

**BOROUGH OF OLD TAPPAN
MAYOR AND COUNCIL REGULAR MEETING
January 21, 2020**

In compliance with the Open Public Meeting Law, notification of this meeting has been sent to our official newspapers and other publications circulated in the Borough of Old Tappan, and notice posted on the bulletin board at Borough Hall.

Please note fire exits located at the main entrance to the Council Chambers and in the rear of the Council Chambers.

Oath of Office Administered to Councilman Matthew Nalbandian

Mayor Kramer announced that Councilman Nalbandian took his Oath of Office earlier in the evening. He welcomed Councilman Boyce and Councilman Yhu who continues after filling former Councilwoman Haverillas's seat.

MEETING CALLED TO ORDER: 7:30 p.m.

ROLL CALL:	Mayor John Kramer	Present
	Councilman Ronald Binaghi, Jr.	Present
	Councilman Guy Carnazza	Present
	Councilman William Boyce	Present
	Councilman Thomas Gallagher	Absent
	Councilman Matthew Nalbandian	Present
	Councilman Jin Yhu	Present

Also Present:	Borough Clerk Jean M. Donch
	Borough Attorney Allen Bell

SALUTE TO THE FLAG

PRAYER – Councilman Matthew Nalbandian

PUBLIC'S OPPORTUNITY TO SPEAK

Motion to open the meeting to the public – Councilman Carnazza

Second – Councilman Binaghi

Discussion – None

On voice vote, all in favor, none opposed, the motion carried.

Eagle Scouts William Boyce and Glenn Pilkington II, each presented their Eagle Scout projects to the Mayor and Council.

Mr. Weidmann, Planning Board Chairperson, addressed the Mayor and Council about 140 Old Tappan Road stating that this is the reason why there is a room full of residents.

Mayor Kramer asked Borough Attorney Allen Bell to respond. Mr. Bell advised that a religious organization is entitled to a patronage exemption. Chabad of Old Tappan in 2017 applied for a patronage exemption for the residence of its Rabbi. The Tax Assessor denied the exemption on the basis that unless there is an active house of worship there could be no officiating clergyman. Chabad had rented space in a non-exempt building; a commercial building that paid taxes. They applied for a variance in order to operate out of that space before the Planning Board. The Board agreed that it was in the nature of a fraternal organization. Chabad argued that it was not a house of worship. Under that basis we opposed the request for a patronage exemption. A patronage exemption exempts the residential property only of officiating clergy from having to pay real estate taxes. The Chabad appealed to the County Tax Board, the Borough opposed that appeal and were successful before the County Tax Board. Chabad appealed to the Tax Board of New Jersey. During the appeal, a Tax Board case said that it was not required that the patronage exemption be derivative of a house of worship and if there was an officiating clergyman and the place that he officiated bore the evidence of a religious organization then a patronage exemption can be granted. There was a tax court trial, the judge rendered a written decision ruling that the Chabad was entitled to a patronage exemption because of the new law. The Borough fought this all along and, but for the change in the case law, we felt we had a strong position. This was not something that the Borough allowed or wanted. It was something that the court ruled. Mr. Weidmann asked where the Rabbi practiced and where the house of worship is. Mr. Bell responded that the operation on Old Tappan Road, property owned by Chabad did constitute a house of worship and the Rabbi was the officiating clergyman at that location according to the court. It didn't matter what was presented at the Planning Board level. Mr. Bell explained the old law and the new law.

Carolyn Sekas, 18 Stokes Farm Road, asked if she conducted Bible study in her home for her neighbors and friends would she qualify for the tax exemption. Mr. Bell responded no, because you are not operating a house of worship. She felt that the residents are not being properly represented and we should adjourn this meeting until we are properly represented.

Peter Skae, 28 Old Tappan Road – we have not defined what a tax exemption is, every house can create a tax exemption. Have the town research our zoning laws and speak with neighboring towns. Mr. Bell commented that if the Rabbi's house violates zoning it would be a different discussion.

Maryellen LaFronz, 15 Kristin Place, asked if there is a way to re-look at the certificate of occupancy. She asked if the very large dining room would be used as a house of worship and how do we maintain a family dwelling. Mr. Bell responded that there is a difference between submitting plans for a renovation of a one family dwelling or constructing a new dwelling and how it is used. Houses of Worship are a conditional use in all residential zones in Old Tappan. There are specific requirements. Ms. LaFronz commented that there is an extensive building plan.

Kurt Carpenter, 168 Central Avenue, inquired about process and enforcement. Mr. Bell responded that if the house is rebuilt with large rooms and it starts to be used as a house of worship without going before the board, it would be a zoning violation and the zoning official would issue a summons and it could wind up in court. He explained further case details.

Brian Clune, 20 Old Farm Road, suppose the Rabbi decides he needs 20 more Rabbi's to help with his services. Mr. Bell responded that there can be no more than two exemptions in town.

Michael LaViola, 16 Todd Lane, inquired about the Korean Church and their plans. Mayor Kramer responded that the latest information they have is that an Indian Church is interested in the property.

Frank Bruno, 2 Elena Drive, asked if the town has considered purchasing the property at 236 Old Tappan Road and possibly use it for the schools. Mayor Kramer responded that we have had no discussion on it. Councilman Binaghi commented that schools are at a historic low. Councilman Nalbandian added that schools have different rules and would have to purchase the property themselves, not the town.

Deena O'Rourke, 5 Pine Grove Court, commented that we could use the property for camp when it rains. It would be good to have a place for all the kids to go.

Frank Bruno added that the property could serve the town very well.

Kurt Otto, 42 Kristin Place, commented that certain uses can be devastating, he suggested working with the person who owns the property to get something good.

Mr. Bell advised that he met with the property owner's attorney; the town has been proactive to see that the property is utilized right.

Deena O'Rourke asked for clarification if 140 Old Tappan Road is a residence. Mr. Bell responded that it is a single family residence, if they were to use it as a house of worship it is a conditional use in a single family zone and you need to meet certain criteria or apply to the Planning Board for a "D" variance. 183 Old Tappan Road is a house of worship.

Deena O'Rourke asked for an explanation of the "No Knock" ordinance. Mr. Bell explained what it is and how it works. He added that it was done at the request of residents.

Michael Tama, 119 Willow Drive, ask about how residents can get involved with public land use and what the process is. Mr. Bell responded that residents can request it by means of a petition. Mr. Bell suggested giving the town time to think about what has been discussed this evening.

Christine Haley, 16 Walter Street, asked can the town control zoning laws, change them, what does it take. Mr. Bell replied that there are limits to what the town can do.

Barbara DiTrollo, 31 Knickerbocker Lane, member of the Green Team, commented that there is a member on the Environmental Commission who wanted to help update the website and was

told there's not enough funds; some of us have never heard of "No Knock". We as residents would like to work together and be involved.

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Nalbandian

On voice vote, all in favor, none opposed, the motion carried.

PRESENTATION

Northern Valley Greenway Updates

Stephanie David and Andrew Mikesch were present to provide an update on the Northern Valley Greenway Project via a power point presentation. The project is approximately 8 miles long where unused railroad track was located. It will accommodate bicyclists, pedestrians and joggers and run through 6 towns. The Northern Valley Greenway Planning Committee worked with NJDOT who funded the technical planning assistance. Additional funding is raised by PATH Funding and fund raisers. Brief discussion ensued.

ENGINEER'S REPORT

Borough Engineer Thomas Skrable reported as follows:

The bids for Stone Point Park and DeWolf drainage were awarded; we will set up pre-construction dates in a couple of weeks. We are hoping to begin work in March or the first week of April depending on weather.

2020 Road Paving Project – a list of streets will be put together for budget purposes for this year's program.

STAFF APPOINTMENT

Jo-Ann Forcellati – Social Services Director

Motion to accept the appointment – Councilman Yhu

Second – Councilman Carnazza

Discussion – None

Roll Call:	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Yes

CONSENT RESOLUTION

Councilman Binaghi read the Consent Resolution

Second – Councilman Yhu

Discussion – Councilman Nalbandian abstained on Professional Service Agreement – Labor Attorney

Roll Call:	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Yes

COUNCIL COMMITTEE REPORTS

COUNCILMAN BINAGHI – POLICE / AFFORDABLE HOUSING

Police Chief Shine will be retiring in the spring.

COUNCILMAN BOYCE – GOLF / PLANNING BOARD / ENVIRONMENTAL

Councilman Boyce met with the Golf Course Superintendent they reviewed a draft version of the budget. The renovations of the 9th hole are complete. The roof air conditioning work is completed. Rebuilding of equipment will be done this winter. Environmental Commission – David Keil was voted in as Chairperson. Planning Board held their reorganization meeting on January 8th. Councilman Boyce briefly reviewed applications that were heard. We have 4 boy scouts looking to advance to Eagle; we heard presentations from 2 of them this evening. Councilman Boyce needs to arrange to meet with the girl scout's leader.

COUNCILMAN NALBANDIAN – DPW / CONSTRUCTION

Councilman Nalbandian met with the DPW and Construction Department heads. DPW Superintendent Andy Brackenbury was named as the president of the Bergen County Public Works Association. A meeting was held last week with Woodcliff Lake Borough Administrator, their DPW Superintendent, our DPW Superintendent, our Borough Administrator and myself to discuss our Interlocal Agreement for mechanic duties. This should prove to be beneficial. Councilman Nalbandian toured our DPW compound which was impressive. Our DPW Superintendent would like to add wording to the no overnight parking from November to April ordinance “or when roads are snow covered” so they could plow. Schools use the fuel service station to fuel their vehicles and apparently we do not charge the schools an administrative fee; we should discuss this during budget meetings. Construction – Councilman Nalbandian met with Bob Rusch, our Construction Official, to discuss his budget. We discussed the Pearson property development and the many various inspections that will be required and additional administrative support. Also, currently our

inspectors use their own vehicles, they pay for their own gas; the Construction Official is asking for consideration of a stipend for these inspectors to cover their costs. We can also look into the availability of a Borough vehicle for their use that we are not using.

COUNCILMAN YHU – SCHOOLS / SENIORS

Councilman Yhu will be attending the Board of Education meeting at the end of the month. Community Development – great to see the meeting attendance we had this evening. He is reaching out to various groups to let them know the ways they can contribute to our town. Councilman Yhu is looking to expand the Mayor’s Wellness Program and a Mayor’s Trophy Golf Tournament. He will explore ways to improve the commercial development in town. Senior Advisory Committee terms of those who have expired have renewed their oaths of office. Many thanks to David Northrop and his wife for their efforts on the committee. Congratulations to our new Social Service Director. We will be working on an updated website this year.

COUNCILMAN CARNAZZA – RECREATION / HEALTH

Board of Health – did not have a quorum, reorganization and minutes approval will take place at the next meeting in February. Recreation Commission – our JIF attorney has filed a motion to dismiss a case pertaining to softball. We have 74 girls registered for softball.

MAYOR’S COMMENTS

Mayor Kramer thanked Borough Attorney Allen Bell for representing the Mayor and Council and the Borough pertaining to 140 Old Tappan Road this evening and for answering the many questions directed at him.

ACTION ON MINUTES

Councilman Binaghi made a motion to approve the following minutes:

- Reorganization Meeting, January 6, 2020, 1st half
- Reorganization Meeting, January 6, 2020, 2nd Half

Second – Councilman Boyce

Discussion – Councilman Nalbandian abstained on both January 6, 2020 meetings.

Roll Call:	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Yes

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC HEARINGS

Ordinance 1159-20 – Establish Abandoned / Vacant Lot Registry – Resolution of Adoption

Councilman Binaghi described the ordinance and made a motion to open the meeting to the public.

Second – Councilman Nalbandian

No Public Comment

Motion to close the meeting to the public – Councilman Nalbandian

Second – Councilman Yhu

Discussion – None

Roll Call:	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Yes

Councilman Binaghi read the resolution

Ordinance 1160-20 – Amend Golf Course Fees – Resolution of Adoption

Councilman Boyce described the ordinance and made a motion to open the meeting to the public.

Second – Councilman Binaghi

No Public Comment

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Nalbandian

Discussion – None

Roll Call:	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Nalbandian	Yes
	Councilman Yhu	Yes

Councilman Boyce read the resolution

PUBLIC’S OPPORTUNITY TO SPEAK

Motion to open the meeting to the public – Councilman Boyce

Second – Councilman Binaghi

Discussion – None

On voice vote, all in favor, none opposed, the motion carried

No Public Comment

Motion to close the meeting to the public – Councilman Yhu

Second – Councilman Binaghi

Discussion - None

On voice vote, all in favor, none opposed, the motion carried.

Motion to adjourn by Councilman Nalbandian

Second – Councilman Binaghi

On voice vote, all in favor, none opposed, the motion carried.

Respectfully submitted,

Reviewed and approved:

Sylvia Kokowski, Recording Secretary

Jean M. Donch
Borough Clerk

cc: Mayor and Council
Allen Bell, Esq.

Date Approved: February 18, 2020