

BOROUGH OF OLD TAPPAN
MAYOR AND COUNCIL REGULAR MEETING
August 21, 2023

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.

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

Also Present: Borough Clerk Jean M. Donch
 Borough Attorney Michael Gannaio

SALUTE TO THE FLAG

PRAYER – Councilman Carnazza

PUBLIC’S OPPORTUNITY TO SPEAK

Motion to open the meeting to the public – Councilman Carnazza

Second – Councilman Yhu

Discussion – Johan Bager, 6 Klein Court, asked if the Borough’s Historical Committee is active.

Councilman Binaghi explained that they are active and have a meeting tomorrow night that is open to the public. They will be a display at Town Day this year. It is a very active, busy committee. It is an advisory committee that has no judicial powers or money.

Wendy King, 48 Dearborn Drive, thanked the Mayor and Council for voting against the 244 Old Tappan Road application. Would like to see the town acquire this property and turn it into a historical site as well as a nature learning center.

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Gallagher

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

PATROL OFFICER APPOINTMENT RESOLUTION

Michael Marcellari

Councilman Carnazza read the Confirm Patrol Officer Appointment Resolution

Second – Councilman Yhu

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

Mayor Kramer offered Patrol Officer Michael Marcellari the Oath of Office

STAFF APPOINTMENT

DPW Maintenance Worker - Steven Schwake

Motion to accept the appointment – Councilman Yhu

Second – Councilman Gallagher

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

PUBLIC HEARINGS

Ordinance 1235-23 – Amend Capital Ordinance 1230-23 – Resolution of Adoption

Councilman Gallagher 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 Yhu

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 Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

Ordinance 1236-23 – Capital Ordinance - Oakes Park Community Building – Resolution of Adoption

Councilman Binaghi 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 Binaghi

Second – Councilman Gallagher

Discussion – None

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

Councilman Binaghi read the resolution

Second – Councilman Gallagher

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes

Councilman Gwon	Yes
Councilman Yhu	Yes

CONSENT RESOLUTION

Councilman Gallagher read the Consent Resolution

Second – Councilman Yhu

Discussion – Councilman Gallagher inquired about the Spotted Lantern Fly Chemical Treatment Grant Agreement resolution.

Mrs. Haverilla explained that there is no treatment currently but when one is developed we have \$25,000 to get what we need.

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

ENGINEER’S REPORT

Mr. Skrable reported that the 2023 road paving program is almost complete. The Golf Course parking lot is the only item left. They will do this next week.

The Haring Drive footbridge project is finally making some progress. The bad weather really affected them. Veolia will come in to replace the water main and then the project can be finalized by the contractor.

There was a meeting for the drainage project, along with milling and paving, on DeWolf Road. The work is going to be put off until the farm stand closes for the year so that the entire project can be done at the same time. The milling and paving will be done next spring once the area has had time to settle. The entire length of DeWolf Road will be milled and paved.

Mayor Kramer noted that the final paving was being done on the Old Tappan Road bridge. So that project should be completed soon and the road reopened.

Councilman Yhu inquired about a house on DeBerg that he had emailed Mr. Skrable about. The house got quite a bit of flooding after the last intense storm.

Mr. Skrable visited the area and there is really not much to do there. The storms we have been getting lately have been really extreme and the catch basins cannot take the water. If it becomes a chronic issue then they can do something about it. Explained some potential solutions. He will keep an eye on the area.

Mayor Kramer spoke about the Perry Street drainage situation. Feels an obligation to report back to the residents that their request to plant trees within the right of way has been discussed by the Mayor and Council. Asked Mr. Skrable to address this.

Mr. Skrable explained that trees were removed for the construction of the pipe that was installed. The residents are asking that the trees be replaced. One of the historical issues with that particular easement was roots getting into the pipe. The DPW had to cut these roots annually. Planting trees on or near the pipe is not recommended. There is room for the residents to do things outside of the easement to beautify it.

All agreed that trees should not be planted.

Councilman Gwon received a complaint from a resident in the area of DeWolf Road in regard to the street paving. The paving company made a mess of the streets and ruined people's cars. There are stains and loose gravel everywhere. Is this normal?

Mr. Skrable explained that he understands the concern and he did question the contractor on the materials they were using. This is the most debris he has ever seen. The materials used were standard. He does not know if the weather conditions affected it. The tracks will wear away. He is in touch with the contractor about any debris piles that need to be cleaned up. Any cars that were damaged should be reported to him and he will get in touch with the contractor.

COUNCIL COMMITTEE REPORTS

COUNCILMAN BINAGHI – GRANTS/HISTORICAL

The Historical Committee meets tomorrow night. They are preparing a display for Town Day.

He has a Fire Department report from Councilman Boyce:

Spoke with the Fire Chief about their radio system and the County requirements they need to meet via a new trunked radio system. We are now in line with their requirements. The system is in place as of August 16th. The truck committee, for the new trunk currently in production, went to the Pierce Factory in Appleton, Wisconsin to see the progress. The truck should arrive in NJ at the dealer next week sometime. The truck should arrive in Old Tappan mid to late October. The committee is also working on a new rescue truck and should have the specs by the end of September. The Fire Department and First Aid Corps are looking to change LOSAP guidelines.

Councilman Yhu explained the changes being sought. They will meet and go over the proposed changes with the Borough's LOSAP Coordinator. They are hoping it will happen next month.

COUNCILMAN GWON - RECREATION/LIBRARY/SCHOOLS

The Library had great attendance at their summer reading program. The Board is beginning to discuss capital expenses and projects.

Soccer and football seasons will begin soon. There is a new head of soccer. There will be several fundraisers at Town Day for the boy injured in the recent bicycle accident. The pickle ball courts have been paved and the fencing installed. The painting and lines have yet to happen but hopefully by Town Day. Explained what other towns do in regard to the locking of the court gates. The Recreation Commission is discussing how to structure the courts for residents and non-residents in regard to registrations, fees and court reservations. They will be open for all but with structure. Described the online reservation system. We have been using a 3rd party vendor, Montclair Pickle Ball, who sets up tournaments and gives lessons. They offer their services to different towns for a fee. They are currently offering lessons to our residents but those lessons can only take place on the basketball courts, not the new ones. The town is not paying this company, all the lessons are private.

COUNCILMAN YHU – DPW/SENIORS/FIRST AID

The Senior Advisory Committee is doing a great job with all their events and getting our senior community more and more active. He will be arranging a shuttle service for them on Town Day running between the Senior Center and Stone Point Park. There will be some maintenance work and landscaping at the Senior Center soon.

The DPW had a new appointment earlier this evening. Read the July 2023 activity report. Thanked the crew for all their hard work especially during the extreme rainstorms.

The First Aid Corps participated in Camp Serendipity's Emergency Services Day along with the Police Department and Fire Department. Discussions with the leadership continue on what the Corps may look like in future years.

COUNCILMAN CARNAZZA – POLICE/ADMINISTRATION/HEALTH

The County contacted the Police Chief earlier today in regard to a ribbon cutting ceremony this Friday at the Old Tappan Road Bridge. Officer Phykitt and Sergeant Reilly received Recognition of Excellence Awards from MADD in reference to a call they responded to. A letter was also received from Care Plus NJ commending Sergeant Reilly and Officer Puglisi for their assistance during a crisis evaluation. Read the July 2023 activity report.

COUNCILMAN GALLAGHER – FINANCE/CONSTRUCTION/ENVIRONMENTAL

Read the Building Department's activity report and statistics from January 2023 to present. Thankful to have such capable inspectors. The Building Department files are being digitized via a company we have contracted with.

The Environmental Commission, along with Councilman Boyce and the Borough Attorney, continue to work on the amended tree ordinance. Hopefully this can be presented to the Mayor and Council for introduction in September.

The new construction on the corner of Old Tappan Road and Washington Avenue did not require site plan review as per the state's land use laws. Today the Fire Department had a call there and

the driveway was very hard to negotiate with the fire truck and the connections are in the back of the building. It is a very poor design. We should be taking a look at the site plans, even when we don't have to, for these exact reasons.

MAYOR'S COMMENTS

Received a letter from the Executive Director of the League of Municipalities in regard to a partial restoration of the Energy Tax Receipts funding. Thanked Old Tappan for its support and advocacy that helped make this positive step.

Also received a letter from the NJ Department of Corrections complementing Chief Tracy on the detention facility inspection that was recently made at police headquarters.

Bruno Associates, our grant consultants, submitted a report in regard to our current and pending grants that amount to an excess of \$456,000.00. Listed the grants that we have received this year to date. They are doing a great job for us.

ACTION ON MINUTES

Councilman Gallagher made a motion to approve the following minutes:

- Regular Meeting, July 21, 2023

Second – Councilman Binaghi

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

OLD BUSINESS

Golf Course Fence

Mrs. Haverilla explained that this is for the replacement of a Borough fence near Mavis Road. The gates have to be changed because they are in disrepair. There is a wooden fence there that is falling apart. There is also a 6-foot chain link fence that is falling apart. We have enough money to change the gates and to run a chain link fence the full length - 4 feet in the beginning and 6 feet at the end. The golf course management company recommends the chain link fence and in next year's budget they want to continue the fence all the way down. All of the fencing is on Borough property.

Councilman Carnazza explained that Mr. & Mrs. Sheridan's property borders the golf course and

that wooden fence has been there a long time and would like to replace it with another wooden fence because they do not like the aesthetics of a chain link fence. They are willing to pay for the replacement of the wooden fence. He walked the area with Councilman Boyce and the DPW Assistant Superintendent and then contacted a fencing company for prices. These were sent out to the Mayor and Council. A decision needs to be made on what direction we are going to go in.

Councilman Binaghi feels that we should try and accommodate the Sheridan's the best we can and that we should continue to include them in these conversations. Does not feel that the fence will help with security at the golf course.

Mayor Kramer feels that a 4-foot black chain link fence is accommodating the Sheridan's.

Councilman Gallagher feels that we should go along with the golf course management company's suggestion.

Councilman Gallagher made a motion to table this discussion until the next meeting when Councilman Boyce is present.

Second - Councilman Binaghi

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

Councilman Binaghi explained that the Oakes House Committee met to discuss the plan to take down the existing Oakes House and replace it with a new building. He displayed the proposed renderings. The DPW and Recreation Department will be able to use the building for storage. There will also be an empty space the use of which still needs to be discussed. There will be 2 ADA compliant bathrooms. The utilities will also be housed in this building. He contacted a company that constructs these types of buildings and they will come up with a budget and pricing. He explained to that company that this project will need to be put out for public bidding. He will report more at the next meeting.

NEW BUSINESS

Veterans Committee

This will be discussed at the next meeting when Councilman Boyce is present.

Ordinance 1237-23 – Certificate of Occupancies & Lead Inspections – Resolution of Introduction

Councilman Gallagher read the resolution

Second – Councilman Binaghi

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

Ordinance 1238-23 – Capital Ordinance - Police SUV – Resolution of Introduction

Councilman Carnazza read the resolution

Second – Councilman Binaghi

Discussion – None

Roll Call	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilman Gwon	Yes
	Councilman Yhu	Yes

PUBLIC’S OPPORTUNITY TO SPEAK

Motion to open the meeting to the public – Councilman Carnazza

Second – Councilman Binaghi

Discussion – Patrick Gambuti, 16 Autumn Lane, asked if the Mayor and Council had discussed the CSH lawsuit and if it can be discussed publicly. He is also named in the lawsuit.

Mr. Gannaio explained that the Mayor and Council cannot comment on that because it is pending litigation. Mr. Gambuti, and anyone else, can speak and say what they would like to say but the Mayor and Council cannot comment or engage in dialog on the matter.

Catherine Levine, 3 Klein Court, explained that she was on the original committee that passed the open space ordinance and she is curious what the status of it is. Is there still a committee in place to oversee this and is there an accounting of the funds? Concerned with the project at the golf course that the town is using the open space funds for. Can the public see the open space account?

Councilman Binaghi answered that the Borough is still collecting the open space money.

Mrs. Haverilla explained that we have a matching open space grant for the golf course irrigation project. It is a park preservation grant. The use of funds is restricted. The records are public. An OPRA request would need to be submitted.

Mayor Kramer explained that there is no longer an Open Space Committee and that the Borough's Treasurer oversees the funds.

Mrs. Levine asked if the community will have any ability to attend meetings where the CSH lawsuit is discussed? Will the public be allowed to give input?

Mr. Gannaio explained that he would not object to keeping the public advised as to the status of the litigation. The public is always welcome to provide input. He does not know if it will become part of the record in the litigation.

Wendy King, 48 Dearborn Drive, explained that she has concerns with the golf course fence that was discussed earlier. She does not want it to prevent the animals from getting to their food and water sources. Can have a big impact on the environment.

Peter Ardito, Harrington Park, explained that he is the chairman of the Harrington Park Environmental Commission, vice-chairman of the Harrington Park Planning Board and he is on the board of directors of Bergen SWAN. The Bergen SWAN is offering \$1 million that they have in their account to assist the town in purchasing 244 Old Tappan Road if it should become available. He read the CSH lawsuit and feels that the two Old Tappan residents also named in the lawsuit is awful because they had a constitutional right to go before the Mayor and Council and ask them to overturn on their appeal. They did nothing wrong and presented everything from the transcripts.

Mr. Ardito explained that he is having a meeting this Thursday with the watershed manager of Veolia where they will be discussing stormwater management. They would like to poll Mayors of the surrounding towns of how they are being affected by stormwater runoff. This is a problem that needs to be addressed and he would like someone from Old Tappan to attend this meeting if possible.

Cherie Fonorow, 256 Old Tappan Road, is thankful for the decision that the Mayor and Council made in regard to the 244 Old Tappan Road application. She and Mr. Gambuti are named as co-defendants in the CSH lawsuit. Explained that their appeal was based on the testimony given at the Planning Board meetings. Feels that they should be included in conversations with the Mayor and Council since we are in this together.

Ms. Fonorow asked about the status of her request to have the speed limit lowered on Old Tappan Road.

Mayor Kramer explained that he did speak to the Police Chief in regard to the request and he said that it would be highly unlikely that the County would approve the speed limit change. We do not have the authority to make that change.

Ms. Fonorow asked if the County plans to repave Old Tappan Road.

Mrs. Haverilla stated that Old Tappan Road is supposed to be repaved next year from Tappan to Central Avenue.

Ms. Fonorow stated that the number of walkers, bicyclers and electric scooters has increased and with schools starting back up soon there will be more traffic. Is there anything that can be done to make the area between Bi-State Plaza and the schools safer. The construction of The Enclave makes this worse.

Councilman Gallagher explained that pedestrian and vehicle safety is always a top concern during budget negotiations each year.

Jane Cho, 16 Lakeview Drive, commented on the duties of the Open Space Advisory Committee as listed in the Borough's code and how they can use the funds set aside for open space projects. Feels that the committee should be started up again. Volunteered to be on the committee. Also commented on the golf course fence and how it does not seem necessary.

Mayor Kramer thanked Ms. Cho for comments and will take them under advisement. They will consider restarting the committee.

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

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Yhu

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

Motion to adjourn by Councilman Gallagher

Second – Councilman Yhu

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

Respectfully submitted,

Jean M. Donch, RMC
Borough Clerk

Reviewed & Approved: September 18, 2023