



## BOROUGH OF LEONIA

COUNCIL- Regular Meeting  
~ Minutes ~

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

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**August 15, 2022**

**7:30 pm**

**Leonias Senior Center**

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A Work Session Meeting of the Mayor and Council of the Borough of Leonias was held in person at the Leonias Senior Center at 305 Beechwood Place, Leonias, NJ, and virtually via GoToMeeting on August 1, 2022. The meeting was called to order at 7:30 by Mayor Zeigler.

Those present were led in the Flag Salute by Council President Flaim

Mayor Zeigler read the following statement: "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 Reorganization Meeting, are posted on the public bulletin board in Borough Hall and on the Borough website, published in the Record within the first 10 days of the New Year, and copies are sent to the Star-Ledger. Notice of this meeting was published in the January 11<sup>th</sup> edition of the Record, sent to the Star-Ledger, and posted on the public bulletin board in Borough Hall and on the Borough website."

**PRESENT:** Mayor Judah Zeigler, Council President Bernadette Flaim, Councilwoman Maureen Davis, Councilman Pasquale Fusco, Councilman Louis Grandelis, Councilman William Ziegler

**ABSENT:** Councilwoman Joanne Terrell

**ALSO PRESENT:** Borough Engineer Drew DiSessa  
Borough Attorney Brian Chewcaskie  
Borough Administrator Andrea Wardrop  
Borough Clerk Trina Lindsey  
Chief Financial Officer Cameron Keng

***Public Comment***

The record will reflect that no residents came forward during the Public Comment portion of the August 15, 2022 Regular Meeting.

The record will also reflect that no such comments were entered into the chat window accessible through GoToMeeting nor via the United States Postal Service or Email.

***Appointments*****RES. 2022-199 Authorize Appointment of Lifeguard – Swim Club**  
**[2022-199 Authorize Swim Club Hire.pdf](#)**

Motion by Councilman Grandelis, Second by Council President Flaim, that RES. 2022-199 be approved.

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

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

**RES. 2022-200 Appointment of Crossing Guards for the 2022/2023 School Year**  
**[2022-200 Appointment of Crossing Guards for the 2022/2023 School Year.pdf](#)**

Motion by Councilman Grandelis, Second by Council President Flaim, that RES. 2022-200 be approved.

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

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

***Adoption of Ordinances*****Ordinance 2022-12**

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

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF CHRISTIE HEIGHTS STREET, LEYLAND DRIVE AND VAN ORDEN AVENUE IN, BY AND FOR THE

BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$670,000 TO PAY THE COST THEREOF, 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 the amounts designated by this Ordinance were part of the 2022 Capital Budget and made by the Borough of Leonia's Bond Counsel into a Capital Ordinance.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-12.

Motion by Councilman Fusco that the foregoing ORD. 2022-12 be passed and adopted on second reading. Second by Councilwoman Davis

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

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

### **Ordinance 2022-13**

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

AN ORDINANCE REPEALING ARTICLE IV (SECTIONS 11-19 THROUGH 11-20) ENTITLED "CAPITAL BUDGET PLANNING COMMITTEE" OF CHAPTER 11 ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS", OF THE CODE OF THE BOROUGH OF LEONIA

Borough Attorney Brian Chewcaskie explained that the Capital Budget Planning Committee was not functioning and thus it was decided to bring forth this ordinance repealing the committee.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-13.

Motion by Councilman Ziegler that the foregoing ORD. 2022-13 be passed and adopted on second reading. Second by Council President Flaim.

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

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

**Consent Resolutions****RES. 2022-201 Authorize Bill List**[2022-201 Authorize Bill List.pdf](#)[2022-201 Bill List Backup.pdf](#)**RES. 2022-202 Award Bid for Senior Center Drainage and Lower Level Improvements**[2022-202 Award Contract – Leonia Senior Center Lower Level Improvements.pdf](#)**RES. 2022-203 Authorize Application to the NJDCA Firefighters Grant**[2022-203 NJDCA Firefighters Grant Authorization to Apply.pdf](#)**RES. 2022-204 Authorize Application to the NDCA ROID Grant**[2022-204 Authorize Application to the 2023 ROID Grant.pdf](#)**RES. 2022-205 Authorize Refund of Taxes**[2022-205 Authorize Tax Refund.pdf](#)**~~RES. 2022-206 Authorize GZE Environmental to Perform Environmental Work at Former Yamato Site~~**~~[2022-206 Authorize Change Order No. 3 Yamato Site GZA Environmental.pdf](#)~~**RES. 2022-207 Authorize Four Change Orders – Municipal Building**[2022-207 Authorize Four Change Orders for Municipal Building Project.pdf](#)

Motion by Councilman Grandelis, second by Council President Flaim, that the Consent Agenda be approved.

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

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

**RES. 2022-206 Authorize GZE Environmental to Perform Environmental Work at Former Yamato Site**[2022-206 Authorize Change Order No. 3 Yamato Site GZA Environmental.pdf](#)

Councilman Ziegler wished to spotlight the fact that due to a poorly written contract the Borough must continue to pay for remediation efforts of the property in question. Councilman Ziegler also stated that unfortunately due to the contract the situation is

out of the hands of the Mayor and Council and will continue to be a problem in the future.

Mayor Zeigler agreed with Councilman Ziegler's sentiments and expressed regret that not much can be done due to the decisions of those that came before them.

Motion by Councilwoman Davis, second by Council President Flaim, that RES. 2022-206 be approved.

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

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

### ***Unfinished Business***

#### **Monopole Discussion – Pasquale Fusco**

Councilman Fusco requested that this discussion item be postponed until the September 19, 2022 Work Session.

#### **Landscape Debris – Downes Tree Service/Leaves – Joanne Terrell/Brian Chewcaskie**

Borough Attorney Chewcaskie mentioned the issues regarding the ordinance lie in that it has been unenforced. In particular, the lack of enforcement of landscapers being responsible for the pickup and disposal of any leaves they rake.

In-depth discussion was deferred until the September 19, 2022 Work Session.

#### **Electric Vehicle Charging Station Fees – Brian Chewcaskie/Andrea Wardrop/Bill Ziegler**

Borough Attorney Chewcaskie made note that at the recent Law and Ordinance Committee meeting, it was resolved as to what the charging stations fees will be. A draft ordinance will be provided for the September 19, 2022 Work Session for discussion and introduction at the October 3, 2022 Regular Meeting. The Model Ordinance provided by the New Jersey Department of Environmental Protection allowed for several provisions, namely setting the fee for the use of a municipal station, the duration of allowed use and how it affects the fees, and potential penalties for misuse.

Mayor Zeigler stated that he wishes for this process to be expedited as he would prefer to not let the stations sit unused for a long period of time.

**Capital Budget Review Continuation – Andrea Wardrop/Bernadette Flaim**

Council President Flaim made note that despite the disbandment of the Capital Budget Committee, the Finance Committee alongside the Borough Administrator spent numerous hours reviewing the Capital Budget. During the last Finance Committee meeting, a prioritized listing of projects was created.

Councilman Ziegler thanked Arthur Zayat and other members of the now defunct Capital Budget Planning Committee. Councilman Ziegler made note that the total amount proposed for the budget is significantly higher than what is typical, mostly in part due to unavoidable costs related to necessary one-time infrastructure expenses. After performing a line-by-line analysis, the Finance Committee created a prioritization list with projects ranked on a scale of 1-3 (1 being of utmost importance, 3 being least). Through this analysis, the Finance Committee hopes to cut down on costs where available to bring the budget to a more reasonable amount.

Borough Administrator Wardrop walked the Mayor and Council through a provided sheet, allowing further discussion into the projects and their priorities by the department. The Borough Administrator made note that Leonia Avenue was a project that could be pushed back to a later date, as its paving was not a high priority. Councilman Ziegler noted that the Borough Engineer rated Leonia Avenue highly in road quality, with other roads on the list being rated lower.

Mayor Zeigler raised concern into the Mayor and Council injecting itself into professional opinions where unwarranted, asking the Borough Engineer if Leonia Avenue was indeed the highest rated road of those selected for re-pavement and thus does not require immediate maintenance. Borough Engineer Drew DiSessa confirmed that of those streets listed, Leonia Avenue was of least priority. It was also confirmed that despite Leonia Avenue being grouped with those proposed to be re-paved this year, it could be postponed alongside other roads of a higher rating. Of the proposed \$524,800 proposed for this project, the removal of Leonia Avenue would save the Borough an estimated amount of \$169,000.

Mayor Zeiger questioned costs related to Sanitary Sewers, as the amount proposed will most likely be larger than what was written down in the budget. The Borough Administrator then proposed that the infrastructure improvement amount of \$100,000 be increased to \$750,000 for improvements to sewer infrastructure at Wood Terrace. Due to this increase in cost, Mayor Zeigler asked what other items could be removed from the 2022 Budget to save on costs.

Councilman Ziegler stated that Mayor Zeigler is asking the correct questions, which is the reasoning behind the Finance Committee breaking down each project by priority. By removing lower priority projects there is room for savings. Mayor Zeigler stated that it should be a priority now to go through these items and make a decision on each their worth.

Mayor Zeigler began by questioning where funding is going in records management. Borough Administrator Wardrop mentioned that the funding going towards records management was based upon quotations given by Accuscan for the organization and the eventual destruction of records with state approval. This project was put on hold as it was waiting for funding from the 2022 Capital Budget. Borough Administrator Wardrop also made note of the great strides made towards clearing the basement of Borough Hall, with a large number of boxes of approved records already being destroyed.

Mayor Zeigler questioned whether or not it was worth spending \$30,000 on architectural drawings of the Firehouse. Councilman Grandelis stated that there is no clear understanding of the footprint of the building as there is no plan archived mapping the building in its entirety. Without a specific understanding of the structure from an architectural point of view, understanding how the space can be reappropriated once the Police Department moves into the new municipal building would be difficult. Mayor Zeigler held reservations and questioned why such drawings were needed and if they were truly necessary at their price point.

Councilman Fusco spoke as to the drawings and concurred that through his searches no documentation was found archived. Mayor Zeigler explained that he felt that to have the drawings made now without further input from the Fire Department on what their desires to do with the space was a waste.

The next item reviewed by the Mayor and Council was a proposed Forklift for the Department of Public Works (DPW). Borough Administrator Wardrop explained that the Forklift was an item identified as needed by Arthur Zayat. Currently, DPW laborers are having to use their bodies and other equipment not as suited for moving heavy items as a Forklift would be.

DPW Superintendent John Villareal explained that the purpose of the Forklift would be to move heavy items such as barrels of oil or plowing equipment that currently is being moved by manual labor or a swinging chain that could potentially lead to a workman's compensation case. On questioning from Mayor Zeigler, the DPW Superintendent confirmed that currently there have been no cases of workman's compensation related to the lifting and moving of equipment through this manner. Due to this, the mayor thinks that a forklift is a nice to have item but not a necessity.

Mayor Zeigler inquired as to whether the proposed Woodland Place and Broad Avenue sewer lining project included two separate pipes as the streets are parallel. DPW Superintendent John Villareal confirmed that there are two separate pipes and explained that this is the second part of a previous project postponed due to PSE&G's pressure valve that is next to the line.

Mayor Zeigler asked if the Police Radio expense of \$250,000 was a part of a previously received grant, to which it was confirmed it was not. Councilman Ziegler explained that the grant was used for the purchase of the new municipal building's communications equipment, with this expenditure instead being for the systems used in Police cars as well as the transportable walkie-talkie radios carried by the officers.

Mayor Zeigler next asked whether the Police Department's tasers are in a state where they need to be replaced. Councilwoman Davis confirmed that the current tasers being used are ones that the Police Department does not feel safe using. Councilman Ziegler also made mention that the Police Department is down to only 5-6 working tasers in the whole department, with the proposed purchase giving one taser to each officer.

On a question from Councilman Fusco, it was reiterated that the grant funding was being used to help offset the cost of the communication equipment to be installed in the new municipal building.

Mayor Zeigler inquired as to what the Recreation Departments' request for plans, drawings, and estimates for recreation renovation entailed. Recreation Superintendent Sean Krakower explained that various Americans with Disabilities Act of 1990 (ADA) deficiencies and other architectural issues were previously identified by the department. Having these plans would better allow for the decision-making process on how to further improve the department's facilities as well as provide an estimate for a new building should it be required.

Recreation Superintendent Sean Krakower also explained that the request regarding roofing repairs is in regards to additional issues found during the previous repairs of the Recreation Centers' roofing.

The Highwood Hills Improvement Project was brought to question as to what the plan was and what the total bill would be. Councilman Ziegler when questioned by Mayor Zeigler explained that while he is unaware of the Environmental Commission's final plan, great work has been done through the project as of today. Borough Administrator Wardrop explained that a report was given through last year's budget for the project highlighting that the Environmental Commission with the Shade Tree Commission worked towards mitigating the effects of invasive species on the environment. The mitigation of invasive species is an ongoing project with funding being spent towards its completion.

It was questioned by Mayor Zeigler how much money was within the Shade Tree Trust, to which the Borough Administrator confirmed an amount of \$22,000. Mayor Zeigler requested to know if \$22,000 was to be taken from the trust and if it would be brought down to zero. Imanta Bergmanis, Co-Chair of the Shade Tree Commission joined the discussion to give more insight into the project.

Borough Administrator Wardrop explained that only 50% of the affected area was removed of invasive species such as Catbrier, with the remaining amount to be tackled in the upcoming year.

Mayor Zeigler requested to know if it was the will of the Governing Body to introduce the Capital Budget in the new amount minus those discussed as not of utmost priority at this meeting. To this end, the mayor brought two options forward to the Governing Body:



1. Leave the priority 1 items as they are. This amount would account for the removal of \$169,000 for Leonia Avenue and \$650,000 added to Sanitary Sewer Maintenance. This would bring the budget to a total of \$2,725,094.
2. Remove the \$30,000 for the Fire Department architectural sketch as well as the \$27,876 for the Forklift. This would include the removal of Leonia Avenue and the addition of funds to Sanitary Sewer Maintenance.

The Governing Body voiced their opinions and voted on the matter as follows:

Council President Flaim: Option 2

Councilman Fusco: Option 1

Councilman Grandelis: Option 1

Councilman Ziegler: Option 2

Councilwoman Davis: Option 2

Councilwoman Davis as the tie-breaker made questioned the necessity of certain other projects at the current moment, such as the removal of invasive species as well as the sidewalk repairs proposed for the Leonia Library. Library Director Elysse Fink explained that the sidewalk pavement is a Joint Insurance Fund (JIF) concern and is something that is of high priority to fix. Councilwoman Davis made mention the possibility of pausing road repairs for a year to offset the costs brought upon by the necessary sewer improvements. Mayor Zeigler expressed his concern about doing so as he felt that it is an utmost necessity that cannot be left for a year.

With the majority of the Council voting to adopt option 2, the Budget Ordinance shall be prepared with the amendments in mind.

### **Borough Owned Vacant Land Analysis**

Mayor Zeigler requested to know if there was any outcome the Mayor and Council wished to achieve from this discussion. Borough Attorney Brian Chewcaskie mentioned that Intern Jillian Fault had prepared a presentation for discussion on this topic.

Mayor Zeigler suggested that he and Councilman Ziegler meet together and discuss the topic in detail, coming back to the Mayor and Council with their suggestions using Jillian's research. This was decided to be the course of action that would be followed.

### ***New Business***

#### **Financial Review – Cameron Keng/Bernadette Flaim**

Council President Bernadette Flaim deferred to Chief Financial Officer Cameron Keng to speak as to discussions held at the previous Finance Committee meeting as well as with the Borough Auditor. Cameron will provide a report on the current status of the Borough's Finances and his suggestions.

Chief Financial Officer Keng gave highlights as to the work that has been performed within the Finance Office, in particular the audit and purchase of a module to handle escrows through the financial software Edmunds.

Chief Financial Officer Keng recommended to the Mayor and Council the adoption of an ordinance removing the requirement of vendor certification on Purchase Orders, which would make the entire process of payments more efficient.

The second recommendation made by Chief Financial Officer Keng was to look into other payroll services as the current vendor is a smaller company and thus should they have any internal issues, such as a necessary worker being out of the office for an extended period of time, it could potentially affect the processes within the Borough of Leonia as well.

The Mayor and Council concurred with the suggestion to remove vendor certifications and proceed with the introduction of a resolution authorizing such an action.

The Mayor and Council were also in agreement to allow the Chief Financial Officer to develop an RFP to search for other options in payroll services.

### **Visual Lead Inspection for Rental Properties as Mandated by State – Mark Moeller**

Construction Official Mark Moeller explained that as of July 22, 2022 the State of New Jersey has mandated visual lead inspections for rental properties. There are three options for the lead inspections:

1. A visual-only inspection performed by Borough Staff
2. Hire a specific inspector
3. Leave it up to the landlords for a certification

As the staff within the Borough Hall were all certified, it could be an additional fee charged by the Building Department. These fees should be added to an updated fee schedule for the Borough of Leonia. The Construction Official wished to make the Governing Body aware that an additional fee would have to be added should the landlords request a visual lead inspection performed by the Borough of Leonia.

Borough Attorney Brian Chewcaskie mentioned that the statute was discussed at the Law and Ordinances Committee and an ordinance will be prepared.

Councilman Ziegler inquired as to whether the fee charged will cover all costs associated with the performing of these duties, to which the Construction Official confirmed they will.

Councilwoman Davis wished for clarification as to whether this mandate only affects rental properties, to which the Construction Official confirmed it does.

On a question from Councilman Fusco, Construction Official Moeller confirmed that should a rental property have a certification proving it is clear of all lead it will be exempt from enforcement.

Construction Official Moeller mentioned that of whatever amount is decided to be the set as the fee, \$20 is necessary to be sent to the state.

### **Sidewalk Policy – Bill Ziegler**

Councilman Ziegler suggested that during his discussion with the Mayor regarding Borough Owned Vacant Land Analysis that they also discuss recent findings regarding Sidewalk Policy to bring a suggestion to the Mayor and Council at a later date, to which Mayor Zeigler agreed.

### **Mechanical Services – SSA with Board of Education – Andrea Wardrop/Brian Chewcaskie**

Borough Administrator Wardrop explained the history of the shared service agreement with the Board of Education, where their mechanic an office and space to work they also can make use of his services. Why the agreement is being brought up now again is that due to the agreement being such a success a salary increase is necessary due to the mechanic taking on additional responsibilities by servicing the entire DPW fleet. Using the services of this mechanic has saved the Borough of Leonia countless dollars. A finalized shared service agreement shall be prepared for approval in September.

Mayor Zeigler approved of allowing the agreement to be brought before the Mayor and Council for approval.

### **Borough Licensed Tree Expert Service – Amendment to Shade Tree Ordinance – Brian Chewcaskie/Andrea Wardrop/Imanta Bergmanis**

Borough Attorney Brian Chewcaskie explained that there was discussion as to allowing residents to request the services of the Borough of Leonia's certified tree expert. This would allow residents to save money when requesting approval to remove trees that are sick or dying.

Mayor Zeigler, having had recent experience with the downfalls of the ordinance, expressed that as it stands it is near unworkable for residents and certain improvements to it are necessary. Borough Attorney Brian Chewcaskie said that this proposed amendment to the ordinance would certainly bring a solution to issues caused by the rules as currently set.

Co-Chair Imanta Bergmanis of the Shade Tree Commission mentioned that these proposed changes have been brought before her and the rest of the commission and both she and Co-Chair Christine Healy-Sammis are in support of these changes.

Councilwoman Davis expressed concern with unscrupulous behavior by those seeking to circumvent the ordinance through loopholes that would prevent the need for a licensed tree expert. Co-Chair Bergmanis agreed with the sentiments and explained that these practices are why a licensed tree expert having a say in tree removal was a necessity.

### **Results of Cleaning Service Bid – Trina Lindsey**

Borough Clerk and Qualified Purchasing Agent Trina Lindsey provided the Mayor and Council with the results of the recent cleaning services bid. The lowest bidder who came in was Best Cleaning Building Services with a bid of \$61,000 per year for a two-year contract with the option of a 3-year contract. The company is located out of Ridgefield, New Jersey.

Borough Administrator Wardrop explained that going out to bid was a necessity as the current cleaning service was not performing up to the standard required by various departments and after discussing it with them various times it was decided that the best course of action would be for the Borough of Leonia to go out to bid.

It was decided by the Mayor and Council to proceed with the awarding of the bid.

### ***Closed Session***

Motion by Councilwoman Davis. Second by Councilman Fusco, and will all in favor the meeting entered Closed Session a 9:28 PM.

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. Lease of Borough Property
- B. Litigation

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

***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 adjourned at 9:56 PM.