

**BOROUGH OF OLD TAPPAN
MAYOR AND COUNCIL REGULAR MEETING
June 18, 2018**

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 Guy Carnazza	Present
	Councilman Victor Cioce	Present
	Councilman Thomas Gallagher	Present
	Councilwoman Anna Haverilla	Present
	Councilman Matthew Nalbandian	Present

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

Councilwoman Haverilla arrived after roll call.

SALUTE TO THE FLAG

PRAYER – Councilman Matthew Nalbandian

PUBLIC’S OPPORTUNITY TO SPEAK

Motion to open the meeting to the public – Councilman Binaghi

Second – Councilman Nalbandian

Discussion – None

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

Marie Roth, Harrington Park, and her mother were present to complain about severe flooding on her property caused by an Old Tappan neighbor who is difficult to speak with due to a language barrier. Ms. Roth is seeking assistance from the Mayor and Council. Borough Engineer Thomas Skrable commented on soil movement disturbance. The soil movement application came before

the Mayor and Council over 10 years ago. He suggested the resolution be reviewed for any conditions. Borough Attorney Allen Bell commented that this is a private property dispute between neighbors and not a municipality issue.

Motion to close the meeting to the public – Councilman Cioce

Second – Councilman Nalbandian

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

PROCLAMATIONS

NVOT Boys Varsity Golf Team

Mayor Kramer read the proclamation honoring the courage, determination and success of the NVOT Boys Varsity Golf Team and congratulating the coaches and players.

NVOT Boys Varsity Track & Field Team

Mayor Kramer read the proclamation honoring the courage, determination and success of the NVOT Boys Varsity Track & Field Team and congratulating the coaches and players.

PUBLIC HEARING

Ordinance 1128-18 –Affordable Housing Central Avenue – Resolution of Adoption

Councilwoman Haverilla described the ordinance and then made a motion to open the meeting to the public.

Second – Councilman Cioce

Discussion - None

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

Marinne Hanna, 159 Central Avenue, stated that the proposal does not fit in with the neighborhood. She commented on traffic, safety, as the location is close to schools, and emergency vehicle access. She mentioned properties with possible abandoned oil and septic tanks. Ms. Hanna commented on vegetation, garbage and parking.

Michele Hart-Lockling supports Affordable Housing but not in this area. She is opposed to the use of these 3 acres on Central Avenue.

Kathy Ferdinand, 15 Autumn Lane, stated that the proposed storage facility near this location was

denied by the Planning Board. She asked to consider traffic.

Councilwoman Haverilla stated that we are not close to what we are required to have by state regulations. Councilman Gallagher commented that Old Tappan takes Affordable Housing seriously; Fair Share Housing would like to see 2600 plus units in Old Tappan. Oil and septic tanks and are the responsibility of the developer.

Councilman Nalbandian commented that Affordable Housing is required by the state; we went from a 2600 unit requirement to 10% of that.

Borough Attorney Allen Bell commented on the cause; COAH stopped performing its duties. The Supreme Court ordered 3rd Round Certification obligations. Fair Share Housing hired an expert; based on regional obligations, Old Tappan negotiated with Fair Share Housing to declare our obligation for 3rd Round Certification. We entered into a settlement, the town agreed to 26 units, 6 of which will be affordable.

Bill Cheringal, 87 Haring Drive, asked if the approval capped our requirements going forward. Borough Attorney Bell responded that it is for the 3rd Round only.

Alba Johnson asked what if the Mayor and Council vote no. Borough Attorney Bell responded that the Borough settled with Fair Share Housing and the developer.

Nancy McDonough, 112 Central Avenue, asked if developer plans were reviewed. Borough Attorney Bell responded that attached to the copy of the ordinance there is a site plan; this will be before the Planning Board. Ms. McDonough said that there is a time frame, notices need to be sent out and published.

Patrick Gambuti, 16 Autumn Lane, asked about property on Old Tappan Road that has been vacant for years. Borough Attorney Bell responded as part of the settlement, the only Mt. Laurel property that is approved is the Pearson property, this Central Avenue property and 4 units at the end of Grace Avenue. Mr. Gambuti asked if there is a builder's surcharge on property for expansion to schools. Borough Attorney Bell responded that you cannot surcharge Mt. Laurel commenting that there are less school age children in town houses than in single family homes.

Councilman Cioce left the meeting.

Evelyn Ling, 23 Autumn Lane, moved here from Cresskill 2 years ago. She spoke about town houses being built in Cresskill and the town having to pass a referendum because the school system could not support the number of students coming in. She spoke about traffic, safety and the possible need for a traffic light to be installed.

Kurt Carpenter, Central Avenue, wants to understand the intent of why a new zone is needed. Borough Attorney Bell said we have to re-zone to an Affordable Housing zone which is currently zoned for single family housing. Mr. Carpenter asked how this zone differed from the existing zones

that accommodate planned residential development (PRD). Borough Attorney Bell said that it was created about 25 years ago under a different law so we needed to create a separate zone for this property just as the Pearson property will have. Mr. Carpenter spoke about the name of the proposed zone. Borough Attorney Bell replied that the name was chosen by the Planner. He spoke about various names the zone can be referred to as. Mr. Carpenter felt the name is an issue of concern for people who are trying to sell or purchase in the area. Borough Attorney Bell stated that the Council can consider changing the name of the zone which can be done easily by an amendment.

Motion to close the meeting to the public – Councilwoman Haverilla

Second – Councilman Binaghi

Discussion – None

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

Councilwoman Haverilla read the resolution

Roll Call:	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilwoman Haverilla	Yes
	Councilman Nalbandian	Yes

Resolution of Adoption passed (see page 13)

CONSENT RESOLUTION

Councilwoman Haverilla read the Consent Resolution

Second – Councilman Binaghi

Discussion – Councilman Nalbandian asked about Capital Budget Amendment – Communication Equipment. Councilwoman Haverilla responded it is for dispatch services. Councilman Nalbandian commented on the 2018-2019 Liquor License Renewal stating that Bensi was no longer in business. He was told that it is for the renewal of the Bensi liquor license that has not been transferred yet. Councilman Nalbandian asked about Bid Advertisement – Pump Station #1 Control Retrofit & Installation and asked if this was discussed during budget process or if this is something new. He was told that it was discussed and we are going through the bidding process.

Councilman Gallagher asked if the Adoption of Personnel Policies & Procedures and Employee Handbook included volunteers. Councilman Binaghi commented that the Fire Department and EMS volunteers inquired as to how they are identified in the hand book. They asked for

clarification. Borough Administrator O'Brien commented that they are volunteers but they have some benefits of employees. Discussion ensued.

Roll Call:	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilwoman Haverilla	Yes
	Councilman Nalbandian	Yes

Resolution Adopted (see page 14)

ENGINEER'S REPORT

Borough Engineer Thomas Skrable reported as follows:

The 2018 Borough road paving project is complete and under budget. Starting North Washington Avenue next week. Susan Court and / or Sunset will be scheduled. Mr. Skrable stated that Central Avenue has "vibration" because of the condition of the road. Handicapped ramps are on the priority list.

RESOLUTION

Old Tappan Basketball Association By Laws

Councilman Carnazza read the resolution

Second – Councilwoman Haverilla

Discussion – None

Roll Call:	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilwoman Haverilla	Yes
	Councilman Nalbandian	Yes

Resolution Adopted (see page 26)

COUNCIL COMMITTEE REPORTS

COUNCILMAN BINAGHI – DPW / CONSTRUCTION

The DPW is busy delivering wood chips and leaf compost. They did a good job on Memorial Day. Councilwoman Haverilla commented that she received comments about there being no flags placed

along the parade route.

COUNCILMAN NALBANDIAN – FINANCE / FIRE / SCHOOLS / HEALTH / ADMINISTRATION

Received a request from the Fire Department to paint the truck room. The consensus of the Council was to wait; there is no need to spend the money right now.

COUNCILMAN GALLAGHER – PLANNING / ARTS & ENTERTAINMENT

The ordinance adopted this evening on Affordable Housing was discussed and approved at the Planning Board level.

COUNCILMAN CARNAZZA – RECREATION / GOLF / FIRST AID

Recreation Commission reviewed their by-laws. 126 kids registered for summer basketball. The Golf Commission held a discussion on lights in the parking lot.

COUNCILWOMAN HAVERILLA – POLICE / SAFETY / SENIORS

Lunch and Learn was well attended. Police interviews begin tomorrow. The 5K committee met, they are planning a new route for the October 14th run which will begin and end at Stone Point Park.

MAYOR'S COMMENTS

Mayor Kramer congratulation Councilwoman Haverilla and Councilman Carnazza on their primary election results. He thanked Councilman Gallagher for participating in the kayak race. Mayor Kramer attended Memorial Day services at the High School and Old Tappan's Memorial Day service for which he thanked Borough Administrator O'Brien for his efforts. Mayor Kramer attended the Junior Police Academy graduation and will attend the CDW graduation. Orange & Rockland will begin work this week.

ACTION ON MINUTES

Councilwoman Haverilla made a motion to approve the following minutes:

- Closed Meeting, May 21, 2018
- Regular Meeting, May 21, 2018
- Special Meeting, June 4, 2018

Second – Councilman Nalbandian

Discussion – Councilman Binaghi and Councilman Gallagher abstained on the June 4, 2018 meeting.

Roll Call:	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilwoman Haverilla	Yes
	Councilman Nalbandian	Yes

OLD BUSINESS

Marijuana Ordinance

Mayor Kramer inquired about timing and procedure. Borough Attorney Bell responded that it takes 2 meetings to adopt an ordinance. Councilman Gallagher commented that after the State makes a decision, we have one year to address.

NEW BUSINESS

Ordinance 1129-18 – Repeal Peddling & Soliciting Ordinance – Resolution of Introduction

Councilwoman Haverilla read the resolution

Second – Councilman Binaghi

Discussion – Councilman Nalbandian asked for clarification. Borough Attorney Bell explained that you could be set up for a lawsuit and it is better to repeal the ordinance before being placed in a position of possibly being sued.

Roll Call:	Councilman Binaghi	Yes
	Councilman Carnazza	Yes
	Councilman Gallagher	Yes
	Councilwoman Haverilla	Yes
	Councilman Nalbandian	Yes

Resolution of Introduction Passed (see page 28)

Ordinance 1130-18 – Capital Ordinance – Communication Equipment – Resolution of Introduction

Councilwoman Haverilla read the resolution

Second – Councilman Binaghi

Discussion – None

Roll Call:	Councilman Binaghi	Yes
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Councilman Carnazza	Yes
Councilman Gallagher	Yes
Councilwoman Haverilla	Yes
Councilman Nalbandian	Yes

Resolution of Introduction Passed (see page 30)

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

Andy McDonough, 112 Central Avenue, commented on Borough Engineer Thomas Skrable's remark earlier about vibration on Central Avenue. Mr. McDonough reported that the causes of vibration are the condition of the road and trucks that are going 40-60 miles per hour in the late and early morning hours. He feels when the road is resurfaced they will travel faster; he suggested setting a speed limit and enforcement for safety reasons. Councilwoman Haverilla will speak with Police Chief Shine.

Motion to close 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 adjourn by Councilman Binaghi

Second – Councilman Carnazza

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: July 16, 2018