



BOROUGH OF LEONIA

COUNCIL- Work Session
~ Minutes ~

Anne Dodd, Borough Clerk

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

September 21, 2020

7:30 pm

Leonia Borough Hall - Virtually

A Work Session Meeting of the Mayor and Council of the Borough of Leonia was held virtually via GoToMeeting in the Leonia Borough Hall at 312 Broad Avenue, Leonia, NJ on September 21, 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.

A moment of silence was observed in honor of Justice Ginsberg who recently passed away. Mayor Zeigler commented that she was an amazing patriot and someone who paved the way in so many ways for everyone in the United States.

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 September 4, 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, Louis Grandelis, Joanne Terrell and William Ziegler

ABSENT: None

ALSO PRESENT: Borough Attorney Brian Chewcaskie
Borough Administrator Andrea Wardrop
Borough Clerk Anne Dodd
Borough Engineer Drew Di Sessa
Borough Auditor Ralph Picone

Public Comment

Gregg Goldman, 448 Pine Hill Road, noted that he sent an email in which he expressed concern that only the lower wall will be included in the retaining wall project as it was his understanding that both the upper and lower wall would be included. He requested an

explanation for this change. As the lower wall is only located on the Golf Course Drive properties, he questioned the reason that he is responsible to pay part of this cost. He expressed his opinion that a meeting should be held with all affected residents in attendance at the same time.

Mike DeGidio, 408 Grand Avenue, stated that the recommendation section of the 2019 Audit was not provided to the public and questioned whether those items can be reviewed.

Mayor Zeigler advised that, with respect to Mr. Goldman's concerns, there was a meeting held with all the affected residents over a year ago. He expressed his opinion that Mr. Goldman raised valid concerns which were discussed with the Borough Administrator, Borough Attorney, and Borough Engineer this afternoon and will be discussed further prior to the introduction of the bond ordinance. He advised that an email from another resident was received this afternoon as well.

Non-Consent Resolutions

RES. 2020-199 Amend 2020 Capital Budget

[2020-199 Amend Capital Budget.pdf](#)

Mayor Zeigler explained that the capital budget is being amended to provide for the Golf Course Drive Retaining Wall project. After discussion with the Borough Administrator, Borough Engineer, and Borough Attorney this afternoon, it was decided that the governing body should proceed with introducing this ordinance as these funds will need to be bonded irrespective of the funding mechanism that is chosen.

Motion by Councilwoman Davis, second by Council President Fusco, that Resolution #2020-199 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

Adoption of Ordinances

Ordinance 2020-23

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on September 9, 2020 and posted on the bulletin board of the municipal building.

ORD. 2020-23 - BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR THE FUTURE SITE OF A MUNICIPAL COMPLEX IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,550,000 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 appropriates the necessary funds to acquire property for the purpose of constructing the new municipal building.

Public Comments on Ordinance 2020-23

None

Motion by Councilman Ziegler, second by Councilwoman Davis, that Ordinance 2020-23 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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 2020-24

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

ORD. 2020-24 - BOND ORDINANCE TO AUTHORIZE THE RECONSTRUCTION OF THE RETAINING WALL BETWEEN GOLF COURSE DRIVE AND PINE HILL ROAD IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, A LOCAL IMPROVEMENT, TO APPROPRIATE THE SUM OF \$680,000 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 Attorney Chewcaskie advised that this ordinance pertains to the Golf Course Drive Retaining Wall project. He noted that, regardless of how the costs are allocated, this wall will need to be repaired and replaced and this ordinance provides the vehicle for funding.

Motion by Councilwoman Davis that the foregoing ordinance be introduced and passed on first reading and setting October 5, 2020 at 7:30 p.m. or as soon thereafter as the matter can be heard as the date and time and Leonia Borough Hall virtually via GoToMeeting as the place for a hearing on said ordinance. Second by Councilman Grandelis.

Mayor Zeigler explained that this wall was built on the easement for the Borough's sewer pipe at the time that the Golf Course development was built and several sections are now failing. He further explained that the former Borough Engineer recommended that the wall be replaced in order to protect the sewer pipe. He expressed his opinion that the governing body should proceed with introducing this ordinance as the entire amount needs to be bonded whether or not the cost is charged as a special assessment. He requested that the Borough Engineer provide an explanation as to the upper and lower wall.

Borough Engineer Di Sessa explained that there are two separate retaining walls which protect the slope, noting that it is a tiered system with an upper wall on Pine Hill Drive. He commented that this wall is in fair but stable condition and is not proposed to be repaired

and/or replaced. He noted that the lower wall on Golf Course Drive is structural and is proposed to be replaced with a concrete structure.

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 this ordinance in no way prescribes a funding mechanism. He advised that there will be a discussion on this matter in Closed Session at the next meeting.

Consent Resolutions

- A. RES. 2020-200 Authorize Bill List
[2020-200 Authorize Bill List.pdf](#)
[2020-200 Backup bill list.pdf](#)
- B. RES. 2020-201 Authorize Contract – Ron Chace and Son Contractors, Inc. – Station Parkway Sidewalk Repairs
[2020-201 Authorize Contract - Station Parkway Sidewalk Repairs.pdf](#)
- C. RES. 2020-202 Authorize Liquor License Renewal – 2020-2021 Term
[2020-202 Authorize 2020-2021 Liquor License Renewals.pdf](#)
- D. RES. 2020-203 Authorize Receipt of Bids – 2019 NJ DOT Municipal Aid Program Project – Broad Avenue Road Resurfacing Project – Section 9
[2020-203 Authorize Receipt of Bids - Broad Avenue Road Resurfacing Project Sec. 9.pdf](#)
- E. RES. 2020-204 Authorize Receipt of Bids – 2020 NJ DOT Municipal Aid Program Project – Broad Avenue Road Resurfacing Project – Section 10
[2020-204 Authorize Receipt of Bids - Broad Avenue Road Resurfacing Project Sec. 10.pdf](#)
- F. RES. 2020-205 Authorize Refund – Overpayment of Taxes – Block 1502 Lot 26
[2020-205 Authorize Refund - Overpayment of Taxes - Block 1502 Lot 26.pdf](#)
- G. RES. 2020-206 Authorize Change Order No. 1 & Payment No. 1 – Final – Kingsley Street Improvements
[2020-206 Authorize Payment #1 Final - Kinglsey Street Improvements.pdf](#)
- H. ~~RES. 2020-207 Accept Resignation & Authorize Payment of Accrued Unused Leave Time – Kathy Viviani Pulled for separate vote~~
~~[2020-207 Authorize Payment of Unused Leave Time – Kathy Viviani.pdf](#)~~
- I. ~~RES. 2020-208 Accept Resignation & Authorize Payment of Accrued Unused Leave Time – Thomas Rowe Pulled for separate vote~~
~~[2020-208 Authorize Payment of Unused Leave Time – Thomas Rowe.pdf](#)~~
- J. 2020-209 Appoint Temporary Purchasing Agent
[2020-209 Appoint Temporary Purchasing Agent.pdf](#)
- K. RES. 2020-210 Authorize Agreement - County of Bergen - CARES Act Reimbursement Agreement
[2020-210 Authorize Agreement - County of Bergen - CARES Act Reimbursement Agreement.pdf](#)
- L. RES. 2020-211 Authorize Agreement - County of Bergen - Animal Control Services

[2020-211 Authorize Renewal of Shared Service Agreement - County of Bergen - Animal Control Servies.pdf](#)

M. RES. 2020-212 Authorize Hire - Certified Tree Expert - Department of Public Works
[2020-212 Authorize Hire - Certified Tree Expert - DPW.pdf](#)

N. ~~RES. 2020-213 Certify 2019 Audit~~ *Pulled for separate vote*
[2020-213 Certify 2019 Audit.pdf](#)

Motion by Councilwoman Davis, 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

RES. 2020-207 Accept Resignation & Authorize Payment of Accrued Unused Leave Time - Kathy Viviani

[2020-207 Authorize Payment of Unused Leave Time - Kathy Viviani.pdf](#)

Mayor Zeigler advised that Kathy Viviani, Administrative Assistant in the Police Department, is retiring after 20 years of service to the Borough. He commented that accepting her retirement is bittersweet as she has done a tremendous job in defining this role. He wished her well in her retirement and thanked her for her outstanding service.

Motion by Councilwoman Davis, second by Councilwoman Terrell, that Resolution #2020-207 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. 2020-208 Accept Resignation & Authorize Payment of Accrued Unused Leave Time - Thomas Rowe

[2020-208 Authorize Payment of Unused Leave Time - Thomas Rowe.pdf](#)

Mayor Zeigler stated that this resolution accepts the resignation and retirement of Chief Thomas Rowe after an exceptional career with the Leonia Police Department. He commented that Chief Rowe has always demonstrated true leadership and defines community policing. He noted that Chief Rowe has earned the respect of the community and members of the Police Department. He commented that this year has weighed heavily on Chief Rowe as it has been especially difficult for emergency services both with respect to the pandemic and protests.

Councilwoman Davis expressed that she is unable to adequately express how thankful she is to Chief Rowe for his dedication and 24/7/365 service to this community. She commented that Chief Rowe will be very missed, and although he has left big shoes to fill, she has confidence that he has left behind an incredible staff who will rise to the occasion.

Council President Fusco remarked that Chief Rowe has put Leonia on the map a number of times with his proactive initiatives pertaining to public safety. He commented that Chief Rowe's legacy will live on through the department and thanked Chief Rowe for his service to the community.

Councilman Ziegler expressed his opinion that all residents felt a little safer and slept a little easier with knowing that Chief Rowe and his officers were on duty. He recognized Chief Rowe's tremendous strides with respect to diversity within the ranks of the Police Department, remarking that diversity is one of Leonia's greatest strengths.

Councilwoman Flaim echoed everyone's comments, stating that Chief Rowe has a love of service and community for which she is very grateful.

Councilwoman Terrell explained that her experience with law enforcement prior to moving to Leonia caused her to have trepidation and cynicism toward the police. She commented that there are generations of children within Leonia who do not know what that feeling is like which is owed to Chief Rowe. She expressed appreciation to Chief Rowe for always striving to make the Police Department better. She expressed that, as an elected official, she has been honored to serve with him.

Councilman Grandelis remarked that Chief Rowe is a tremendous listener which has served him and the department very well. He commented that Chief Rowe will be very missed.

Motion by Councilwoman Davis, second by Councilman Ziegler, that Resolution #2020-208 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

RES. 2020-213 Certify 2019 Audit

[2020-213 Certify 2019 Audit.pdf](#)

Borough Auditor, Ralph Picone, explained that the 2019 Audit, listed for approval this evening, is for the year ending December 31, 2019. He noted that, although this process is taking place later than normal due to COVID-19, this document is being accepted within the extended state deadline of September 30, 2020. He explained that the audit has an unmodified opinion which means that the Borough's financial statements are fairly presented in accordance with the regulatory basis of accounting. With respect to the fund balance, he commented that it did not change materially from the unaudited financial statement that was prepared in February. He advised that there were 12 recommendations included in the audit, noting that 8 were repeat findings. As there were 16 recommendations last year, he expressed his opinion that the Borough is moving in the right direction. He advised that a Corrective Action Plan will be approved at a future meeting which will address the audit recommendations.

Mayor Zeigler inquired whether there is a statutory timeframe within which recommendations must be cured.

Borough Auditor Picone explained that the Corrective Action Plan needs to provide a timeline for correcting the recommendations. He advised that the State does follow up on repeat recommendations, noting that most recommendations either have already been addressed or are in the process of being addressed.

Councilman Ziegler expressed that he is very pleased with the thoroughness of the audit. He commented that these recommendations are well thought out and are moving the Borough in the right direction.

Motion by Councilwoman Davis, second by Councilwoman Terrell, that Resolution #2020-213 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

Borough Administrator Wardrop advised that the Corrective Action Plan should be ready for approval at the October 5th Regular Meeting.

Unfinished Business:

COVID-19 UPDATE

Mayor Zeigler reported that the past few weeks have seen a marked increase in the number of cases at the State, County, and local level. He advised that Leonia has seen more than 1 case per day and the statewide transmission rate is 1.12. He noted that everyone has a legal obligation to wear a mask and practice social distancing. There are 33 states currently on the quarantine list. He advised that the Board of Education voted to reverse its decision and fall sports will now resume. He and the Public Health Nurse worked closely with the Superintendent of Schools on the plan for how sports will be handled.

BCUA Wastewater Metering

Mayor Zeigler advised that he requested that the BCUA wastewater metering be investigated to ensure that the Borough is not paying for wastewater from the new Fort Lee development. He requested that the appropriate conversations take place with the BCUA and Bergen County and that a physical inspection of the meters be conducted.

Borough Engineer Di Sessa stated that there is a large discrepancy in sewer billing for commercial properties with respect to overall usage and the numbers received from the BCUA for sewage. He expressed his opinion that this issue should be addressed through a study on infiltration and inflow into the system.

It was decided that an update on this matter will be provided at the October Work Session.

Governing Body Technology Policy - Councilwoman Davis

Councilwoman Davis explained that the Borough Administrator conducted research on technology policies that have been implemented by other municipalities and requested that the Borough Administrator report on her findings.

Borough Administrator Wardrop advised that she conducted a survey through the NJMMA as to which municipalities supply technology and software to their governing body members. She noted that approximately 22 to 23 responses were received and the responses were mixed.

It was decided that the responses to this survey will be distributed to the governing body for review. This matter will be relisted on the October Work Session and a specific recommendation on a technology policy should be provided at that time.

2020 Census

Councilman Ziegler announced that the Census count will close at the end of this month, noting that the response rate at the State level is 94%. He inquired whether the response rate within Leonia is known, commenting that, should it come in below the mean, the Borough would lose federal funding as it is allocated based upon the Census numbers.

Mayor Zeigler responded that Leonia's self-response rate is 81.6%. Although he has asked Congressman Pascrell for information on Leonia's response rate, it has not been received to date. He stated that he will send out Nixle messages both this week and next as well as place a notice on the Police Department's electronic message board to encourage residents to complete the Census.

Councilwoman Terrell noted that the voter registration deadline for the General Election is October 13th and suggested that both messages be combined.

RES. 2020-212 Authorize Hire - Certified Tree Expert - Department of Public Works

Council President Fusco commented that he intended to pull Resolution #2020-212 for discussion as it authorized the hire of Charles Moren as the Certified Tree Expert for the Department of Public Works. Council President Fusco welcomed Mr. Moren aboard and noted that he comes with a lot of talent which will benefit both the DPW and Shade Tree Commission.

New Business:

Repeal of Chapter 46 Personnel Policies - Councilwoman Terrell

Councilwoman Terrell advised that, in reviewing the Personnel Manual and Social Media Policy, a recommendation was made that Chapter 46 of the Borough Code be reviewed.

Borough Attorney Chewcaskie explained that, years ago, the recommended personnel policies through the JIF were codified by ordinance in Chapter 46 of the Borough Code. He noted that there is typically a provision that said policies are adopted by the governing body every two years via resolution. He advised that a draft of a proposed ordinance to repeal and replace this chapter was provided to Borough Administrator Wardrop. He recommended that, after review by the Borough Administrator and the Law & Ordinances Committee, this ordinance be placed onto the October Work Session for discussion. Borough Attorney Chewcaskie asked the Borough Clerk for confirmation as to whether recent recommendations have been issued by the JIF.

Borough Clerk Dodd confirmed that recommendations were issued by the JIF in June and these recommendations are currently under review by the Finance and Human Resources Committee.

Recreation Event - Halloween on Broad - Councilman Grandelis

Councilman Grandelis explained that the Halloween on Broad event was discussed at the Recreation Commission meeting on September 15th. As the Treat Street event that typically takes place in the gymnasium was canceled due to COVID-19, Recreation is looking to hold this outdoor event on Broad Avenue on Halloween. He provided the details on this event, noting that they are looking to close Broad Avenue from Hillside to Fort Lee Road.

Mayor Zeigler inquired whether the businesses have been consulted as he would like to ensure that closing Broad Avenue at this time on a Saturday will not negatively impact them.

Sean Krakower, Program Director, advised that an email will be sent to all businesses. He further advised that he will also be visiting them in person to discuss any concerns and invite them to participate. He explained that closing Broad Avenue will allow for social distancing, noting that there will be at least ten Social Distance Ambassadors present at this event. He then described some of the planned activities.

Mayor Zeigler expressed his opinion that the governing body should participate in this event.

Councilwoman Davis relayed that businesses north of Hillside and south of Fort Lee Road will be encouraged to participate equally, noting that the Police Department will have extra staff on duty to cross people at those intersections.

Councilman Grandelis advised that a meeting is scheduled on September 28th to further plan for this event.

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 8:51 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk