



BOROUGH OF LEONIA

COUNCIL- Work Session
~ Minutes ~

Anne Dodd, Borough Clerk

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

August 17, 2020

7:30 pm

Leonias Borough Hall - Virtually

A Work Session Meeting of the Mayor and Council of the Borough of Leonias was held virtually via GoToMeeting in the Leonias Borough Hall at 312 Broad Avenue, Leonias, NJ on August 17, 2020. The meeting was called to order at 7:31 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 July 31, 2020 Sunshine Notice containing the time, date, and access information was sent to the Record, Star Ledger and has been posted at Borough Hall and on the Borough website."

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

ABSENT: Councilman Louis Grandelis

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

Public Comment

No one came forward.

Non-Consent Resolutions

RES. 2020-171 Amend 2020 Capital Budget

[2020-171 Amend 2020 Capital Budget - Fire Radios.pdf](#)

Borough Administrator Wardrop explained that the capital budget was approved in April and \$53,000 for a mobile command system for the Fire Department was included. A FEMA Assistance to Firefighters Grant in the amount of approximately \$272,000 was awarded for this project which also has to be appropriated for a total amount of \$315,000.

Motion by Council President Fusco, second by Councilwoman Flaim, that Resolution #2020-171 be approved.

Councilman Ziegler inquired whether there are any bonding expenses associated with the full appropriation.

Borough Administrator Wardrop explained that there will be soft costs and a 5% down payment, advising that she will verify the amount with Bond Counsel.

Councilman Ziegler noted that he does not see that the \$315,000 is reflected in the resolution.

Borough Administrator Wardrop advised that she also will look into this issue with Bond Counsel.

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:	aye	Councilman Ziegler:	aye

Introduction of Ordinances
Ordinance 2020-22

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

ORD. 2020-22 BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF RADIO EQUIPMENT FOR THE USE OF THE FIRE DEPARTMENT IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$315,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A FEDERAL GRANT, 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 explained that this bond ordinance pertains to the appropriation for the mobile communications equipment which was approved in the 2020 capital budget. The Borough is obligated to appropriate the full funding amount which includes the Borough's obligation of \$53,000 and the FEMA Assistance to Firefighter grant award in the amount of \$272,381.

Motion by Councilman Ziegler that the foregoing ordinance be introduced and passed on first reading and setting September 9, 2020 at 7:30 p.m. or as soon thereafter as the as the matter can be heard as the date and time and Leonia Borough Hall either in person or 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:	absent
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilwoman Flaim:	aye	Councilman Ziegler:	aye

Adoption of Ordinances

Ordinance 2020-06

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

Mayor Zeigler explained that, as this ordinance pertains to Land Use, it has been referred to the Planning Board and its adoption will need to be rescheduled to September 9, 2020.

Motion by Councilwoman Flaim, second by Councilwoman Davis, that the public hearing and adoption on second and final reading of Ordinance 2020-06 be carried to September 9, 2020.

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:	aye	Councilman Ziegler:	aye

Consent Resolutions

Council President Fusco requested an explanation of the capital reimbursement in the amount of \$1,000,000 appearing on the bill list.

Borough Administrator Wardrop confirmed that this amount is a transfer from the current fund to the capital account as funds were borrowed to address cash flow needs.

Councilman Ziegler inquired as to payment to the Leonia Board of Education.

Mayor Zeigler advised that this payment is the disbursement of the Board of Education's portion of the property taxes.

Councilman Ziegler noted that there is a payment to TruGreen for landscaping services in Sylvan Park. He expressed concern regarding the application of chemicals in this park as they may pose danger to both animals and children.

Mayor Zeigler advised that this cost is reimbursed by the American Youth Soccer Organization as part of an annual maintenance agreement. He noted that these chemicals require that people stay off the surface for a few hours and are applied on a weekday morning when the field is not in use.

Councilman Ziegler requested that Borough Administrator Wardrop confirm with Recreation that there is no risk posed by application of these chemicals.

- A. RES. 2020-172 Authorize Bill List
[2020-172 Authorize Bill List.pdf](#)
[2020-172 Backup.pdf](#)
- B. RES. 2020-173 Authorize Hires - School Crossing Guards 2020-2021 School Year
[2020-173 Authorize Hires - School Crossing Guards 2020-2021 School Year.pdf](#)
- C. RES. 2020-174 Authorize Liquor License Renewal - 2020-2021 Term

[2020-174 Authorize 2020-2021 Liquor License Renewals.pdf](#)

D. RES. ~~2020-175 Authorize Change Order - Contract #9 Athletic Field Improvements at Leonia High School~~

[2020-175 Authorize Change Order - Athletic Field Improvements Leonia High School.pdf](#)

E. RES. 2020-176 Authorize Advertisement - Tree Specialist - DPW

[2020-176 Authorize Advertisement - Permanent FT DPW Tree Specialist \(1\).pdf](#)

F. RES. 2020-177 Authorize Refund - Overpayment of Taxes - Block 214 Lot 20

[2020-177 Authorize Refund - Overpayment of Taxes - Block 214 Lot 20.pdf](#)

G. RES. 2020-178 Authorize Collective Bargaining Agreement - White Collar Unit

[2020-178 Authorize CBA - White Collar Unit.pdf](#)

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

RES. 2020-174 Authorize Liquor License Renewal – 2020-2021 Term

[2020-174 Authorize 2020-2021 Liquor License Renewals.pdf](#)

Councilman Ziegler noted that the deadline for liquor license renewals is June 30th and questioned the reason that this liquor license is the first license that is being renewed.

Borough Clerk Dodd explained that the deadline for liquor license renewals was extended until September 30th. She advised that this licensee is the first to complete its renewal application. She noted that she will be notifying the other two licensees that there are only two meetings remaining to renew their license before the deadline.

Motion by Councilman Ziegler, second by Councilwoman Terrell, that Resolution #2020-174 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:	aye	Councilman Ziegler:	aye

RES. 2020-175 Authorize Change Order - Contract #9 Athletic Field Improvements at Leonia High School

[2020-175 Authorize Change Order -Athletic Field Improvements Leonia High School.pdf](#)

Councilman Ziegler stated that he was surprised to learn that the contractor is looking for additional funds for the removal of top soil.

Mayor Zeigler explained that this change order relates to the replacement of top soil, as after grading, it was found that additional raw materials were needed. He noted that Kevin Woods who serves as Clerk of Works for this project found an alternate vendor to supply this top soil

which saved approximately \$13,000. He further noted that the total cost of this project still remains significantly under budget.

Borough Administrator Wardrop advised that additional soil was removed, and as such, additional top soil was needed to filled in.

Councilwoman Terrell expressed concern that the Board of Education is not referenced within the resolution.

Mayor Zeigler advised that the reason is due to the Borough being designated as the funding authority.

As there has been a transition in Borough Administrators, Councilwoman Terrell requested that there be follow up on the Shared Service Agreement with the Board of Education for this project.

Borough Attorney Chewcaskie advised that, although he has reached out to the Board of Education Attorney regarding this agreement as well as other pending agreements, he has not received a response. Councilwoman Terrell will assist in escalating this issue with the Board of Education.

Motion by Council President Fusco, second by Councilwoman Davis, that Resolution #2020-175 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:	aye	Councilman Ziegler:	aye

Unfinished Business:

COVID-19 UPDATE

Mayor Zeigler reported that Leonia has had a number of recent COVID-19 cases, the majority of which fall within the 20- to 30-year old age group. He stressed the importance of wearing a mask. He advised that he has spoken with Chief Rowe and emailed the Bergen County Prosecutor to request blanket approval for the Police Department to issue a summons to those who do not wear a mask. He noted that there has been an increase in the number of cases at the State level, reporting that the transmission rate is 1.03. He advised that he continues to work with the school district on its reopening plan which is a hybrid of both virtual and in-person learning. An announcement regarding fall sports will be issued within the next week.

Borough Administrator advised that CARES Act reimbursement in the amount of \$62,000 is awaited. She noted that there will be another FEMA submission in September.

Governing Body Technology Policy - Councilwoman Davis

Councilwoman Davis clarified that, when the technology policy was discussed at a previous meeting, she was suggesting that the purchase of technology for governing body members be offered for those who feel that a separate device should be used to conduct Borough

business. She also noted that there may be residents who wish to serve on the governing body but do not have the means to purchase the necessary technology, and by implementing this policy, it will allow them to do so.

Mayor Zeigler advised that this topic will be listed on the September Work Session for further discussion as research is currently being conducted.

Councilman Ziegler expressed concern that providing technology to governing body members may be looked at as being a reimbursement or benefit and would like for it to, instead, be looked at as being provided with the necessary tools to carry out an elected official's duties. Should this policy be implemented, he would like for this concern to be addressed within the policy.

Permits for Large Gathering - Councilwoman Terrell

Councilwoman Terrell advised that the purpose of implementing a permit process for a large gathering is to ensure the safety of the participants. She noted that the Law and Ordinances Committee has prepared a draft permit which was modeled after a few locations and will be presented and discussed at the September Work Session.

Mayor & Council Meeting Platform - Virtual vs. In-Person - Councilman Ziegler

Councilman Ziegler explained that the topic of whether to continue to hold virtual Mayor and Council meetings came up in the last Finance and Human Resources Committee meeting. He advised that it was the strong feeling of the committee to continue to meet virtually for the foreseeable future given the risks of COVID-19. He noted that there has been no decrease in productivity or efficiency as a group and an increase in public participation has been seen.

Mayor Zeigler commented that it is his responsibility to call meetings and determine where they are located. He agreed that there is a real benefit in holding virtual meetings and his desire is to hold a hybrid meeting that would offer both virtual and in-person opportunities. He expressed concern that there are certain discussions that can only be held in person and the dynamics of debate on substantive issues are not able to be achieved on a virtual platform. He advised that, although there is the ability to hold meetings at the Senior Center, he does not want to force the issue if the entire governing body does not feel comfortable with holding in-person meetings.

After some discussion, it was decided to continue to hold virtual meetings for the foreseeable future. Mayor Zeigler will continue to work with Borough Administrator Wardrop and Borough Clerk Dodd to devise a plan for when the governing body returns to in-person meetings.

Social Media Policy

Councilwoman Flaim noted that concerns were raised when the Social Media Policy was presented and she requested that comments on this policy be forwarded to the Finance and Human Resources Committee so that they can be reviewed and incorporated.

Potential Actions Re: Streets Abutting New Fort Lee Development

Council President Fusco asked for a status on the scheduling of a meeting with residents near the Fort Lee Green development.

Mayor Zeigler advised that he and the Borough Administrator are working on a letter to schedule a virtual meeting with the impacted residents. He stated that he will keep the governing body apprised as to when this meeting will take place.

New Business:

Travel Policy – Borough Administrator

Borough Administrator Wardrop advised that the implementation of a Travel Policy for Borough employees was discussed at the last Finance and Human Resources Committee. She explained that this policy will implement protocols for handling travel to places that are on the quarantine list. The Labor Attorney will be providing a memorandum that provides guidance on this issue.

Mayor Zeigler raised concern that Governor Murphy has not made the quarantine mandatory and expressed his belief that implementing such a policy could be a violation of Executive Order 108.

Borough Attorney Chewcaskie opined that a municipality has an obligation to put a policy into place in order to protect other employees. He noted that a municipality has the ability to establish personnel policies irrespective of Executive Order 108.

After some discussion, it was decided that the Finance and Human Resources Committee will come back to the governing body with a draft policy for consideration.

Resolution to Oppose the NJ Transit Fracked Gas Plant - Councilman Ziegler

Councilman Ziegler advised that a draft resolution to oppose the NJ Transit gas-fired power plant was provided in the packet and has been unanimously endorsed by the Environmental Commission. He detailed the reasons for opposing this plant and advised that the Environmental Commission is requesting that this resolution be endorsed by the governing body.

It was decided to list this resolution on the September 9th Regular Meeting for approval.

PSE&G Response - Tropical Storm Isaias

Mayor Zeigler commented that the response by PSE&G during Tropical Storm Isaias was wholly unacceptable. He advised that he has sent a letter to the Director of Government Affairs to demand that the Board of Public Utilities hold hearings on this response. He commented that he will continue to follow up with Leonia's legislative delegation on this matter as he believes that there were real failures.

Closed Session:

RES. 2020-179 Authorize Closed Session

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. Contract Negotiations

1. Acquisition of Properties

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 special meeting.

There being no further business to come before the Council, on a motion from Councilwoman Flaim, seconded by Councilwoman Davis, and all present voting in favor, the meeting was adjourned to the Closed Executive Session at 9:04 p.m.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Ziegler, second by Council President Fusco, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk