



BOROUGH OF LEONIA

COUNCIL- Work Session
~ Minutes ~

Anne Dodd, Borough Clerk

227 Fort Lee Road
Leonia, NJ 07605
<http://www.leonianj.gov/>

January 22, 2020

7:30 pm

Leonia Library

A Work Session Meeting of the Mayor and Council of the Borough of Leonia was held in the Leonia Library at 227 Fort Lee Road, Leonia, NJ on January 22, 2020. The meeting was called to order at 7:32 p.m. by Mayor Judah Zeigler.

Council President Fusco led those present in a salute to the flag.

Mayor Zeigler requested that a moment of silence be observed in honor of long-time resident and Crossing Guard, Nancy Pirone, who passed away on Saturday.

Mayor Zeigler advised that the conditions of the Open Public Meeting Act have been met by Notice being placed on the Bulletin Board at Borough Hall and sent to the official newspapers.

PRESENT: Mayor Judah Zeigler and Councilmembers Pasquale Fusco, Maureen Davis, Bernadette Flaim, Louis Grandelis, Joanne Terrell and William Ziegler

ABSENT: None

ALSO PRESENT: Acting Borough Attorney Joe Garcia
Borough Administrator Andrea Wardrop
Borough Clerk Anne Dodd

Public Comment

Julie Ulbrich, 396 Park Avenue, presented pictures which depict runoff and the way that the Borough looked in the 1900s. She advised that an assessment was completed on Leonia's canopy and it was determined that there was a 16% loss in canopy from 2008 to 2018. She noted that the number of trees planted to the number of trees removed is in the negative every year and expressed her opinion that it is time to reinvest in the future by protecting the Borough's natural assets.

Mark Spiegel, 122 Wood Terrace, advised that he is a member of the Shade Tree Commission and stated that there is deforestation in Leonia as there has been a 16% loss in the canopy in the past 10 years. He expressed his belief that this loss has been accelerated as many new residents are clearcutting, noting that it will take decades to replace the mature trees that

are being taken down. He commented that the Shade Tree Commission also faces the challenge of having fewer and fewer places to plant trees as 70% of the canopy is found on private property over which the Shade Tree Commission has no control. He advised that many municipalities have an ordinance in place to regulate tree removal on private property with associated fees and expressed his opinion that Leonia needs to have enforcement, education, and regulation when it comes to tree removal.

Megan Lutz, 326 Magnolia Place, stated that she and her family moved to Leonia 7 years ago based on the trees. She commented that the Borough will lose its canopy unless measures are taken to ensure that it is protected. She further commented that, when a property owner takes down a tree, it affects neighbors through stormwater runoff and erosion. She expressed her opinion that an ordinance is needed to protect one of the Borough's most important assets.

Kathi Verbeek, 308 Glenwood Avenue, advised that she grew up in Leonia and her father served on the Shade Tree Commission during the 1960s as she currently does. She reviewed the research that went into drafting this ordinance and expressed her hope that, by requiring a permit with a fee, residents will seriously contemplate whether to remove healthy trees.

Christine Healy-Sammis, 117 Glenwood Avenue, noted that this process has been long as she has served on the Shade Tree Commission since 2009 and recalls this topic being hotly debated in 2012. She commented on the time and effort that the members of the commission have put into making this ordinance specific to Leonia, expressing that it is the best way to protect the Borough's natural resources while safeguarding against runoff and maintaining the Borough's aesthetic.

Appointments:

Appointment of Commissioners of Assessment

Mayor Zeigler advised that this agenda item is being deferred as the new Borough Engineer reviews the necessity of the retaining wall.

Capital Budget Planning Committee Appointment

Mayor Zeigler nominated Arthur Zayat to serve on the Capital Budget Planning Committee as a Class IV Member.

Motion by Council President Fusco, second by Councilwoman Davis, to approve the appointment of Arthur Zayat to the Capital Planning Committee.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

RES. 2020-56 Appointment of Deputy OEM Coordinators with stipend [2020-56 Appointment of Deputy Emergency Management Coordinators.pdf](#)

Motion by Councilwoman Davis, second by Councilwoman Terrell, that Resolution #2020-56 be approved.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Approval of Minutes

With respect to the Minutes of January 4, 2020 Reorganization Meeting, Councilwoman Terrell advised that there was one small typo which was communicated to the Borough Clerk and corrected.

Motion by Councilman Ziegler, second by Councilwoman Terrell, that the Minutes of January 4, 2020 Reorganization Meeting are approved as amended.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Mayor Zeigler noted that “Internal Day of Peace” under New Business on page 6 of the Minutes of September 16, 2019 Work Session should be corrected to “International Day of Peace.”

