



BOROUGH OF LEONIA

COUNCIL- Regular Meeting
~ Minutes ~

Anne Dodd, Borough Clerk

312 Broad Avenue
Leonia, NJ 07605
<http://www.leonianj.gov/>

June 1, 2020

7:30 pm

Leonia Borough Hall – Virtually
via GoToMeeting

A Regular Meeting of the Mayor and Council of the Borough of Leonia was held virtually via GoToMeeting at Leonia Borough Hall located at 312 Broad Avenue, Leonia, NJ on June 1, 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 read the following statement into the record: “In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in Borough Hall, published in the Record within the first 10 days of the New Year, and copies are sent to the Star Ledger. Notice of this virtual meeting by the May 26, 2020 and May 29 Sunshine Notices containing the time, date, and information on how to access this meeting were sent to the Record, Star Ledger and have been posted at Borough Hall and on the Borough website.”

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

ABSENT: None

ALSO PRESENT: Borough Attorney Nylema Nabbie
Borough Administrator Andrea Wardrop
Borough Clerk Anne Dodd

Public Comment

Robin Barbosa, 443 Fort Lee Road, expressed concern over the possibility of a large group of people who are looking to cause trouble coming into the area. She inquired whether there have been any reports to that effect. She then inquired whether Mayor Zeigler can call for residents to come together to pray for peace.

Mayor Zeigler confirmed that there have not been any reports about this possibility in Leonia. He noted that any protests that took place in this area have been peaceful and it is hoped that they will remain so. With respect to calling residents to come together in prayer, he

expressed his hesitancy to do so as people are of many different religious faiths or no religious faith and he does not want residents to feel as if the government is directing them to do something that is against their beliefs. He stated that he would give her idea some thought.

Janardan Nukalapati, 414 Birch Lane, expressed concern over recent events and asked for reassurance that rules are in place in Leonia and Bergen County to prevent the actions by Police Officers that took place in the George Floyd incident.

Mayor Zeigler confirmed that there are numerous regulations which prohibit those actions on the part of all Police Officers within the State. He noted that this type of behavior is not tolerated in Leonia, stating that the Leonia Police Department is one of the finest in the State if not the Country. He further noted that, when hiring, the governing body looks to ensure that the police force is representative of the diversity within the community and that the officers respect the diversity within the community.

Approval of Minutes

Motion by Councilman Ziegler, second by Councilwoman Davis, and all other members present voting in favor, that the Minutes of May 4, 2020 Regular Meeting and May 4, 2020 Closed Session (not to be released) are hereby approved.

Motion by Councilwoman Flaim, second by Councilman Grandelis, and all members present voting in favor, that the Minutes of May 18, 2020 Work Session and May 18, 2020 Closed Session (not to be released) are hereby approved.

Motion by Councilwoman Flaim, second by Councilwoman Davis, with Councilwoman Terrell abstaining and all other members present voting in favor, that the Minutes of May 21, 2020 Special Meeting are hereby approved.

Non-Consent Resolutions

RES. 2020-123 Amend Capital Budget

Borough Administrator Wardrop explained that this resolution amends the capital budget to include the cost for the Turf Field project only. She noted that, although it was anticipated that the portion of the capital budget pertaining to multipurpose projects would be included, she found several errors in the proposed ordinance which required it to be pulled.

Mayor Zeigler clarified that, although the total cost is \$3 million for this project, half of this cost is the Board of Education's responsibility and \$100,000 has been received in grant funding. He advised that it is anticipated that further grant funding will be obtained for this project.

Motion by Councilwoman Davis, second by Council President Fusco, that Resolution #2020-123 be approved.

Councilman Ziegler commented on the fact that Franklin Lakes, a wealthier community than Leonia, received almost three times the amount that Leonia received in grant funding for a similar project.

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. 2020-124 Declare Racism a Public Health Crisis

Mayor Zeigler explained that what occurred in Minneapolis calls into specific relief the kind of institutional and systemic racism that continues to exist in the rest of the country. Although in word and deed, Leonia has done the right thing with regard to ensuring that equity and diversity are promoted, he commented that problems exist outside Leonia's borders which require the governing body to take a stand. He explained that this resolution declares racism a public health crisis and lists ten specific actions that will be taken to ensure that the issue of institutional and systemic racism is kept top of mind. He expressed his opinion that this moment is transformational in the history of the United States and expressed that it can be a positive transformational moment if leaders seize that opportunity.

Motion by Councilwoman Davis, second by Council President Fusco, that Resolution #2020-124 be approved.

Councilman Ziegler agreed that this country is at a crossroads and expressed his opinion that, by going on record in this manner, the governing body is taking the right measures to make this transformational moment a positive one.

Council President Fusco echoed Councilman Ziegler's comments, noting that the governing body adopted a resolution to designate Leonia as a Welcoming Community and has a Police Department that has been especially sensitive to the diversity within the community. He expressed his wholehearted support of this resolution.

Councilwoman Terrell advised that a number of residents have reached out to her about organizing a march and protest in Leonia. She expressed her belief that this resolution goes a long way in answering questions regarding where this municipality and governing body stand in terms of support for this issue.

Councilwoman Davis noted that, during her entire career, she has worked with socioeconomically disadvantaged children in urban school districts and strongly believes that this issue is one that the governing body needs to stand behind. She expressed that this resolution is a great start to doing so. She commented that the Leonia Police Department is appalled by this incident and expressed her belief that actions such as these hurt good police officers.

Councilwoman Flaim remarked that the governing body's quick response to this incident speaks to its ability to take a stand and not be afraid what people may say or think. She commented that she is very proud to be a part of this group.

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

Introduction of Ordinances

Ordinance 2020-13

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

ORD. 2020-13 - BOND ORDINANCE TO AUTHORIZE THE INSTALLATION OF A SYNTHETIC TURF MULTIPURPOSE ATHLETIC FIELD AT LEONIA HIGH SCHOOL FOR JOINT USE WITH THE LEONIA BOARD OF EDUCATION IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Borough Administrator Wardrop advised that this ordinance will allow the Borough to proceed with the installation of the turf field at Leonia High School which she noted is supported jointly by both the Board of Education and Borough.

Motion by Councilwoman Flaim that the foregoing ordinance be introduced and passed on first reading and setting June 15, 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 Borough Hall virtually via GoToMeeting 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 2020-14

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

ORD. 2020-14 - AN ORDINANCE AMENDING CHAPTER 49 "POLICE DEPARTMENT" ARTICLE 11A "RULES GOVERNING EMPLOYMENT OF POLICE OFFICERS IN EXTRA-DUTY CAPACITY WITHIN THE BOROUGH" SECTION 11-2 "COSTS OF EMPLOYMENT; MINIMUM EMPLOYMENT TIME" OF THE CODE OF THE BOROUGH OF LEONIA

Borough Attorney Nabbie explained that this ordinance amends Chapter 49 to increase the hourly rate and the administrative surcharge per hour for a police officer employed in an extra duty capacity. She advised that the hourly rate was previously \$85 per hour and is being increased to \$100 and the administrative surcharge was \$40 per hour and is being increased to \$50. She noted that there is a 4-hour minimum requirement and a 24-hour cancellation policy.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading and setting June 15, 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 Borough Hall virtually via GoToMeeting 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. 2020-125 Authorize Advertisement - Part-Time Administrative Assistant - Building Department & Fire Prevention Bureau
[2020-125 Authorize Advertisement - PT Admin Asst -Building Dept.pdf](#)
- B. RES. 2020-126 Ratify Revised Bergen County JIF Bylaws
[2020-126 Ratify Revised JIF Bylaws.pdf](#)
- C. RES. 2020-127 Authorize Proposal - Codification of Ordinances Services
[2020-127 Authorize Proposal - Codification Services.pdf](#)
- D. RES. 2020-128 Cancel Balance - General Capital Fund-Improvement Authorization
[2020-128 Cancel Balance - General Capital Fund-Improvement Authorization.pdf](#)
- E. RES. 2020-129 Authorize JIF Accreditation Grant
[2020-129 Authorize Grant Agreement - JIF - Base Accreditation Services.pdf](#)
[Grant Agreement - BC JIF - Accreditation Funding.pdf](#)
- F. RES. 2020-130 Authorize Proposal - NJSACOP Accreditation Consulting Services
[2020-130 Authorize Proposal - Accreditation Consulting Services.pdf](#)

Motion by Councilwoman Davis, second by Council President Fusco, that the Consent Agenda be approved.

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.

Unfinished Business:

ORD. 2020-06 - Discussion on Planning Board Recommendations - Impervious Lot Coverage - Tabled April 6, 2020

Motion by Councilman Ziegler, second by Council President Fusco, to remove Ordinance 2020-06 from the table.

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

Council President Fusco reported that the Planning Board found that the percentage for impervious lot coverage included in Ordinance 2020-06 would be detrimental to a large portion of the Borough and would result in a large number of variances. He advised that the Borough Planner and Zoning Officer recommended that the impervious lot coverage be amended from 40% to 50% and an official letter from the Planning Board would be sent to

the governing body detailing this recommendation. He further advised that, with respect to undersized lots that are 6,000 square feet in area or less and have a detached garage in the rear yard, it was recommended that only 50% of the driveway located behind the front façade of the dwelling be counted towards impervious lot coverage.

Borough Attorney Nabbie confirmed that this change would be substantive and would require reintroduction.

Councilman Ziegler commended the Planning Board for its due diligence in making these recommendations. He explained that his reason for suggesting the percentage be reduced was to preserve the residential character of this town. He noted that the Planning Board will be conducting further studies to determine if the reduction from 65% to 50% is too much, too little, or appropriate and may come back with further recommendations. He expressed his belief that a further reduction can be made.

Mayor Zeigler commended the Planning Board for the seriousness with which it took the charge from the governing body. He advised that the revised ordinance would be scheduled for introduction on the June 15th Work Session.

COVID-19 Status Update

Mayor Zeigler reported that it was announced today that Stage 2 will begin on June 15th and reviewed what will be permitted to reopen and when. As restaurants will be permitted to serve customers at outdoor tables beginning on June 15th, Mayor Zeigler suggested that the governing body consider closing Broad Avenue on a Saturday night to allow restaurants to place tables outside. He expressed that doing so will assist restaurateurs to reopen and get back on their feet. He noted that it is planned that the Leonia Swim Club will reopen on July 4th, with input on the reopening having been received from the COVID-19 Task Force, Health Officials, and Pool Managers Association. He stated that guidance is still awaited from the State on requirements to reopen. He advised that a Town Hall was held last night on the Swim Club with over 225 households in attendance.

Councilman Grandelis commented that the Recreation Commission's upmost concern is that procedures will be undertaken to ensure that the Swim Club will be safe and effective. He noted that the commission voted unanimously to move forward with planning to open on July 4th. He commented that the Recreation Department was busy with calls today from residents looking to register.

Mayor Zeigler stressed that the safety of members and staff will remain the top priority and the Swim Club will not reopen if it is determined at any point that it is unsafe to do so. He explained the steps that are being undertaken to ensure safety such as a capacity and membership limits and adding Social Distancing Ambassadors to the staff.

As the Leonia Swim Club is self-funded, Councilman Ziegler asked for confirmation that a cost analysis was conducted to ensure that no subsidizing would be necessary.

Mayor Zeigler explained that, as the Leonia Swim Club is a self-funding utility, the municipality may not legally fund it. He advised that a lot of time was spent on financial modeling and it is anticipated that there will be a revenue shortfall which will be partially funded from surplus. He explained that if there is an additional shortfall, it will be addressed in the context of the 2021 membership fees.

Mayor Zeigler advised that he is still working on getting antibody testing in place for the Borough, noting that it is not widely available.

New Business:

Lead Investigatory Committee - Councilman Grandelis & Councilwoman Davis

Councilman Grandelis noted that lead in the drinking water remains a looming concern for the Borough and the entire State. He expressed concern that there is limited information regarding the community's current lead exposure and the path forward for lead remediation. He proposed that a Lead Investigatory Committee be formed to understand Suez's strategy in fulfilling its responsibility to replace lead pipes throughout the Borough, and based on the findings, assess if additional action needs to be taken with respect to remediation.

After some discussion regarding the possible composition and charge of this committee, it was decided that Councilman Grandelis and Councilwoman Davis will work collectively on a document that will detail the number of members and composition, charge of the committee, how often the committee will meet and requirements with respect to reporting back to the governing body.

Affordable Housing Discussion and Update - Borough Attorney

Borough Attorney Nabbie provided an overview and history of affordable housing in the State of New Jersey. She explained that, in 2015, municipalities were directed to file a declaratory judgment action in order to protect themselves from affordable housing litigation which includes builder's remedy lawsuits. She provided an explanation of what these lawsuits entail, noting that they usually involve high density buildings with a set-aside for affordable housing. She explained that, when filing declaratory judgment, there are various milestones that need to be met and detailed these milestones. She noted that, although the Borough did not avail itself of this process, the Borough Planner is now working on the Housing Element and Fair Share Plan as well as the vacant land analysis (VLA) and realistic development potential (RDP) which are necessary to determine the Borough's affordable housing obligation. In addition, she advised that it is recommended that the Borough adopt an amendment to its zoning ordinance to provide for an affordable housing set-aside.

Mayor Zeigler noted that there are two elements involved in this process which include what can actually be built and an unmet need which he commented is an arbitrary number based upon the VLA. He advised that Leonia's unmet need is 300 units, and although this number can never be achieved, it never goes away. He expressed his opinion that the entire process is broken. He advised that he will be reaching out to the Borough's legislative delegation as they are the only ones who can address this issue. He further advised that adopting the ordinance to provide for an affordable housing set-aside is one of the measures that the Borough needs to take to limit its exposure to builder's remedy lawsuits.

Councilman Ziegler inquired whether it is possible to change existing housing stock to affordable housing and have it count toward the Borough's unmet need.

Borough Attorney Nabbie advised that, although this question would be for the Borough Planner to answer, there is a rehab component which allows for a site to be turned over and rehabbed to create affordable housing. She advised that there is also a component which involves rental credits which can be explored by the Borough Planner. She suggested that the

Planner be scheduled to attend a future Mayor and Council meeting to discuss this issue further.

Other New Business

Councilwoman Flaim explained that she has been involved with the Boy Scouts for many years and advised that she was asked by Boy Scout Pack 71 to speak with them on Sunday in order to meet one of their final requirements. She commented that she had a wonderful conversation with them which included discussion on how the governing body is handling COVID-19, noting that they were engaged and mature. She advised that this group will be crossing over from Webelos to Scouts either virtually by Zoom or possibly in person if it can be done responsibly.

Councilwoman Flaim announced that her neighbor who is graduating was visited by a caravan from the high school which consisted of teachers and the principal. She advised that her neighbor was presented with his cap and gown and his personalized sign which was placed onto his front lawn. She expressed her opinion that this moment was wonderful and uplifting.

Mayor Zeigler announced that Rita and Buddy Neugebauer celebrated their 70th wedding anniversary on Saturday with a car parade and advised that, on behalf of the governing body, he presented them with a proclamation. He stated that Mr. Neugebauer commended the governing body for the action that it took to not extend the property tax payment deadline.

Public Comment:

Alec Melman, 152 Highwood Avenue, thanked the governing body for reopening the pool. He inquired whether it would be possible to hold a block party on July 4th on Highwood.

Mayor Zeigler advised that, at this time, the maximum amount for outdoor gatherings is still limited to 25 people, and as such, a block party cannot be approved at this point. Should this amount be increased, then this request can be revisited.

Mr. Melman inquired whether there is a plan in place for outdoor dining on Broad Avenue.

Mayor Zeigler advised that it is the governing body's intent to have event days when Broad Avenue will be closed to allow for outdoor dining. He further advised that making these events a more permanent component of the Borough's downtown experience will be explored.

Mr. Melman requested that he be involved in the planning of these events as the Chair of the Mayor's Advisory Committee on Pedestrian Safety & Transportation.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Ziegler, second by Councilwoman Davis, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk