



BOROUGH OF LEONIA

COUNCIL- Work Session
~ Minutes ~

Trina Lindsey, Borough Clerk

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

September 19, 2022

7:30 pm

Leonias Senior Center

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 September 19, 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 11th 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 Flaim, Councilwoman Maureen Davis, Councilman Pasquale Fusco, Councilman Louis Grandelis, Councilwoman Joanne Terrell, and Councilman William Ziegler

ABSENT: None

ALSO PRESENT: Borough Administrator Andrea Wardrop
Borough Engineer Drew DiSessa
Borough Attorney Nylema Nabbie

Public Comment

Mike DeGidio, 408 Grand Avenue, wished to ask if there was a sense, awareness, or annual review as to what the Borough of Leonias's financial liability is for employees who are of retirement age or pending retirement. Mr. DeGidio wished to know if retirement payouts were something that was taken into account for financial planning.

Borough Administrator Wardrop explained that every year during the budget process any potential retirements are identified. Then, a tabulation is performed to sum up the amount expected in payouts. That amount is entered into the operating budget. Furthermore, the

Auditors regularly calculate compensated absences. Department heads are spoken to during this process to find out who is going to retire and who may retire to calculate the payout amount.

Mayor Zeigler stated that the calculation has been done several times in the past as part of the budget process.

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

Adoption of Ordinances

Ordinance 2022-14

[2022-14 – Electric Vehicle Charging Station Fees.pdf](#)

Mayor Zeigler requested clarification from the Borough Attorney as to whether this ordinance was considered a fee or zoning ordinance. If it is zoning related, it must be reviewed and opined by the Planning Board.

Borough Attorney Nylema Nabbie recommended that the ordinance be pushed to October for adoption to give the Planning Board time to review it.

Mayor Zeigler requested a motion that ordinance 2022-14 be tabled.

Councilman Ziegler motioned that ordinance 2022-14 be tabled. Seconded by Councilwoman Terrell.

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

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

Ordinance 2022-15

[2022-15 – Lead Paint Inspection Services Fee.pdf](#)

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

“Amending and Supplementing Chapter 212 of the Borough Code Regarding Requirement for Inspection of Lead-Based Paint in Residential Dwellings.”

Borough Attorney Nabbie explained that this is a model ordinance that was followed and adopted by various municipalities. This ordinance creates the requirement for inspections of lead-based paint in rental properties. There is a \$220 inspection fee if the Borough conducts the inspection, otherwise, there is a \$50 administrative fee if the owner/landlord decides to engage his/her contractor to do the inspection.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-15.

Council President Flaim motioned that ordinance 2022-15 be adopted on second reading. Seconded by Councilwoman Terrell.

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

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

Ordinance 2022-16

[2022-16 – Multi-Purpose Capital Ordinance.pdf](#)

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

“Bond Ordinance to Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Communication and Signal Systems Equipment and a New Automotive Vehicle, Including Leonia, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$2,250,000 to Pay the Cost Thereof, to Appropriate Borough Trust Fund Moneys, to Make a Down Payment, to Authorize the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds.”

Borough Administrator Wardrop explained that ordinance 2022-16 provides for the appropriation of \$2,250,000 for multiple capital projects and equipment. The projects and equipment included were identified through the 2022-2027 Capital Budget Process. The items seen in the ordinance were identified by the Governing Body.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-16.

Council President Flaim motioned that ordinance 2022-16 be adopted on second reading. Seconded by Councilman Ziegler.

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

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

Consent Resolutions

~~RES. 2022-225 Authorize Bill List~~

[2022-225 Authorize Bill List.pdf](#)
[Bill List Backup.pdf](#)

RES. 2022-226 Final Payout Request

[2022-226 Final Payout Request.pdf](#)

RES. 2022-227 Deputy Clerk End of Probationary Period

[2022-227 Deputy Clerk End of Probationary Period.pdf](#)

RES. 2022-228 Resolution Authorizing Municipal Snow Plowing Agreement with the County of Bergen, State of New Jersey for the 2022-2024 Snow Plowing Seasons

[2022-228 Resolution Authorizing Municipal Snow Plowing Agreement.pdf](#)

RES. 2022-229 GZA Environmental Proposal – NJDEP Deficiencies Offsite Investigation
[2022-229 GZA Yamato Off-Site Source Investigation Services.pdf](#)

RES. 2022-230 GZA Environmental – Ambulance Corps – Offsite Well Monitoring
[2022-230 GZA Environmental – Ambulance Corps – Offsite Well Monitoring.pdf](#)

RES. 2022-231 Authorize Two Change Orders – Municipal Building
[2022-231 Authorize Two Change Orders.pdf](#)

Motion by Councilman Ziegler, second by Councilwoman Terrell, that the Consent Agenda be approved

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

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

Mayor Zeigler wished to pay special mention to and thank, on behalf of the entire borough, Jose Marty for his many years of dedicated service to the Borough of Leonia. Secondly, Mayor Zeigler wished to congratulate Deputy Borough Clerk Jonathan Mandel on his great work. A round of applause was requested by the mayor.

RES. 2022-225 Authorize Bill List
[2022-225 Authorize Bill List.pdf](#)
[Bill List Backup.pdf](#)

Pulled by Councilwoman Terrell for a separate vote.

Motion by Councilwoman Davis, second by Councilman Fusco, that RES. 2022-225 be approved

On a roll call, the vote on RES. 2022-225 was recorded as follows:

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

Unfinished Business

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

Councilwoman Terrell explained that as Councilmembers, an ordinance was passed about leaf collection. The discussion was held as to possibly enforcing the provision that requires that leaves are not left on the streets of the Borough by landscapers. It is believed that as part of the new lease with Downes Tree Service that they will no longer accept leaves. Councilwoman Terrell asked that this discussion be deferred to October so that Borough Attorney Chewcaskie may confirm this.

Mayor Zeigler held concerns that if the discussion is pushed until October that they will already be deep into leaf season. At the time of the ordinance's creation, the decision to not

enforce the provision that landscapers must take away their leaves was not done due to trouble enforcing it but due to the consideration of issues they may be facing with the pandemic and rising gas prices. Now that these issues have mostly resolved themselves, Mayor Zeigler wishes to know if the Mayor and Council wish to enforce it.

Mayor Zeigler clarified that the ordinance in question states that any debris created by a landscaper while conducting their work must be taken away by them, including leaves.

Councilwoman Terrell asked that if leaves are being blown onto the side of the street where parking is expected, if would it be just cause to start enforcement of this ordinance.

Councilman Ziegler thinks that enforcement of this ordinance is impractical and is likely to go over poorly. The burden that will be put on the Police Department, in particular property maintenance, is not worth it.

Mayor Zeigler asked that if the opinion of the Governing Body is that it is unenforceable now, why did they not think so when the ordinance was passed.

Councilwoman Terrell stated that the idea was to have the leaves off the street and taken to Downes Tree Service by the Landscaping companies, which is in part why enforcement was put on pause while lease negotiations were underway.

Council President Flaim stated that before alternate side parking, landscapers would blow their leaves on whichever side of the street they were working on, which would preclude residents from parking in certain parts for days. Now that alternate side parking is stricter, this would potentially lead to even fewer parking spaces. Having landscapers remove their leaves from the street would help to mitigate this issue.

Mayor Zeigler agreed that now that the stricter alternate side parking rules will be in place, having those leaves could exacerbate the lack of availability of parking.

Councilwoman Terrell feels that a certain distinction must be made between the three weeks of heavy leaves in the fall compared to the rest of the year. Potentially, if we are to enforce alternate side parking, perhaps we should wait until after leaf season.

Mayor Zeigler agrees that while it is an option, it doesn't solve the problem that there is an ordinance on the books that they have no intention of enforcing. Perhaps the ordinance should be rescinded if the opinion is that it is unenforceable.

Councilwoman Terrell asked if a distinction could be made for a discussion of the topic during leaf season versus the rest of the year, as she views them as two distinct issues with potentially different answers.

Mayor Zeigler asked if Councilwoman Terrell was advocating that the new alternate side parking ordinance not be enforced till December 1, 2022.

Councilwoman Davis asked if this would mean that every year, we would suspend alternate side street parking enforcement during leaf season, which could potentially lead to more issues. Mayor Zeigler stated that this leads to his original point that if the Governing Body finds the leaf ordinance to be unenforceable, perhaps thought should be put into rescinding it.

Councilwoman Davis stated that a common argument she hears is that if residents who rake their leaves are allowed to leave them on the street, why can't residents who pay their landscaper? Mayor Zeigler reiterated that if the ordinance is not practical now, what made it practical during adoption?

Council President Flaim asked about the possibility that landscapers adhere to blowing leaves to the other side of the street where parking is not allowed during alternate side parking. Mayor Zeigler stated that the hope is that whether or not the leaf ordinance is in place residents be thoughtful and ask their landscapers to do so.

Councilman Grandelis said that it is difficult to come up with a single perfect answer to this issue.

Mayor Zeigler asked if any member of the Governing Body would like to give their opinions as to possible solutions.

Councilman Ziegler suggested that the ordinance be rescinded as he thinks that it is unenforceable and could lead to the public viewing it as unreasonable. It also creates an issue of property maintenance having to discern whose leaves belong to whom.

Councilman Grandelis asked that DPW Superintendent John Villareal be recognized to speak to give his opinion as to the matter.

DPW Superintendent John Villareal feels that the ordinance won't have an effect on the leaf collection that already occurs and also suggested the potential of rescinding the ordinance.

Mayor Zeigler suggested the use of a townwide mailing or Nixle messages to encourage residents to be considerate to their neighbors by not taking up vast amounts of potential parking space with leaves and to let their landscapers know the same.

The action that was taken upon the original ordinance was done so that the catch basin would not be clogged with leaves and lead to potentially worse flooding from storms.

Mayor Zeigler asked if it was the will of the Governing Body to take action by introducing an ordinance to rescind the portion of the ordinance that requires landscapers to remove debris they create.

All Governing Body members were in favor of taking this action, requesting the Borough Attorney to work with Councilwoman Terrell to prepare an ordinance to introduce the rescindment. Communication with residents regarding leaf season will be the second step in this process.

Councilwoman Terrell wished to clarify that the alternate side parking ordinance has been in place for a long while, with the only new addition being that it will be in effect on weekends as well. Councilwoman Terrell also feels that it is a valid option to bring the idea of suspending the new alternate side rules until leaf season is over. Mayor Zeigler's concern with this course of action is that it will send mixed messages to residents and create confusion.

Mayor Zeigler asked if the Governing Body would be interested in following this course of action and suspending enforcement until December 1, 2022. Councilwoman Terrell wished to clarify this option; alternate side parking will still be in effect as we know it but the new rules

will not be adopted until after leaf season. Mayor Zeigler brought up the question of when signage would be put up if this course of action would be taken.

Mayor Zeigler asked the Governing Body to each answer which option they would prefer, enforce the new alternate side regulations beginning on October 15, 2022 or December 1, 2022.

Councilman Grandelis: October 15, 2022
Councilman Fusco: October 15, 2022
Councilwoman Davis: October 15, 2022
Council President Flaim: October 15, 2022
Councilman Ziegler: October 15, 2022
Councilwoman Terrell: December 1, 2022.

It was the will of the majority of the Governing Body to begin enforcement of the new alternate side parking regulations on October 15, 2022.

Mayor Zeigler suggested that a Nixle message is sent out reminding residents of the October 15, 2022 date and not mention leaves as there have been no changes in regards to them.

Borough Owned Vacant Land Analysis – Mayor Zeigler / Bill Ziegler

Pushed until the November 21, 2022 Work Session Meeting

Councilman Ziegler wished to ask for approval that Jillian Fault be invited to showcase her findings, regardless of whether he and Mayor Zeigler meet. Mayor Zeigler agreed to this proposal.

Cannabis Business in the Borough of Leonia – Mayor Zeigler

Mayor Zeigler stated that there was general interest in the potential of allowing the wholesale elements of cannabis business in the appropriately zoned areas. Mayor Zeigler wished to bring this forward to get a sense of where the Governing Body lies in the potential of revisiting this topic.

Councilwoman Davis thinks that allowing for Cannabis in Leonia would be a good business decision and that the Borough could certainly benefit from increased tax revenue and rateables. From conversations with residents, Councilwoman Davis has found that many are on board with the potential for retail in the future. Councilwoman Davis is fine with the potential for introducing wholesale now with the option of potentially allowing retail in the future.

Mayor Zeigler stated that even if the Borough of Leonia were to allow retail, he does not think that any applications would be received, as there are not as many good locations for a store.

Councilman Ziegler is opposed to retail and before allowing wholesale would like for the Chief of Police to give an official opinion reaffirming that it would not be an issue. Mayor Zeigler stated that in the past the Chief of Police has stated that wholesale wouldn't be an issue but agrees that an official opinion would be greatly helpful.

Councilman Grandelis is not opposed to wholesale but wishes for there to be discussion as to very strict odor containment requirements.

Mayor Zeigler stated that the next step would be to send a note to the Chief of Police to gain his official opinion on whether wholesale cannabis businesses would be an issue from a police enforcement perspective.

Sidewalk Policy – Mayor Zeigler / Bill Ziegler

Pushed until the November 21, 2022 Work Session Meeting

New Business

Board of Education Planters – Bill Ziegler

Councilman Ziegler wished to bring up the fact that there are many new planters on Fort Lee Road and Broad placed by the Board of Education, wanting background on the approval process for their installation. These planters have started to raise some concerns, as trash is being thrown into them and some have already begun showing signs of standing water.

Mayor Zeigler stated that they were originally discussed at the May Meeting that Councilman Ziegler was not in attendance. The request to install them was made for security reasons for students and residents. Mayor Zeigler asked the Borough Administrator if she connected with the correct people to keep abreast of the plans to install these planters.

Borough Administrator Wardrop stated that she was unable to connect with Supervisor Kevin Woods regarding the planters.

Mayor Zeigler stated that what he thinks must happen is a letter that needs to be sent to the Superintendent of Schools that these planters must be maintained properly and request that they provide in two weeks a plan for how they will be properly maintained.

Councilman Fusco stated that there is also an issue of detriment when it comes to snow plowing asking that DPW Superintendent John Villareal speaks to the matter.

DPW Superintendent Villareal explained of the possibility that with the weight of the snow plows the planters may be shifted slightly during the winter, so care must be taken to prevent this from occurring.

Councilman Grandelis stated that the Fire Chief and Deputy Chief were also concerned about the width of the planters, stating that it is too great so a car could squeeze through. Also, since they are not bolted to the ground, a heavy truck or fast-moving car could move them into the sidewalk area.

Mayor Zeigler asked that the Borough Administrator convene a meeting with the appropriate school and fire officials so that these issues may be addressed.

Further discussion shall be held at the October 17, 2022 Work Session Meeting.

Bergen County Local Arts Program Grant FY23 – Bill Ziegler

Borough Administrator Wardrop received notice from Grant Writer Millennium Strategies of an opportunity for the Borough to apply for a grant to fund a local art project. This grant can either be applied for by the Borough of Leonia or a chapter of a local art group. Borough Administrator Wardrop asked for permission from the Mayor and Council so that a mural could be looked into. The mural in question would be placed in the alleyway next to the Borough Hall, which would be an acceptable grant project.

Mayor Zeigler asked if the alleyway is currently being used for its intended purpose, to which the Borough Administrator confirmed that it is in active use by residents who are looking for a place to eat or rest while waiting for their bus.

Council President Flaim explained that Snack Stop, a local business, is extremely grateful for the alleyway as it has brought additional business to the area.

Councilman Ziegler is in favor of the idea of a mural but asked if we can influence the designer of the mural to have a Leonia theme or historical significance. Councilman Ziegler also wished to keep the remediation of the Borough Hall in mind for the timing of the mural with the wall, in case the wall needs to be remediated. Borough Administrator Wardrop explained that the mural itself does not need to be painted on the bricks. Council President Flaim explained that it could be painted on removable panels that could be moved in necessary.

Borough Administrator Wardrop clarified that the maximum award for the grant is \$6,000.

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 8:46 p.m.

Respectfully submitted,

Jonathan Mandel,