Motion by Councilwoman Davis, second by Council President Fusco, that the Minutes of September 16, 2019 Work Session and September 16, 2019 Closed Session (not to be released) are approved as amended.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	abstain
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

In regard to the Minutes of October 21, 2019 Work Session, Councilwoman Terrell asked for clarification on the last sentence in the first paragraph of the Farm Animal Ordinance discussion on page 6. It was agreed that this sentence should be amended to read, “He said that he thinks the real problem is that this issue has been diluted and it became political by some members of the committee.”

Motion by Councilwoman Flaim, second by Councilwoman Terrell, that the Minutes of October 21, 2019 Work Session as amended.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	abstain
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Introduction of Ordinances

Ordinance 2020-01

The Borough Clerk read the title of the ordinance into the record:

Ord. 2020-01 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 29 OF THE ORDINANCE OF THE BOROUGH OF LEONIA ENTITLED "FIRE DEPARTMENT"

Mayor Zeigler explained that this ordinance is essentially a rewrite of the Ordinance governing the Leonia Fire Department, noting that this ordinance has been worked on extensively by both the Fire Committee and Fire Department.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading and setting February 3, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Leonia Library as the place for a hearing on said ordinance. Second by Council President Fusco.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Ordinance 2020-02

The Borough Clerk read the title of the ordinance into the record:

Ord. 2020-02 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 181 "NOISE" SECTION 181-7 "TOOLS AND EQUIPMENT" OF THE CODE OF THE BOROUGH OF LEONIA

Mayor Zeigler advised that this ordinance establishes regulations and restrictions on the use of commercial equipment.

Motion by Councilwoman Flaim that the foregoing ordinance be introduced and passed on first reading and setting February 3, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Leonia Library as the place for a hearing on said ordinance. Second by Councilman Grandelis.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Ordinance 2020-03

The Borough Clerk read the title of the ordinance into the record:

Ord. 2020-03 AN ORDINANCE AMENDING CHAPTER 243 "SOLID WASTE" OF THE CODE OF THE BOROUGH OF LEONIA BY ADDING ARTICLE IV "SINGLE-USE BAG REDUCTION"

Acting Borough Attorney Garcia explained that the purpose of this ordinance is to regulate and place restrictions on which businesses can issue single use bags.

Mayor Zeigler recognized all who were involved in drafting this ordinance which included members of the Environmental Commission, Boy Scouts and Girl Scouts. He expressed his opinion that this ordinance is an important step in combating the environmental challenges facing the Borough.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading and setting February 3, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Leonia Library as the place for a hearing on said ordinance. Second by Council President Fusco.

Councilwoman Terrell noted that the Environmental Commission has set forth a communication plan as to the education and engagement of the community regarding this ordinance. She expressed that the importance of this engagement should be highlighted when this ordinance is heard again on February 3, 2020.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Ordinance 2020-04

The Borough Clerk read the title of the ordinance into the record:

Ord. 2020-04 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 223 OF THE ORDINANCE OF THE BOROUGH OF LEONIA ENTITLED "RESIDENTIAL PARKING PERMIT"

Acting Borough Attorney Garcia advised that this ordinance amends Section 223-1 which governs when cars are permitted to be parked on the street as well as amends Section 223-8 regarding the posting of signs throughout town.

Mayor Zeigler added that this ordinance includes a provision which prohibits parking overnight on any street from 12 a.m. to 4 a.m. unless that vehicle is displaying a resident or guest hangtag. He noted that this measure is being taken proactively as there is overdevelopment taking place in bordering municipalities and this ordinance will prevent neighboring residents from parking their vehicles on Leonia's streets.

Motion by Councilwoman Davis that the foregoing ordinance be introduced and passed on first reading and setting February 3, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Leonia Library as the place for a hearing on said ordinance. Second by Councilman Grandelis.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Mayor Zeigler noted for the record that although there has not been significant discussion on these ordinances this evening, these ordinances were the subject of discussion over the course of several public meetings and anyone interested can go back and review those meetings.

Ordinance 2020-05

The Borough Clerk read the title of the ordinance into the record:

Ord. 2020-05 AN ORDINANCE AMENDING CHAPTER 275 "TREES" OF THE CODE OF THE BOROUGH OF LEONIA

Mayor Zeigler explained that this ordinance is the result of significant work on the part of the Shade Tree commission for which he expressed appreciation to all members. He advised that this ordinance establishes fees and will require permitting for the removal of trees on private property with the hope of combatting the clearcutting of healthy trees. He commented that the Shade Tree Commission has provided a communication plan for this ordinance which he believes is an important part of the rollout and stressed the importance of enforcement once this ordinance has been adopted.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading and setting February 3, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Leonia Library as the place for a hearing on said ordinance. Second by Councilwoman Davis.

Councilwoman Terrell advised that the Shade Tree Commission had requested that the amount of the Shade Tree Trust contained within subsection 275-24A(iv) of this ordinance be increased from \$10,000 to \$15,000 which is reflective of the amount that has been spent over the past two years. She further advised that all references to the trust fund within this same subsection should read as the "Leonía Shade Tree Trust Fund" as the word "Fund" was not defined within this ordinance.

It was the consensus of the governing body that these revisions be made.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading as revised and setting February 3, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Leonia Library as the place for a hearing on said ordinance. Second by Councilwoman Davis.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Consent Resolutions

- A. ~~RES. 2020-57 Civil Rights Policy~~ *Pulled for discussion*
[2020-57 Civil Rights Policy.pdf](#)
- B. RES. 2020-58 Mandatory Source Separation & Recycling Act
[2020-58 Mandatory Source Separation and Recycling Act.pdf](#)

- ~~C. RES. 2020-59 Authorize Agreement – IT Consulting Services – Intrep Solutions~~
Pulled for discussion
[2020-59 Intrep Solutions for IT Consulting Services.pdf](#)
- D. RES. 2020-60 Hire DPW Full-Time Collector/Laborer - Sergio Segovia
[2020-60 Hire DPW Collector Laborer - Segovia.pdf](#)
- E. RES. 2020-61 Authorization of Intent to Enter Into a Shared Service Agreement – Hire Temporary, Part-Time Technical Assistant for the Leonia Building Department - Township of Teaneck
[2020-61 Authorize Shared Service Agreement - PT Tech Asst - Teaneck.pdf](#)
- F. RES 2020-62 Approve RWDSU Local 108 (White Collar) Memorandum of Agreement - 2019-2021
[2020-62 Approve RWDSU Local 108 \(White Collar\) Memorandum of Agreement - 2019-2021.pdf](#)
- ~~G. RES. 2020-63 Authorize Bill List~~ *Pulled for discussion*
[2020-63 Bill List.pdf](#)
- ~~H. RES. 2020-64 Authorization to Advertise – Permanent Full-Time DPW Employee~~
Pulled for discussion
[2020-64 Authorize Advertisement - Permanent FT DPW Employee.pdf](#)

Motion by Councilwoman Flaim, second by Councilwoman Terrell, that the Consent Agenda be approved as amended.

On a roll call, the vote on the Consent Agenda was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

All members present voting in favor, the Consent Agenda was approved as amended.

RES. 2020-57 Civil Rights Policy
[2020-57 Civil Rights Policy.pdf](#)

Councilman Ziegler asked for confirmation that this resolution did not result from an incident.

Mayor Zeigler advised that this resolution is pro forma in nature and should have been adopted as part of the Reorganization Meeting agenda.

Motion by Councilman Ziegler, second by Councilman Fusco, that Resolution #2020-57 be approved.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

RES. 2020-59 Authorize Agreement - IT Consulting Services - Intrep Solutions
[2020-59 Intrep Solutions for IT Consulting Services.pdf](#)

Councilwoman Terrell explained that there are still issues with this contract that she would like addressed as well as comments from the Borough Attorney which were not sufficiently addressed in the current draft.

Mayor Zeigler responded that confirmation was received from the Borough Attorney that his concerns have been addressed. He expressed his opinion that this review process has gone terribly awry and commented that this service is too important not to move this contract forward.

Councilwoman Terrell stated that there are key issues which she feels can be discussed and addressed now such as the contract term not being specified within the contract.

Council President Fusco noted that the term of this contract is specified within the resolution as being February 1, 2020 through January 31, 2021.

Acting Borough Attorney Garcia advised that Borough Attorney Chewcaskie did request that the dates on this contract be left blank and filled in upon execution.

Motion by Councilwoman Flaim, second by Councilman Grandelis, that Resolution #2020-59 be approved.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

RES. 2020-63 Authorize Bill List
[2020-63 Bill List.pdf](#)

Councilman Ziegler questioned the purchase of the 2019 Honda CRV on page 2 of the Bill List.

Borough Administrator Wardrop advised that this vehicle was purchased for the Police Department.

Mayor Zeigler added that this vehicle is replacing an older vehicle in the fleet. Councilwoman Davis expressed her belief that it was purchased for the Detective Bureau.

Councilman Ziegler advised that there was a reimbursement for Medicare Part B which he is separately going to discuss with the Borough Administrator.

Motion by Councilwoman Flaim, second by Council President Fusco, that Resolution #2020-63 be approved.

On a roll call, the vote was recorded as follows:

Council President Fusco: aye
 Councilwoman Davis: aye
 Councilwoman Flaim: aye

Councilman Grandelis: aye
 Councilwoman Terrell: aye
 Councilman Ziegler: aye

RES. 2020-64 Authorization to Advertise - Permanent Full-Time DPW Employee
[2020-64 Authorize Advertisement - Permanent FT DPW Employee.pdf](#)

Councilman Ziegler explained that there was a recent discussion in the Finance Committee regarding significant cuts that need to be made to the 2020 budget in order to come in under the cap. Although he expressed that he understands the need for this resolution, he feels that options as to where budget cuts can be made would be limited should action be taken on this resolution at this time.

Mayor Zeigler noted that he has raised the same concern. He confirmed that this resolution would address a current vacancy within the DPW.

Motion by Councilman Ziegler, second by Councilwoman Terrell, to table Resolution 2020-64.

On a roll call, the vote was recorded as follows:

Council President Fusco: nay
 Councilwoman Davis: nay
 Councilwoman Flaim: nay

Councilman Grandelis: nay
 Councilwoman Terrell: aye
 Councilman Ziegler: aye

Motion by Councilwoman Davis, second by Councilwoman Flaim, that Resolution 2020-64 be approved.

Mayor Zeigler remarked that, although he sees both sides, if the vote had resulted in a tie, he would have voted in favor of tabling this resolution. He expressed his opinion that, although this resolution simply authorizes this position to be advertised, he feels that advertizing would send the message to prospective applicants that a vacancy may or may not exist which he does not believe is fair.

Councilman Zeigler expressed his agreement with Mayor Zeigler's comments and noted that, by adopting this resolution, the governing body would be limiting its options before it has a full appreciation of the amount of money that needs to be cut and how these cuts will be made.

Councilwoman Davis noted that this position would address a vacancy and the governing body has an obligation to the residents to have essential services delivered in a timely fashion. She expressed that this resolution will allow the governing body to act swiftly to fill an essential vacancy. Her comments were echoed by Councilwoman Flaim and Council President Fusco.

On a roll call, the vote was recorded as follows:

Council President Fusco: aye
 Councilwoman Davis: aye
 Councilwoman Flaim: aye

Councilman Grandelis: aye
 Councilwoman Terrell: nay
 Councilman Ziegler: nay

Non-Consent Resolutions

RES. 2020-65 Authorize Contract - Peter Burchard - Facilitation of Leonia Department Leadership Goal Setting Workshops

[2020-65 Authorize Contract - Peter Burchard - Facilitation of Goal Setting Workshops.pdf](#)

Mayor Zeigler explained that this resolution comes at the recommendation of Borough Administrator Wardrop and noted it is a recommendation that he wholeheartedly endorses.

Borough Administrator Wardrop explained that she has been asked by Mayor Zeigler to start to look at performance objectives and goal setting measures.

Mayor Zeigler noted that this issue is in keeping with the directive that the governing body has set that all employees should have objectives as part of a management by objectives program. He advised that implementing this program is a key milestone that the Borough Administrator must achieve this year.

Borough Administrator Wardrop provided background information on Mr. Burchard and advised that he has the ability to facilitate two goal setting sessions for the Department Leaders. She explained the process that will be followed for these sessions.

Councilman Ziegler expressed his opinion that, once goals are set, the governing body has to ensure that appropriate accountability is held as, otherwise, the objectives become meaningless.

Councilwoman Davis commented that by setting objectives, it will help the employees to become more valuable as it is a step in creating effective professional development.

Motion by Councilwoman Flaim, second by Councilman Grandelis, that Resolution #2020-65 be approved.

On a roll call, the vote was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Unfinished Business:

Fuel Contamination - Update on Communication to Vendor

Borough Administrator Wardrop stated that she has prepared a cost analysis with respect to this issue and has provided the governing body with a copy of an Excel spreadsheet and PDF which will supplement this discussion. Based upon her calculations, she advised that this vendor owes the Borough \$75,753. She noted that this amount takes into account salaries and wages, administrative costs, and equipment repair as well as fees for an environmental firm that had to be retained to assist the Borough with this process and costs for fuel that had to be purchased from Delta. Interest has also been calculated based on a 2% interest

rate. She requested authorization to have the Borough Attorney send a letter to the vendor regarding this matter.

After some discussion, it was decided to have the Borough Attorney draft said letter which will include a date certain by when payment must be made as well as language indicating that the Borough reserves the right to pursue any future costs that result from this issue.

New Business:

There was no new business.

Public Comment on any issue:

No one came forward.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Ziegler, second by Councilwoman Terrell, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk