walls. Mr. Boswell confirmed that the contractor correctly stated that a double foundation could make it more difficult to control drainage. He recommended that the applicant pull the wall back, install the single wall, run the drainage pipe along the wall out to the curb and buffer because this would be the best remedy for both properties and their drainage problems. Chairman Potash confirmed that the applicant would be required to move the wall in 2-4-feet on the left, 1-3 ½-feet on the right and the right side facing Mr. Tuohy's property would be landscaped. He explained to the applicant that it would be included in the resolution that he will have until the spring to complete the landscaping.

Motioned by Mrs. Rowin and seconded by Councilwoman Coira, to close the meeting to the public regarding matter concerning the Vitale application was voted unanimously by the Board.

Chairman Potash entertained a motion with the stipulation of plans being revised to show a minimum setback on the left side of the property at 2-4-feet and a minimum setback on the right of the property at 1 to 3 1/2 –feet, plans will also be revised to show the 4-inch perforated pipe down the northern side of the wall to a solid pipe leading out to the curb, one truckload of soil being removed through Franklin Lakes route and the applicant can begin soil moving improvements before the memorialization at his own risk.

Discussion: None

Motioned by Councilwoman Coira and seconded by Mr. Shafron, to approve the Vitale application contingent to these stipulations:

1. Plans to be revised to show the minimum setback on the left at 2-4-feet and the minimum setback on the right at 1-3½-feet.
2. Plans revised showing 4-inch perforated pipe down the northern side of the wall connecting to a solid pipe leading out to the curb.
3. One truckload of soil being removed via the route of Franklin Lakes.
4. Applicant may begin soil moving improvements before memorialization at his own risk.

Chairman Potash suggested that the meeting be re-opened to the public for a gentleman in the audience who missed the open to the public portion.

Motioned by Mrs. Rowin and seconded by Councilwoman Coira, to reopen the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

Mr. Julio Shilling, 105 Chuckanutt, explained that he was actually at the meeting to listen to testimony concerning the Kuffel application but had the wrong time. Ms. Gurney explained that there was a noticing problem but the applicant re-noticed the correct time.

Mr. Shilling expressed concerns with the soil move being proposed at 120 Andrew Avenue. He explained that he noticed the improvements when the applicant removed trees without a permit. Chairman Potash questioned if Mr. Shilling called Shade Tree Committee. Mr. Shilling responded that he did call Shade Tree Committee but did not



get a return call so he then called the police who ordered Mr. Kuffel to stop removing trees.

His concern was that with the change of the topography it would exacerbate his drainage problem and he did not have the money to correct his situation. He explained that currently the water runs down to a creek near his property and occasionally the water pools on his property.

A discussion ensued and Mr. Boswell expressed to Mr. Shilling that he did not feel the improvements done at 120 Andrew Avenue would impact his property because the water flows right to left. He expressed to the Board that he would set up a meeting at Mr. Shilling's property and report back to the Board.

Motioned by Mrs. Rowin and seconded by Mr. DiLandro, to close the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

#### MEMORIALIZATION:

None

#### PAYMENT OF BILLS:

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

#### APPROVAL OF MINUTES:

Motioned by Councilwoman Coira and seconded by Mr. Hagberg, to approve the October 10, 2013 minutes.

Roll Call Vote:       Ayes: Mrs. Rowin, Messrs. Shafron, DiLandro, Haymon,  
                              Hagberg, Councilwoman Coira, Mayor Schwager and Chairman  
                              Potash.  
                              Nays: None  
                              Abstain: Mr. Kulmala  
                              Absent: Mr. Morris

#### NEW BUSINESS:

None

#### OLD BUSINESS:

Mr. Lydon referred to a letter drafted August 7, 2013 concerning the Borough's goals for the town before opting in with Highlands Conformance. He explained that he has added 7 edits within Environmental Resource Study and 8 edits within the Highlands Master Plan Element which he explained adds language to the document drafted by the Highlands Council. He explained that focus is on the wastewater management (sewer service area) which suggests that all the discharge plants and existing treatment plants be picked up by the wastewater management plan and the desire to include the entire

Planning Area as well as the commercial parts of town near Wayne for the future sewer project.

He explained that modifications to the Highlands document include the willingness of the Borough to explore the Transfer Development Rights (TDR) program without being penalized for more water being drawn out of the aquifer. Also, the Borough should request that the Highlands supply transit and road improvement plans for Ramapo Valley Road that would accommodate growth and allow the Borough to maintain control to approve those plans.

He included a clause in the document informing Highland Council that if the Borough were to withdraw from plan conformance, they would not be obligated to return the money or resources to the Highlands Council or any other state agency.

Mr. Lydon requested authorization from the Board to send the amended document back to the Highlands Council to review so the Borough can move forward with the wastewater management plan and plans to sewer.

Mr. Potash confirmed with Mr. Lydon that there would be a meeting with Northwest Bergen Authority November 25<sup>th</sup> and the Borough. Mr. Lydon questioned if the Board would like him to hold off sending the amended document to the Highlands until hearing the outcome of that meeting November 25<sup>th</sup> in the event more modifications need to be made to the document. Mayor Schwager expressed that she does not want to see anything done that may upset the progress made or the Borough's relationship with Northwest Bergen Authority. She suggested that Mr. Boswell explain to the Planning Board the Borough's situation in this matter before any decisions were made.

Mr. Boswell agreed with the Mayor that the Borough is at an important step right now with Northwest Bergen Authority. He explained that the Borough and Northwest Bergen Authority have been strategically planning for the past couple of months how to sewer the town. This would mean revising the Borough's wastewater management plan at a very high cost.

Mr. Boswell continued that the Highlands Council is a regional planning agency that could offer some benefits to the Borough but since they are regional, their interest is not only Oakland.

He explained that during these meetings between the Borough and Northwest Bergen Authority an agreement was reached that they would amend the Borough's wastewater management plan free of charge. They are offering to include sewers in a much larger area consisting of the entire Planning Area and not restricted to the downtown area only as proposed by the Highlands. The benefit of a larger area of sewers allows the Borough to add the infrastructure desired by the town.

Mr. Boswell explained that he would like to see the town be able to plan for most, if not all, the entire Planning Area and other major development areas. This would allow these areas to be serviced in the future without going back to the Highlands Council for permission later on. These areas would be considered future sewer service areas allowing property owners the option to connect to the sewers once they are in place.

He explained that the Borough is working with Northwest Bergen Authority on how much flow the plant in Waldwick can handle, the costs, location of pump stations and the amount infrastructure offered. In addition, they are working on the inter-basin transfer issue allowing the Borough to transfer as much flow without being saddled with the expensive engineering costs for a solution of recharging the ground water to replace the flow transfer that would be imposed by Highlands. Mr. Boswell expressed that it needs to be done this way in order for the Borough to get as much from Northwest Bergen Authority which include approval from NJDEP.

Highlands wants the Borough to opt into the TDR (Transfer Development Rights) program which contain many inconsistencies. He explained that Highlands Council should layout how the program benefits Oakland and the Borough should be firm that Highlands Council approve the Borough's desired sewer service area for the town. He explained that the Borough cannot do this alone and are in a favorable position being partners with Northwest Bergen Authority.

Mr. Boswell reviewed the amendments made to the Highlands Conformance document and expressed that the Highlands would probably not accept the amendment but there may be a negotiation. He explained that if the Borough does not have conditions with the Highlands, it could mean trouble five to ten years down the road.

Mayor Schwager questioned Mr. Boswell if the amended documents should be sent to the Highlands Council. Mr. Boswell responded that the amended documents should be sent to Northwest Bergen Authority so that they have an opportunity to review them and sign off on them. He believes that the document Mr. Lydon amended should not be too far off of what Northwest Bergen Authority wants for the town but they should still have an opportunity to review and tweak the document if necessary.

Mayor Schwager questioned the next step the Planning Board should take. Mr. Boswell responded that the Board could authorize Mr. Lydon to send the document to the Highlands and begin conversations with them provided that he gets the go ahead from Northwest Bergen Authority. Councilwoman Coira suggested that Mr. John Napolitano, Esq., the attorney hired by the Borough to negotiate the sewer project, also review the documents.

Mr. Kulmala suggested that no action be taken until the Board knows the outcome of Northwest Bergen Authority and Mr. Napolitano review of the documents. Mr. Boswell agreed that would be a better idea to authorize Mr. Lydon to send the documents to Northwest Bergen Authority, Mr. Napolitano, Esq. and the Borough Administrator, Richard Kunze. Mr. Lydon expressed that he agrees with Mr. Boswell but there is a need to move quickly concerning the Highlands and suggested that the amended documents get forwarded after the meeting of November 25 and after the review from Northwest Bergen Authority. Mr. Boswell suggested that Mr. Lydon get a letter from Northwest Bergen Authority in the affirmative before sending the documents.

Mr. Kulmala questioned Mr. Lydon on the urgency of getting the documents to Highlands. Mr. Lydon responded that his urgency was that the Borough has some treatment centers that need to be disconnected immediately and the Board has been working on these things since March.

Chairman Potash entertained a motion authorizing Mr. Lydon to forward the amended Highland Conformance document to Northwest Bergen Authority and Mr. Napolitano, Esq. for approval and then forward the document to the Highlands Council.

Motioned by Mr. Kulmala and seconded by Mr. DiLandro, authorizing Mr. Lydon to forward the amended Highland Conformance document to Northwest Bergen Authority and Mr. Napolitano, Esq. for approval and then forward the document to the Highlands Council.

Roll Call Vote:           Ayes: Mrs. Steele and Rowin, Messrs. Kulmala, DiLandro, Haymon, Hagberg, Councilwoman Coira, Mayor Schwager and Chairman Potash.  
                              Nays: None  
                              Abstain: None  
                              Absent: Messrs. Morris and Shafron

PUBLIC MEETING ADJOURNED AT 9:50 P.M.

Motioned by Mrs. Rowin and seconded by Councilwoman Coira, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

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Kathlyn Gurney/Administrative Assistant

\*Next meeting on December 12, 2013.