

**BOROUGH OF OLD TAPPAN**  
**MAYOR AND COUNCIL REGULAR MEETING**  
**June 20, 2022**

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.

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

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

Also Present:	Borough Clerk Jean M. Donch
	Borough Attorney Brian Giblin, Jr.

**SALUTE TO THE FLAG**

**PRAYER** – Councilman Ronald Binaghi, Jr.

**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.

Francesca Costa, Closter, NJ asked if there is any long-term plan for flood preparedness such as investing in watersheds. Many surrounding towns have had flooding issues with all the recent storms.

Councilman Carnazza explained that this topic was addressed at our last meeting where the Borough Engineer was present and was able to answer many of the questions. He suggested Ms. Costa read the minutes and watch the video from that meeting.

Councilman Gallagher explained that the Borough Engineer identifies certain areas in town with flooding issues and addresses them when grants become available. This issue is high on our list to address.

Councilman Nalbandian explained that whenever new construction occurs in town, especially the larger projects, storm water plans need to be submitted and approved by our engineer.

Councilman Binaghi explained that the DPW Superintendent works in conjunction with the Borough Engineer in regard to addressing the flooding. We received grants to repair Fred Street and Perry Street. As the years go on we will continue to fix flood prone areas.

Councilman Yhu suggested that this issue be handled on a regionalized level.

Mayor Kramer explained that he is a member of the Pascack Valley Mayor's Association and they have been meeting with DEP representatives at their meetings to address flooding. They have also spoken with Congressman Gottheimer to see if he can help get legislation moving to address issues with the reservoir.

Ms. Costa suggested investing in forested areas. Are there any plans to purchase open space property either on the town or county levels?

Mayor Kramer explained that the forested areas are mainly owned by the water company or private property.

Councilman Boyce explained that the Environmental Commission has rewritten the Borough's tree ordinance making it slightly stricter both for developments and single-family residences to keep up with the changing environment.

Cherie Fonorow, 256 Old Tappan Road, spoke about the application for 244 Old Tappan Road currently before the Planning Board. There is some confusion as to comments made by the Planning Board Chairman.

Councilman Gallagher explained that he made a statement at the last Planning Board meeting addressing the Chairman's comments and that they were incorrect.

Councilman Boyce explained that all 3 Councilmembers at the meeting were surprised by the Chairman's comments and that has been addressed.

Ms. Fonorow is concerned with the repercussions of the Chairman's comments. The developer is not giving any concessions in the current proposal which she feels is a direct result of these comments.

Councilman Gallagher explained that this application needs to work through the process. The Mayor and Council will not weigh in or comment until the application is completed.

Councilman Nalbandian explained that the Mayor & Council is not the body to address these

issues to. The Planning Board has to do their work and eventually vote on the application. We have no input. He suggested asking the Planning Board Chairman why he made the comments at the next Planning Board meeting. We can't offer an opinion because ultimately, we are going to have to review that application if it gets denied so if we voice our opinions the developer is going to have cause to appeal any decision we make.

Ms. Fonorow inquired about the Artis Senior Living project. She heard that the property was back on the market.

No one had heard about the status of this property.

Ms. Fonorow addressed an issue she has with another member of the Planning Board and feels that he has made inappropriate comments.

Mr. Giblin explained that the Mayor & Council do not oversee what the Planning Board does. They are an autonomous, independent body. Suggested that she bring her issues up to the Planning Board Attorney.

Ms. Fonorow inquired about the open space funds that were approved for the golf course. She asked why open space funds can be used for a property that is not open to the public.

Councilman Binaghi explained that the golf course is a huge asset for the Borough. It represents a large piece of land that is undevelopable. These funds were committed over a year ago for this matching grant.

Katelyn Song, 56 Leonard Drive, explained that she attended the last Planning Board meeting and was told to come to the Mayor & Council meeting to speak.

Miss Song read the below statement into the minutes:

Old Tappan has been my home since I was 5. I've always loved the open spaces and parks and peaceful environment in this town and I know a lot of my friends love it too. I love being able to walk around with my friends since there aren't too many cars and there is wonderful wildlife to look at.

On behalf of the Save Our Planet Earth (SOPE) club at Northern Valley Regional High School, we have been collecting signatures from our school to preserve the wetlands and the surrounding open space and keep the Gerrit Haring House where it is. We have collected over 200 signatures and counting since the May Planning Board meeting from the students and administration.

I know that in 2020 while discussing developments in Old Tappan, Mayor Kramer stated that he "[didn't] know that it's for the best" and it could "affect our traffic problems, our police department, and our first aid corps, in particular the assisted living facilities, which tax our ambulance corps to quite a degree." I agree!

In reference to the letter that was posted on June 8 on Facebook regarding 244 Old Tappan Road, Mayor Kramer said that “money is the driving force that causes change,” which is understandable. So, we were curious about the cost that comes with the potential consequences of this construction. What is the cost of the zone change from residential to commercial? What is the cost of the increased flooding that will occur? What is the cost of the increased traffic and frustration of the residents? What is the cost of losing all of the open space? What is the cost of the displaced animals during the construction? What is the cost of the pollution that the residents will have to face during construction? What is the cost of the burden on the police and fire department? What is the cost of the burden on the ambulance and first aid corps? We understand that finances play a big role in decisions, but there could be a larger loss than gain. Although the engineers denied that there will be a disturbance in the wetlands, there definitely will be a disturbance, and once the assisted living center is built, there is no way to undo the actions.

Many of the students who go to NVOT have lived here for a long time and will likely continue to live here for a long time meaning that they will be directly affected by these actions. We, like you, want to preserve the natural land we have in Old Tappan and preserve its history through other means that would benefit the entire town for the foreseeable future.

Ms. Song provided the list of all students and faculty that have signed the petition, which has over 200 signatures on it.

Jane Cho, 16 Lakeview Drive, spoke about her concerns with the Planning Board Chairman’s comments and how best to address them. The ripple effect has been quite big. Asked what she can do to try and rectify this. She is not sure who she can speak to about her concerns.

Councilman Binaghi suggested Ms. Cho contact the Planning Board Attorney with her concerns.

Mr. Giblin suggested to the Mayor & Council that they not speak about this matter any further.

Ms. Cho wishes the Historical Committee could do more when it comes to historical buildings and properties. She would like to save the stone house at 244 Old Tappan Road but feels like she is hitting a wall because she was not allowed to discuss it at the meeting.

Councilman Carnazza explained that at the last Historical Committee meeting all that was coming up was 244 Old Tappan Road and the Chairperson asked that it not be discussed.

Councilman Nalbandian explained that the historic house at 244 Old Tappan Road is on private property so there is nothing we can do about it.

Motion to close the meeting to the public – Councilman Nalbandian

Second – Councilman Binaghi

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

## **STAFF APPOINTMENT**

### **Assistant Tax Collector - Jo-Ann Forcellati**

Motion to accept the appointment – Councilman Binaghi

Second – Councilman Nalbandian

Discussion – None

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

## **PUBLIC HEARINGS**

### **Ordinance 1210-22 – Amend Traffic Ordinance - Foxwood Estates – Resolution of Adoption**

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

Second – Councilman Carnazza

No Public Comment

Motion to close the meeting to the public – Councilman Nalbandian

Second – Councilman Binaghi

Discussion – None

On voice vote, all in favor, the motion carried.

Councilman Gallagher read the resolution

Second – Councilman Binaghi

Roll Call	Councilman Binaghi	Yes
	Councilman Boyce	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Nalbandian	Yes

Councilman Yhu Yes

**Ordinance 1211-22 – Amend Recreation Fees – Resolution of Adoption**

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

Second – Councilman Yhu

No Public Comment

Motion to close the meeting to the public – Councilman Nalbandian

Second – Councilman Binaghi

Discussion – None

On voice vote, all in favor, the motion carried.

Councilman Carnazza read the resolution

Second – Councilman Yhu

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

**Ordinance 1212-22 – Amend Capital Ordinance - Fire Department Radios – Resolution of Adoption**

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

Second – Councilman Gallagher

No Public Comment

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Yhu

Discussion – None

On voice vote, all in favor, the motion carried.

Councilman Nalbandian read the resolution

Second – Councilman Binaghi

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

**Ordinance 1213-22 – Amend Capital Ordinance - Police Department Equipment – Resolution of Adoption**

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

Second – Councilman Carnazza

No Public Comment

Motion to close the meeting to the public – Councilman Gallagher

Second – Councilman Binaghi

Discussion – None

On voice vote, all in favor, the motion carried.

Councilman Gallagher read the resolution

Second – Councilman Nalbandian

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

**Ordinance 1214-22 – Special Emergency - Terminal Pay – Resolution of Adoption**

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

Second – Councilman Carnazza

No Public Comment

Motion to close the meeting to the public – Councilman Nalbandian

Second – Councilman Gallagher

Discussion – None

On voice vote, all in favor, the motion carried.

Councilman Binaghi read the resolution

Second – Councilman Nalbandian

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

### **Ordinance 1215-22 – Amend Stormwater Control Ordinance - Resolution of Adoption**

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

Second – Councilman Carnazza

No Public Comment

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Gallagher

Discussion – None

On voice vote, all in favor, the motion carried.

Councilman Yhu read the resolution

Second – Councilman Binaghi

Roll Call	Councilman Binaghi	Yes
	Councilman Boyce	Yes



Councilman Carnazza	Yes
Councilman Gallagher	Yes
Councilman Nalbandian	Yes
Councilman Yhu	Yes

## **CONSENT RESOLUTION**

Councilman Nalbandian read the Consent Resolution

Second – Councilman Binaghi

Discussion – None

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

## **COUNCIL COMMITTEE REPORTS**

### **COUNCILMAN BOYCE – GOLF/PLANNING BOARD/ENVIRONMENTAL**

The new Community Garden is close to opening. An Eagle Scout candidate helped my stapling the fencing around the entirety of the garden. The DPW has done quite a bit of work there as well. The Environmental Commission will be introducing a revised tree ordinance in the next couple of weeks. The revised ordinance will be emailed to the Mayor & Council for review.

Councilman Yhu asked if Kemper can provide a mid-season report. He would like to attend a Golf Committee meeting.

Councilman Boyce will speak to Kemper and get this for the next meeting. Spoke about opening the course to the public eventually.

Mayor Kramer has received compliments on the way the course is being run now.

### **COUNCILMAN GALLAGHER – POLICE/GRANTS**

Read the Police Department's May Activity Report. They decided to pass on the 2 jet skis the federal government was donating.

### **COUNCILMAN BINAGHI – FINANCE/ADMINISTRATION**

The Finance Office reports that the estimated tax rate for 2022 is 2.139%. They are working on mailing out estimated tax bills. In July, they will be sending out the 2<sup>nd</sup> half of the 2022 sewer

bills.

#### **COUNCILMAN YHU – DPW/CONSTRUCTION/FIRST AID**

The Seniors hosted a Lunch and Learn last week that was well attended. Thanked Detective Di Maria for speaking at the luncheon. The commemoration for David Northrop was finally held.

The First Aid Corps celebrated a life member, Bill Howe, who will be retiring and moving to Virginia.

Discussed ejector pumps for the sewers and how to handle the maintenance of them. The DPW reports that people are flushing items down them that are then clogging them up. Need to review the agreements to see if we can turn the maintenance costs over to the homeowners. A list of all the pumps in town has been compiled. Everything will be sent to the Borough Attorney for review.

Circulated and read a letter from the Construction Official in regard to inspectors using their own vehicles for inspections and the reimbursement and liability that goes along with that use.

Councilman Carnazza explained that they will soon be getting a refurbished car from the Police Department to be used on inspections. This car can be used by all inspectors if they so choose.

Councilman Yhu will contact the JIF with questions in regard to liability.

#### **COUNCILMAN CARNAZZA – RECREATION/HEALTH**

The Board of Health is looking to revive the Mayor's Wellness Campaign. One of the member's high school aged daughter would like to run it and has created a power point presentation. They are going to try and get her a table at Town Day. She has come up with many healthy activities. A Mayor's Wellness Committee needs to be appointed by the Mayor.

#### **COUNCILMAN NALBANDIAN - FIRE/LIBRARY/SCHOOLS**

The Fire Department is having problems getting their fire calls. Explained what happens when a call goes out. The antenna in River Vale is not working correctly and we were never informed about this. Verizon came out and discovered that the issue is that a digital signal is being sent out but the equipment is analog. Verizon can see the data but it is not always coming through. River Vale and the County are not willing to pay to fix this since it is an Old Tappan problem. The Fire Chief asked if they could put equipment on the antenna in town in order to correct the issue. He will ask the Fire Chief to speak to someone in Verizon to see if this is a possibility and what the cost would be.

#### **MAYOR'S COMMENTS**

Was on a conference call with Congressman Gottheimer and several other Pascack Valley mayors in regard to legislation to address the flooding issues. Participated in a League of Municipalities zoom

meeting in regard to the energy tax receipts along with many other mayors statewide. Has asked our Senator and Assembly representatives to support any legislation in regard to this.

The Mayor attended several events including town and school ceremonies and meetings, Mayor's meetings, Senior activities, a memorial tree planting ceremony in honor of David Northrop, our former CFO's retirement party, performed a wedding and participated in meetings with our professionals and residents regarding road work that will be occurring in town. As well as answering several emails and meeting with residents.

## **ACTION ON MINUTES**

Councilman Nalbandian made a motion to approve the following minutes:

- Regular Meeting, May 16, 2022
- Closed Meeting, May 16, 2022
- Regular & Executive Meetings, June 6, 2022

Second – Councilman Binaghi

Discussion – Councilman Nalbandian abstained on the May 16, 2022 minutes and Councilman Yhu abstained on the June 6, 2022 minutes.

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

## **OLD BUSINESS**

Councilman Nalbandian explained that letters were received from 2 residents who had been assessed fines and late fees for past inspections that never happened. We need to discuss this and figure out how we wish to proceed. Old permits were found and who was at fault for the permits not being closed out is unknown. Some residents who received these letters paid their fines and everything was closed out. However, these 2 residents did work on their houses and thought the contractors had taken care of the inspections. Both residents received certificates of occupancy and have already been reassessed. The fines are quite high perhaps we can figure something out in order to relieve them of this burden.

Councilman Gallagher stated that we need to have some sort of consistent way of handling this so we are prepared if it happens again.

Mrs. Haverilla explained that it needs to be reviewed on a case by case basis because everyone's situation is different.

Councilman Nalbandian suggested that Councilman Yhu speak with the Construction Official about how many of these fines and late fees have been paid and resolved and what is still outstanding.

Councilman Yhu will speak with the Construction Official and report back.

## **NEW BUSINESS**

### **Police Department New Hire**

Last year we went through the interview process and eventually hired 2 new police officers. During that process there was another qualified individual that was identified and at the time that candidate removed himself from consideration and accepted a position elsewhere. Coincidentally this candidate has been in contact with Chief Tracy and is looking to move to a smaller town. The Police Committee and the Chief are in favor of offering this candidate a letter of intent with a start date of September 1<sup>st</sup>. He is a high caliber candidate. The letter of intent is not binding.

All were in favor of proceeding with the letter of intent.

Councilman Nalbandian suggested that someone get in touch with the 2 residents with the permit fine issues and let them know that their situation is being reviewed and someone will get back to them with a decision.

Mrs. Haverilla will be in contact with the 2 residents.

## **PUBLIC'S OPPORTUNITY TO SPEAK**

Motion to open the meeting to the public – Councilman Carnazza

Second – Councilman Nalbandian

Discussion – None

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

Motion to close the meeting to the public – Councilman Nalbandian

Second – Councilman Binaghi

Discussion - None

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

Motion to adjourn by Councilman Carnazza

Second – Councilman Gallagher

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

Respectfully submitted,

Jean M. Donch, RMC  
Borough Clerk

Reviewed & Approved: July 18, 2022