

**BOROUGH OF OLD TAPPAN  
MAYOR AND COUNCIL REGULAR MEETING  
October 18, 2021**

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 Thomas Gallagher

**PUBLIC’S OPPORTUNITY TO SPEAK**

Motion to open the meeting to the public – Councilman Carnazza

Second – Councilman Gallagher

Discussion – Jessica Weiss, 18 Heritage Road, explained that she has an issue with political signs displayed at 2 Heritage Road. She discussed her concerns with the Borough Administrator but did not get too much satisfaction from that so she is here tonight. She has researched the Borough’s Zoning Code in regard to political signs. One of the signs with profanity on it has been removed but the remaining signs are just as offensive. She would like the Borough to enforce the code and have these signs removed.

Mayor Kramer asked Mr. Giblin to explain that these signs are protected by freedom of speech.

Barry Weiss, 18 Heritage Road, feels that the signs are divisive. He worked in the media industry for many years and is offended by the signs. Seeing these signs makes our town seem uninviting.

Mr. Giblin explained that the Supreme Court has, numerous times, stated unequivocally that you cannot regulate political speech and the content of political signs. He gave examples of towns in New Jersey that lost court cases similar to this situation.

Carrie Miller, 22 Spring Hollow Road, explained that on October 5<sup>th</sup> she wrote a letter to the Mayor about these political signs. She has also reviewed that Borough's Code and does not understand why we cannot make them take the signs down.

Mr. Giblin explained that the political sign portion of the code is unenforceable according to the Supreme Court.

Mrs. Haverilla explained that after Mr. & Mrs. Weiss called her she had the Zoning Officer go to 2 Heritage Road and request that they take down the sign with the profanity. Unfortunately, he said no and there is nothing we can do about it.

Councilman Carnazza is frustrated with the situation too but there is nothing that can be done.

Mayor Kramer explained that he contacted the property owner and asked him to remove the 1 sign with the profanity and he did so. He will not ask him to remove the other signs because they are not as vulgar. He took into consideration what the Borough Attorney has told us and what he knows of the law before doing so.

Mr. Weiss inquired about whether or not there is an ordinance in regard to commercial vehicles parked in a driveway.

Mayor Kramer explained that it depends on the size and the design of the commercial vehicle. Small vans, pickup trucks, SUVs and vehicles of that nature can park in a residential driveway.

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

Motion to close the meeting to the public – Councilman Binaghi

Second – Councilman Gallagher

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

## **STAFF APPOINTMENTS**

### **Jennifer Boehm - Building Department Technical Assistant**

Motion to accept the appointment – Councilman Nalbandian

Second – Councilman Gallagher

Discussion – None

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

### **Jennifer Kero - Recording Secretary - Environmental Commission**

Motion to accept the appointment – Councilman Boyce

Second – Councilman Nalbandian

Discussion – Councilman Yhu asked why we are paying someone to do this position. Some of the boards he is on a volunteer does this.

Mrs. Haverilla explained that Commission are different then Boards and need to have official minutes.

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

### **Isabelle Rose Wiesner - Recording Secretary - Recreation Commission**

Motion to accept the appointment – Councilman Carnazza

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

### **CONSENT RESOLUTION**

Councilman Carnazza read the Consent Resolution

Second – Councilman Gallagher

Discussion – The Mayor inquired as to why we need a mutual aid agreement with the Piermont Fire Department. Do we have agreements like this in place with other New York fire departments?

Councilman Yhu is not sure if we have actual written agreements in place with other New York fire departments but it would be easier to have this in place since we do provide mutual aid to each other. We also provide and receive mutual aid assistance to Orangetown and Tappan.

Mayor Kramer suggested researching to see if there are agreements in place with other New York fire departments.

Mrs. Haverilla will search the Borough's records and send Mr. Giblin anything she finds.

Councilman Binaghi recalls that when he was Fire Chief there was an agreement with the Tappan Fire Department.

Councilman Gallagher explained that as volunteer fire departments get smaller towns need for mutual aid assistance increases. Especially during storms like Ida.

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

Councilman Binaghi abstained on the Alzapiedi soil moving permit resolution.

Councilman Nalbandian abstained on the Alzapiedi and Chang soil moving permit resolutions.

## **COUNCIL COMMITTEE REPORTS**

### **COUNCILMAN GALLAGHER – FINANCE/FIRE**

The Fire Prevention Week activities last week were successful. The Fire Department visited TBD School as well as holding an Open House.

An RFQ has been prepared for Payroll Services going into next year. Our IT consultant suggested switching payroll companies due to security concerns so the RFQ was prepared to get more information on future payroll services.

### **COUNCILMAN BINAGHI – POLICE/AFFORDABLE HOUSING**

We will have 2 new Police Officer hires at one of our upcoming meetings. Read a letter from the Police Chief in regard to a patrol officer's permanent appointment which was approved on tonight's

Consent Agenda. He read the Police Report. Read a newspaper article from 1953 he found in regard to the Old Tappan Police Department.

Councilman Gallagher inquired about the police officer that tested positive for COVID. What is our stance as the Mayor and Council on vaccinations?

Councilman Binaghi discussed this with the Police Chief a few months ago and he would like to try and see voluntary compliance due to lawsuits in other towns.

Mrs. Haverilla stated that there are 3 officers who are not vaccinated due to personal choice. The officer that tested positive will be out for 10 days.

Councilman Nalbandian explained that there is a lot of misinformation out there about the vaccines and suggested the police officers speak with their doctors about what is best for them rather than rely on what they are reading.

#### COUNCILMAN NALBANDIAN – DPW/CONSTRUCTION

Read a year to date summary report from the Construction Department in regard to permits issued and fees collected.

Met with the DPW Superintendent. Jay Arochas is retiring at the end of this month. He has served the DPW well and we thank him for his years of work. We have funds budgeted for a new hire. He will be offering the position to someone we interviewed last time and liked very much. The Superintendent is interested in planning for the future since there are senior people leaving and potentially leaving in the next year and there will be a void in leadership positions. He would like to create a DPW Foreman and a Sewer Foreman and give them stipends. Explained how the whole sewer system works and who handles the issues when they arise. Thinks the foreman positions are worth considering. The work on the DPW parking lot is almost complete and it looks very nice. The Superintendent reached out to all of the residents in the area prior to beginning the parking lot project and informed them about what was going to happen.

#### COUNCILMAN YHU – FIRST AID/SCHOOLS/SENIORS

He along with the First Aid Corp's Captain logged into a PTO Meeting the other day to propose a fundraiser. They seemed receptive.

The General Election is coming up and there are several school board candidates on the ballot.

The seniors attended a Lunch & Learn last week. There was a good crowd. The food and entertainment were great.

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

The bids for the golf course management company continue to be reviewed. The next course of

action is to invite 3 of the most qualified bidders to answer a Scope of Work. They will suggest the budget they are proposing, how they are going to operate and make improvements to the course and capital improvements necessary and then they will get another chance to review all of that. That will go out in the next couple of weeks.

We have secured funding for the golf cart path improvements but before we can put the path where we had designed, adjacent to the Suez property, we have to sit in on a Suez watershed meeting where their board will vote on whether or not they are going to allow us to traverse the property.

Councilman Gallagher asked what the percentage of the Old Tappan population are members of the golf course.

Councilman Boyce answered less than 1%.

Councilman Binaghi inquired about the golf course revenue and how having a management company will affect that.

Councilman Boyce explained that assuming the course's expenses are equal to or below what they currently are because we are losing some big salaries with retirements, the cost to run the course, for example fertilizer, utilities, etc. should stay flat or perhaps be even better. Expenses should go down and revenue up. We are paying the management company a fee but can keep all the revenue.

Councilman Nalbandian explained that the DPW Superintendent and Assistant Superintendent want to be involved in what goes into the management company contract. There are multiple issues such as shared equipment and maintenance of the course that will need to be addressed in the contract.

Mrs. Haverilla explained that the management company will handle the golf course maintenance. This was all gone over during the interviews. The DPW will be included before any contract is finalized.

Councilman Boyce explained that we need a balance sheet of all of our equipment. It also needs to be clearly defined what equipment is shared by the golf course and DPW. The Golf Course Superintendent will compile this list.

The Environmental Commission had a group of concerned citizens attend their last meeting in regard to saving 244 Old Tappan Road and the wetlands that are on it from the potential development application. They are trying to figure out what funding opportunities there are to purchase the property and dedicate it as a park. The Commission is also in the middle of trying to come up with a new, reasonable tree ordinance update. Hopefully a new Tree Preservation Group will take over for the Green Team. The new community garden will also be discussed at the next meeting.

**COUNCILMAN CARNAZZA – RECREATION/HEALTH**

At the last Recreation Commission meeting registrations were discussed.

The Board of Health will meet next week. He will report back at the next meeting.

The Halloween Festival will be on October 30<sup>th</sup> at Oakes Park from 1pm-5pm. Volunteers are still needed.

Councilman Gallagher inquired about the status of pickle ball.

Councilman Carnazza explained that they are still trying to find a location. The skate board park at Stone Point Park is an option but it needs repairs. They are also thinking of using the Stone Point Park parking lot which he will speak to the DPW Superintendent about once he gets the dimensions of a pickle ball court.

## **MAYOR'S COMMENTS**

None

## **ACTION ON MINUTES**

Councilman Carnazza made a motion to approve the following minutes:

- Closed Meeting, September 20, 2021
- Regular Meeting, September 20, 2021
- Regular & Executive Meetings, October 4, 2021

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

Councilman Nalbandian abstained on the Regular Meeting, September 20, 2021 minutes.

## **OLD BUSINESS**

### **Borough Memorials**

Councilman Yhu discussed the application forms that were sent out to the Mayor & Council in

regard to requesting memorials in town. He described the forms and the criteria listed in them. Feels it would be good if we accept something like this so the residents know that we have a fair and democratic process of memorializing residents. Questioned whether this should be done as a policy memorandum or an ordinance.

Mr. Giblin explained that if it done through an ordinance it's permanent unless another council changes it. But it also does not give you much flexibility. If done as a policy you have a bit more discretion.

Councilman Nalbandian suggested that requiring someone to have lived in town for 50 years as a minimum seems like a long time.

Mayor Kramer feels that even requiring someone to live in town for 25 years seems a lot.

Mrs. Haverilla explained that anything can be changed. These are a rough draft. Feels we really need to focus on the benches and plaques. The type of benches purchased for Oakes Park are beginning to crack and some were donated. These forms give us the right to remove anything that is damaged. Right now, there is nothing in place to protect us when they are damaged. The DPW Superintendent is going to look into different benches moving forward.

This matter will be tabled for discussion at the next meeting.

Councilman Binaghi discussed the plaque for his father. He brought up the idea of mounting a bronze plaque on a rock with his mother and she was in favor of it. The DPW will move the rock from his farm to Oakes Park and his family will pay whatever the fee is for this service. Is everyone ok with moving forward with this idea?

All were in favor of moving forward with the plaque.

## **NEW BUSINESS**

### **Ordinance 1196-21 – Amend 2021 Salary Ordinance – Resolution of Introduction**

Councilman Nalbandian read the resolution

Second – Councilman Yhu

Discussion – None

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



Councilman Binaghi explained that we approved 2 new police officer hires in tonight's closed session and he would like to formalize it in open session. These 2 candidates have been interviewed and chosen by the Police Committee along with the Police Chief's approval.

Motion to hire 2 new police officers – Councilman Binaghi

Second – Councilman Gallagher

Discussion – None

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

Mayor Kramer stated that Tom Jung's sister passed away and that information has been sent out for the services.

Mrs. Haverilla stated that Judge Clark's wife also passed away and the services information was sent out for this as well. Donations have been made in both of their honors

Motion to adjourn by Councilman Carnazza

Second – Councilman Yhu

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

Respectfully submitted,

Jean M. Donch, RMC  
Borough Clerk

Reviewed & Approved: November 15, 2021