



BOROUGH OF LEONIA

COUNCIL- Work Session
~ Minutes ~

Anne Dodd, Borough Clerk

100 Highland Street
Leonia, NJ 07605
<http://www.leonianj.gov/>

February 19, 2020

7:30 pm

Anna C. Scott School Cafeteria

A Work Session Meeting of the Mayor and Council of the Borough of Leonia was held in the Anna C. Scott School Cafeteria located at 100 Highland Street, Leonia, NJ on February 19, 2020. The meeting was called to order at 7:35 p.m. by Mayor Judah Zeigler.

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

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, Joanne Terrell and William Ziegler

ABSENT: Councilmember Bernadette Flaim and Louis Grandelis

ALSO PRESENT: Borough Attorney Brian Chewcaskie
Borough Administrator Andrea Wardrop
Borough Clerk Anne Dodd

Presentation

Welcome, Leonia! Committee Presentation

Councilwoman Terrell explained this this initiative is completely volunteer-originated and driven and is intended to make new residents aware of both services that are available and new ordinances that have been adopted. She introduced Suzie Park and Kathi Verbeek, noting that they are both longtime Leonia residents and professional Real Estate Agents within the community.

Kathi Verbeek, 308 Glenwood Avenue, reviewed the mission statement of the committee and advised that the members of this committee include herself, Suzie Park, Councilwoman Terrell, Borough Administrator Andrea Wardrop, and Police Chief Tom Rowe. She provided statistics on the number of new residents in 2018 and 2019 with a breakdown of single-family homes, condo/townhomes, and leases/rentals, noting that the numbers did not vary much from year to year. She advised that this initiative will take place in two phases.

Ms. Park reviewed the contents of the welcome kit which will be provided to new residents. If budget allows, it is planned to include a magnet with frequently called numbers.

With respect to Phase II, Ms. Verbeek reviewed information that would be included on their website, noting that Borough departments would be asked to provide information for inclusion. Mayor Zeigler suggested providing links to the Borough website for the various topics that would be included on the Welcome, Leonia! Committee webpage.

Ms. Verbeek explained that Phase II would aim to bring Leonia merchants onboard by having the Borough provide a \$5 coupon for use at any business located in Leonia. She advised that, with respect to distribution, it will be important to have outreach to the community regarding this initiative and explained how they plan to accomplish this outreach. Ms. Verbeek stated that the committee is requesting a budget of \$2,000 which would cover the costs associated with the magnets, reusable shopping bag replenishment, copies and supplies.

Mayor Zeigler encouraged the idea of adding members to this committee, particularly those who are Spanish-speaking. He noted that, if the Borough is going to fund this initiative, non-governmental entities should not be endorsed in the kit. He also requested guidance from Borough Attorney Chewcaskie as to whether the Borough could fund discounts in the form of the \$5 coupon. Borough Attorney Chewcaskie advised that public funds are not to be expended for a private purpose. Mayor Zeigler suggested that businesses be contacted directly to request that they submit coupons for inclusion in the Welcome Kit.

There was discussion regarding having the committee participate in Leonia Day as well as additional materials that should be included in the kit such as the hang tag application, information on houses of worship and school registration information.

As it was the consensus of the governing body to approve the requested budget amount of \$2,000, Councilwoman Terrell advised that the next step will be to approach businesses and begin Phase II. When the committee is ready, a new resident button and welcome kit request form will be placed onto the website.

Public Comment

No one came forward.

Appointments:

Appointment of Commissioners of Assessment

Mayor Zeigler advised that this item is not ready for consideration at this time.

Approval of Minutes

Motion by Council President Fusco, second by Councilwoman Davis, and all members present voting in favor, that the Minutes of October 21, 2019 Closed Session (not to be released) are hereby approved.

Motion by Councilwoman Terrell, second by Council President Fusco, and all members present voting in favor, that the Minutes of November 6, 2019 Regular Session are hereby approved.

Motion by Councilwoman Terrell, second by Councilwoman Davis, and all members present voting in favor, that the Minutes of November 18, 2019 Work Session and November 18, 2019 Closed Session (not to be released) are hereby approved.

Motion by Councilwoman Terrell, second by Council President Fusco, with Councilman Ziegler abstaining and all other residents present voting in favor, that the Minutes of December 7, 2019 Budget Work Session and December 7, 2019 Regular Session are hereby approved.

Introduction of Ordinances

Ordinance 2020-06

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

ORD. 2020-06 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290 "ZONING" OF THE CODE OF THE BOROUGH OF LEONIA TO CLARIFY CERTAIN DEFINITIONS AND BULK STANDARDS FOR VARIOUS ZONES

Borough Attorney Chewcaskie explained that this ordinance makes revisions to certain sections of the Zoning Chapter of the Borough Code by adding definitions for building coverage and lot coverage and clarifying the definition for height. Rear yard for residential buildings, minimum lot area and frontage, maximum coverage, and accessory structures have also been addressed. He advised that the purpose of this ordinance is to clarify and streamline certain residential applications.

Mayor Zeigler noted that, as this ordinance pertains to Land Use, it requires 35 days between introduction and adoption for referral to the Planning Board to determine consistency with the Master Plan.

Motion by Council President Fusco that the foregoing ordinance be introduced and passed on first reading and setting April 6, 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 Anna C. Scott School Cafeteria as the place for a hearing on said ordinance. Second by Councilwoman Terrell.

Councilman Ziegler expressed concern regarding Section 2(F) as he feels that the percentage of lot coverage should be less than 65%. He proposed making the maximum amount 40% in order to eliminate large driveways.

There was discussion among members of the Council regarding issues that may arise as a result of reducing the percentage below 65%. The possibility of using a sliding scale for lot coverage depending on lot size and mandating that pavers be used to reduce impervious coverage were also discussed. The issue of requiring cars to be removed from the street during snow storms was also raised as a contributing factor to people putting in larger driveways.

Borough Attorney Chewcaskie noted that the proposed ordinance is not inconsistent with what is currently in place with respect to lot coverage as this ordinance has simply clarified the language. He further noted that this ordinance will be subject to review and recommendation by the Planning Board as a result of the Master Plan review. He suggested that the implementation of bulk or location requirements with respect to driveways be

explored, commenting that doing so may be difficult as there are a mix of properties within the Borough.

Motion by Councilman Ziegler, second by Council President Fusco, to amend the second sentence in Section 2 (F) "Maximum coverage" to read "Lot coverage shall not exceed 40% of the lot area" and the matter be referred to the Planning Board for their consideration and recommendation.

Borough Attorney Chewcaskie cautioned that, by making this amendment, it may be creating a large amount of nonconforming properties.

Councilwoman Davis expressed her opinion that it would be best to send this ordinance to the Planning Board in its original form and allow this board to make recommendations. She remarked that this amendment will cause many residents to be inconvenienced.

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

Council President Fusco:	aye	Councilman Grandelis:	absent
Councilwoman Davis:	nay	Councilwoman Terrell:	nay
Councilwoman Flaim:	absent	Councilman Ziegler:	aye
Mayor Zeigler:	aye		

Mayor Zeigler noted that the motion to introduce and set the hearing on this ordinance has already been made.

On a roll call, the vote on Ordinance 2020-06 as amended was recorded as follows:

Council President Fusco:	aye	Councilman Grandelis:	absent
Councilwoman Davis:	nay	Councilwoman Terrell:	nay
Councilwoman Flaim:	absent	Councilman Ziegler:	aye
Mayor Zeigler:	aye		

Ordinance 2020-07

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

ORD. 2020-07 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 236 "SITE PLAN REVIEW" ARTICLE II "ADMINISTRATION AND MANAGEMENT" SECTION 15 "CHANGE OF USE" OF THE CODE OF THE BOROUGH OF LEONIA

Borough Attorney Chewcaskie explained that this ordinance allows for discretion to waive the site plan review requirement before the board if there is a change in use and there is an area less than 2,500 square feet in a building. He noted that it had previously been set at 1,000 square feet.

Mayor Zeigler advised that, as this ordinance also pertains to Land Use, it will require 35 days between introduction and adoption as it will be referred to the Planning Board to determine its consistency with the Master Plan.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading and setting April 6, 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 Anna C. Scott School Cafeteria as the place for a hearing on said ordinance. Second by Councilwoman Terrell.

Councilwoman Terrell noted that this ordinance applies to any occupant in a building not only a building with several occupants.

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

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

Consent Resolutions

- A. ~~RES. 2020-76 Authorize Bill List~~
[2020-76 Bill List.pdf](#)
- B. ~~RES. 2020-77 Authorize Developer's Agreement - 215 Broad Avenue~~
[2020-77 Authorize Developers Agreement - 215 Broad Avenue.pdf](#)
- C. ~~RES. 2020-78 Authorize Contract - County of Bergen - Leonia High School Turf Field Project~~
[2020-78 Authorize Contract - County of Bergen - Leonia High School Turf Field Project.pdf](#)
- D. RES. 2020-79 Establish Administrative Petty Cash Fund
[2020-79 Establish Administrative Petty Cash Fund.pdf](#)
- E. RES. 2020-80 Authorize Advertisement - Receipt of Bids - Kingsley Avenue Road Improvements
[2020-80 Authorize Advertisement - Receipt of Bids - Kingsley Avenue.pdf](#)
- F. RES. 2020-81 Amend RES. 2020-70 - Authorize Chief Financial Officer to Disburse Funds in Case of Emergencies [2020-81 Amend Resolution #2020-70 - Authorize CFO to Disburse Funds.pdf](#)
- G. RES. 2020-82 Authorize Award of Required Disclosure Contract - Triad Security - Alarm System Inspection & Monitoring
[2020-82 Authorize Award of Required Disclosure Contract - Triad Security - Alarm System Inspection & Monitoring.pdf](#)

Motion by Council President Fusco, second by Councilwoman Davis, 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:	absent
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	absent	Councilman Ziegler:	aye

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

RES. #2020-76 Authorize Bill List [2020-76 Bill List.pdf](#)

Councilman Ziegler inquired as to the charges for Packetalk. Borough Administrator Wardrop explained that these charges are for security cameras and the Police Department will be using funding which is already available for this purpose. Councilman Ziegler highlighted the

payment to Mayor Zeigler for the weddings that he has performed and commended the Mayor for donating this money to various organizations. He also drew attention to the amount for the preliminary 2020 County tax bill which is \$843,399.

Motion by Councilwoman Davis, second by Councilman Ziegler, that Resolution #2020-76 be approved.

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

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

RES. 2020-77 Authorize Developer's Agreement - 215 Broad Avenue
[2020-77 Authorize Developers Agreement - 215 Broad Avenue.pdf](#)

On behalf of the Shade Tree Commission, Councilman Ziegler raised concern over the minimal amount included in the agreement for the replacement of the 50-55 trees that will be cut down and inquired whether this amount can be increased.

Borough Attorney Chewcaskie advised that it would not be possible as this agreement was previously approved by the Planning Board and noted that it is an older application.

Motion by Council President Fusco, second by Councilwoman Davis, that Resolution #2020-77 be approved.

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

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

RES. 2020-78 Authorize Contract - County of Bergen - Leonia High School Turf Field Project

[2020-78 Authorize Contract - County of Bergen - Leonia High School Turf Field Project.pdf](#)

Councilman Ziegler raised concern that Franklin Lakes, one of the wealthiest communities, received three times the amount that Leonia received for this grant.

Motion by Councilwoman Davis, second by Councilman Ziegler, that Resolution #2020-77 be approved.

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

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

Unfinished Business:

Snow Ordinance

Councilwoman Terrell advised that a survey was conducted by the Police Department who went segment by segment throughout the town to measure various widths to create data points. Alternate street signs were also mapped out on each segment of the data points. Although a width of 34 feet was initially requested for emergency vehicles, it was discovered that more than 90% of the Borough's streets would not meet this minimum. Councilwoman Terrell advised that there is a meeting with Officer Longo this Friday to obtain an update on the status of the survey and it is hoped that this topic will be placed for discussion on the March 16th agenda.

Mayor Zeigler expressed his opinion that an overhaul of the alternate side provision should be undertaken as a possible solution.

Councilwoman Terrell emphasized that the purpose of this ordinance is to ensure that emergency vehicles are able to pass through the streets of the Borough.

Salary Ordinance

It was agreed that this ordinance will be listed for discussion on the April 20th Work Session agenda.

Farm Animal Ordinance

Borough Attorney Chewcaskie advised that he will be discussing this ordinance with the Board of Health and will have a report for the next meeting.

New Business:

Discussion - Residential Businesses - Councilwoman Terrell

Councilwoman Terrell advised that there are provisions within the Borough Code that allow certain professions to operate residential business on certain streets within the Borough. She requested that the governing body look at whether additional streets and additional classes of occupations should be added to what is already permitted.

Mayor Zeigler commented that some of the occupations included in the Code are very dated and occupations such as eBay sellers or positions in the tech field are not contemplated. He expressed his belief that this portion of the Borough Code should be amended. He advised that he has requested that the Planning Board provide the governing body with its recommendations on amendments that should be made and a committee is being appointed for this purpose. He advised that a discussion will be placed on the April Work Session to obtain an update from the Planning Board and he requested that Chairman DeGidio attend this meeting to report on the deliberations.

Establishment of Charter Study Commission - Mayor Zeigler

Mayor Zeigler inquired whether the governing body wishes to entertain changing the form of government to a nonpartisan form. He explained his reasons for wishing to do so and noted that changing the form of government is an arduous process and would require a switch away from the Borough form of government. He reviewed the options for undertaking this process which included a direct petition, the creation of a charter study commission, or the formation of a charter study committee which would serve in an advisory capacity. Should the governing body choose to form a charter study committee and agree with its recommendations, the direct petition option would then be required to be undertaken under

the Statute. He commented that whichever route the governing body decides to take, the public would have the final say.

There was discussion regarding the pros and cons of the different options presented by Mayor Zeigler as well as concerns with needing to abandon the Borough form of government with which there is a rich history. The consensus of the governing body was to move this idea forward. Mayor Zeigler requested that the members of the governing body give thought to the formation of a committee of more than 5 but no more than 9 members.

Term Limit Ordinance - Mayor Zeigler

Mayor Zeigler commented on the importance of ensuring that there is a constant stream of new energy and ideas coming into the governing body. He expressed his belief that, should the governing body choose to move forward with adopting a term limit ordinance, it should apply to both the current and future elected officials.

Borough Attorney Chewcaskie advised that, as the legislature establishes the criteria for elected officials, the governing body is not able to establish term limits.

As adopting said ordinance could open the municipality up to litigation should someone wish to challenge it, it was decided not to proceed at this time. It was requested that Borough Attorney Chewcaskie obtain more information on this topic and if an opportunity to adopt a term limit ordinance is found, it will be revisited at that time.

Potential Actions Re: Streets Abutting New Fort Lee Development - Mayor Zeigler

Mayor Zeigler noted that Fort Lee Green is about to come online and expressed concern that people will turn right onto the Leonia streets that abut this development. He suggested scheduling a meeting with affected homeowners to see if they would support making those streets one-way eastbound.

It was decided that a letter would be sent to the residents of the affected streets to schedule a meeting to seek their input. This meeting will be scheduled as a special meeting so that the full governing body can attend.

426 Lester Avenue - Councilman Ziegler

Councilman Ziegler advised that the Shade Tree Commission was requested by the resident at this location to take down a tree in the right-of-way as the tree had been damaged due to paving work. He noted that it appeared that there may have been an illegal conversion of two garages and he requested that this matter be investigated.

Council President Fusco commented that he spoke to the Construction Official regarding this matter and was informed that the work was permitted.

It was decided to have the Zoning Official investigate this matter further.

Responsibility & Process to Set Borough's Zoning Policies - Councilman Ziegler

Councilman Ziegler stated that he would like to pull this matter to first have a conversation with the Mayor, Planning Board Chair, and Council President Fusco.

Councilman Ziegler advised that there is a plan for a seven and a half mile bike and pedestrian trail known as the Northern Valley Greenway. Alec Melman, Chair of the Mayor's Advisory Committee on Pedestrian Safety and Transportation, expressed interest in having this trail come into Leonia through Overpeck Park. As Englewood would have to come on board in order to do so, it was agreed that Mayor Zeigler will reach out to the Mayor of Englewood to discuss this matter.

Public Comment on any issue:

No one came forward.

Closed Session:

Mayor Zeigler announced that the governing body will be entering into Closed Session via Resolution 2020-82a.

BE IT RESOLVED in compliance with N.J.S.A. 10:4-12, the Mayor and Council of the Borough of Leonia entered into Closed Executive Session to discuss the following matters:

- A. Pending & Prospective Litigation
 - 1. Higgins Matter
- B. Contract Negotiations
 - 1. Borough Engineer

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene to adjourn this work session.

There being no further business to come before the Council, on a motion from Councilman Ziegler, seconded by Councilwoman Terrell, and all present voting in favor, the meeting was adjourned to the Closed Executive Session at 9:20 p.m.

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 9:42 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk