



## BOROUGH OF LEONIA

COUNCIL- Regular  
~ Minutes ~

Trina Lindsey, Borough Clerk

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

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**October 3, 2022**

**7:30 pm**

**Leonia Senior Center**

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A Regular Meeting of the Mayor and Council of the Borough of Leonia was held in person at the Leonia Senior Center at 305 Beechwood Place, Leonia, NJ, and virtually via GoToMeeting on October 3, 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.

A moment of silence was held for Walter Zygiel, husband of the former Borough Health Nurse of Leonia, Aleta Zygiel. Walter Zygiel was a longtime Leonia resident and volunteer.

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 Flaim, Councilwoman Maureen Davis, Councilman Pasquale Fusco, Councilman Louis Grandelis, Councilwoman Joanne Terrell, and Councilman William Ziegler

**ABSENT:** None

**ALSO PRESENT:** Borough Attorney Brian Chewcaskie  
Borough Engineer Drew DiSessa  
Borough Administrator Andrea Wardrop  
Borough Clerk Trina Lindsey

### ***Public Comment***

Alec Melman, 172 Highwood Avenue, questioned as to which area of Broad Avenue Section 10 consisted of.

Borough Administrator Andrea Wardrop answered that Broad Avenue Section 10 is from Oakdene Avenue to Highwood Avenue.

Mr. Melman requested that the Shade Tree Commission have a larger presence in the early discussions of the Broad Avenue Section 10, to prevent the loss of trees seen during the Broad Avenue Section 9 project.

Mr. Melman also asked if the Mayor and Council would be willing to pass a resolution asking that a natural state be kept in Overpeck Area IV, without a road or great lawn.

Mayor Zeigler stated that every member of the Governing Body does not wish to cut down trees, but as they are not experts, they cannot make statements as to whether or not the cutting down of trees is necessary for road pavements. After last year, a new process is in effect where the Shade Tree Commission will work very closely with the DPW Superintendent and Borough Engineer to ensure that they are all aligned in decisions.

Regarding Overpeck Area IV, the Mayor has sent a letter to the Bergen County Executive. The letter stated that while he is aware the County is not obligated to follow the Borough of Leonia's ordinances, he wished to be advised if there were plans to plant trees in the place of those cut-down. The mayor has yet to receive a response from the County Executive. Mayor Zeigler also urged that if Mr. Melman had a resolution he wished for the Mayor and Council to consider that he provides something in writing to be reviewed.

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

### ***Appointments***

Mayor Zeigler expressed his pleasure in appointing three new Firefighters to the Leonia Volunteer Fire Department. Mayor Zeigler hopes this is a reflection of the success of the new stipend offered.

Councilman Grandelis stated that this helps to show renewed energy in those wishing to volunteer.

### **RES. 2022-232 Appointment of Firefighter**

[2022-232 Appointment of Firefighter.pdf](#)

Motion by Councilman Grandelis, second by Council President Flaim, that Resolution #2022-232 be approved.

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

### **RES. 2022-233 Appointment of Firefighter**

[2022-233 Appointment of Firefighter.pdf](#)

Motion by Councilman Grandelis, second by Council President Flaim, that Resolution #2022-233 be approved.

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

**RES. 2022-233A Appointment of Firefighter**  
[2022-233A Appointment of Firefighter.pdf](#)

Motion by Councilman Grandelis, second by Council President Flaim, that Resolution #2022-233A be approved.

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

Councilman Ziegler asked as to the total number of Firefighters after these three appointments. Mayor Zeigler and Councilman Grandelis stated that the total number of firefighters is now within the range of 60 individuals.

**RES. 2022-234 Appointment of Full-Time DPW Laborer**  
[2022-234 Appointment of DPW Laborer.pdf](#)

Mayor Zeigler stated that it is nice that a current part-time laborer has been working out very well in his role, allowing us to promote him to a full-time position.

Motion by Councilman Fusco, second by Councilman Grandelis, that Resolution #2022-234 be approved.

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

**RES. 2022-235 Appointment of Technical Assistant to the Construction Official**  
[2022-235 Appointment of Technical Assistant.pdf](#)

Motion by Councilman Fusco, second by Council President Flaim, that Resolution #2022-235 be approved.

Mayor Zeigler stated that the candidate requested that their proposed salary of \$60,000 be reduced to \$59,999.99 to bring them down to a lower insurance bracket as designated by the statutory Chapter 78. The challenge is that the municipality would pick up the 3% difference that would be saved by the candidate. The Borough Administrator calculated the cost from today through the end of 2023, finding that it would be a \$1,400 differential. Mayor Zeigler stated that there is a concern about precedent-setting should the Mayor and Council decide

to follow through with this request. The mayor invited comments as to how the Governing Body would wish to proceed with this scenario.

Councilman Fusco stated that the issue is the position itself has been rather difficult to fill and we are lucky to have a backfilled position with a candidate who is performing incredibly well. The councilman hopes that this candidate would be a great addition to the department, considering their impressive credentials. Councilman Fusco appreciates the mayor mentioning the potential of setting a precedent, but it does not bother him as much. Following through with the request would be showing a sign of faith that the Borough of Leonia has confidence in the individual and their potential ability to cross-train and bring their skills to other departments. Councilman Fusco is in favor of proceeding with the request.

Councilwoman Davis suggested that if the Mayor and Council are worried about setting a precedent by following through with the request, why can't they increase the candidate's salary by \$1,400 to cover the costs of the premiums? Mayor Zeigler responded by stating that the increase would have to be more due to income tax and other factors. Councilwoman Davis stated that if the increase will have to be more, the salary could be brought to an amount of \$62,000 through an increase of \$2,000. This would allow the municipality to prevent setting a precedent or overtly attempt to skirt Chapter 78. By increasing the salary, a situation can also be prevented where other employees request to have their salaries decreased to go into a lower health premium bracket.

Councilman Ziegler stated that it is incredibly helpful to hear the enthusiasm that Councilman Fusco has for the candidate and wished to know what would the Borough of Leonia reasonably expect to pay for someone within the role of Technical Assistant to the Construction Officer. Mayor Zeigler stated that according to the Borough Administrator, it is unexpected that an individual was even found for a salary of under \$65,000 so the Borough of Leonia is saving on cost to begin with. Councilman Ziegler is uncomfortable with setting a precedent where taxpayers will have to pick up the additional cost, but is very intrigued by the suggestion made by Councilwoman Davis. Councilman Ziegler would be in favor of the course of action suggested by Councilwoman Davis.

Councilman Grandelis asked that Borough Attorney Brian Chewcaskie weigh in and advise if there are any issues with following through with this course of action. Borough Attorney Chewcaskie stated that he has never heard of such a scenario, as this is typically decided and negotiated before being brought to the Governing Body. The suggestion would be that this is the overall benefits package, so the only way to weigh it is what is the expectation of the overall cost when the job was offered and what is the cost today.

Borough Administrator Wardrop stated that as part of the interview process an offer is never made, only a recommendation. This recommendation in particular was sent to Councilman Fusco, who agreed to allow the recommendation to be forwarded to the Mayor and Council in the form of a resolution. Councilman Fusco stated that the candidate's proposal came to Councilman Fusco as a surprise as well, so he did not have the chance to opine on the request. Borough Administrator Wardrop has never seen a request such as this one before, believing it is being requested due to the upcoming increases in state health benefit premiums.

Borough Administrator Wardrop does have concerns with Councilwoman Davis's proposal, as recently another staff member has started. The Borough Administrator does not wish to have this decision affect this individual adversely.

Councilwoman Terrell appreciates Councilwoman Davis's out-of-the-box thinking but is concerned that whether the Borough decides to decrease the salary or increase it, they are setting a precedent regardless. Mayor Zeigler stated that one negotiates a salary when starting in an organization and is subject to annual increases once within. Councilwoman Terrell reiterated her reservations about setting a precedent regardless of whether the candidate's starting salary is lowered or higher.

Councilwoman Davis responded that it perhaps is more of a situation of when an individual is taking a new position, they do not wish to create changes and desire a similar amount to what was being taken home prior. Not every organization uses Chapter 78 so it is very possible whatever they were paying in health insurance prior was different. Councilwoman Davis does not see an issue with setting the initial salary to an amount that will not have the candidate to lose interest, as this is a role that has been particularly hard to fill and the proposed salary is less than expected. Councilwoman Davis views it not as setting a precedent but as a potential employee negotiating what they are willing to start for.

Mayor Zeigler stated that a motion must be made to amend the resolution, alongside a change in starting dates as noted by the Borough Administrator.

Motion by Councilwoman Davis to amend RES. 2022-235 to a starting salary of \$62,000 with a start date effective October 31, 2022. Second by Councilman Ziegler

Councilman Fusco wished to comment that he appreciates Councilwoman Davis's thinking outside of the box and the support shown for the candidate.

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

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

**RES. 2022-236 Confirm Appointment of Planning Board Secretary**  
[2022-236 Appointment of Planning Board Secretary.pdf](#)

Mayor Zeigler stated that once again this appointment is for an individual who is already working within the Borough and is looking to expand their responsibilities. The mayor stated that this individual is performing a great job in his current role and has no doubt he will be as successful in the role of Planning Board Secretary.

Motion by Councilman Fusco, second by Council President Flaim, that Resolution #2022-236 be approved.

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

### ***Approval of Minutes***

Motion by Councilman Ziegler, second by Council President Flaim, with a majority of Council Members in favor and an abstention by Councilwoman Terrell, that the Minutes of the August 15, 2022 Work Session Meeting were approved.

### ***Reports***

#### **Council President Flaim**

##### Library Board of Trustees

Council President Flaim was unable to attend the Library Board meeting in September but shall provide some highlights.

The library served as a cooling center for the community and Leonia Summer Account.

The door count, website hits, and computer use numbers have grown exponentially. Library card signups have grown as well.

Summer intern assisted in digitizing the local history collection in the library.

Construction in the lower level has been completed.

##### Finance & Human Resources Committee

The Finance and HR Committee had the pleasure of one of its first Chief Financial Officer reviews from Cameron Keng, it was very informative and comprehensive.

Mayor Zeigler requested that the document be circulated to the Governing Body.

#### **Councilwoman Davis**

##### Police Department

Please see attached below for the September 2022 Police Committee Report

##### [September 2022 Police Committee Report](#)

Councilwoman Davis made a shout-out to Administrative Assistant Karlie Seminerio, who has been a great asset to the Leonia Police Department and led the charge for its accreditation efforts.

##### Board of Health

Councilwoman Davis was unable to attend the prior meeting due to a conflict in her schedule but was able to contact the head of the Board of Health.

The Board of Health is currently underway in its search for a registrar as well as a public health educator. They have contracted with Holy Name Hospital Nursing for their nursing services. These roles were previously filled by the Borough Health Nurse.

The position of registrar was previously advertised at the end of June through July and no applications were received, being republished at the beginning of September with two applicants. On September 1, 2022 the Deputy Registrar was appointed the acting registrar until such an event as the office is filled.

The Board of Health finalized its contract with Holy Name Nursing for communicable disease surveillance, school audits, as well as some of the senior education programs. The contract is similar in pricing to the Borough of Leonia's contract with HARP Nursing. Enhanced services are expected as part of this new contract.

The job description of the Health Educator position has been forwarded to the Borough and is awaiting approval.

Mayor Zeigler asked if any of this information needed to be discussed at a further Work Session, to which Councilwoman Davis responded that it did not.

### **Councilman Fusco**

#### Department of Public Works

Please see attached below the Department of Public Works Monthly Report for September 2022

#### [September 2022 Department of Public Works Report](#)

#### Building Department

Please see attached below the September 2022 Construction Permit Activity Report and the Cash Receipts Audit Report

#### [September 2022 Construction Permit Activity Report](#) [September 2022 Cash Receipts Audit Report](#)

#### Planning Board

Two of the continuing applications were postponed to their October meeting.

### **Councilman Grandelis**

#### Fire Department

The Fire Department met on September 27, 2022 with the next meeting scheduled on October 20, 2022.

38 Alarms and 8 fires in the month of September.

The last committee meeting had a heavy focus on the Capital Budget and the vehicles in service that need repairs. The discussion was held as to how to stage those repairs and how that would impact the budget. Pending litigation from the cell towers from AT&T was also discussed.

Councilman Ziegler stated that he gets the impression that Fire Departments in the area have difficulties with membership, asking Councilman Grandelis why it is that Leonia has a successful retention rate. Councilman Grandelis stated that he had an opportunity to discuss with his counterparts in other municipalities and unfortunately not many new ideas are circulating. Councilman Grandelis stated that there tend to be a lot of younger individuals volunteering and helping to spread new ideas, which might be part of the strength of the Leonia Fire Department. Councilman Grandelis also is glad to note that one of the new volunteers is a DPW worker, showing some interest across departments.

Councilman Fusco stated that in many municipalities they encourage members of other Departments to volunteer and that some of these numbers may not be showing up.

### EMS

EMS data for September shall be provided at a later date.

### Recreation Commission

The Leonia Recreation Commission met for a special session on September 20, 2022. The next Recreation Commission meeting is scheduled for October 18, 2022 at 7:30 P.M.

Fall Recreation Programs have begun with over 400 registrants for all of the Fall season.

Preparations have begun for the annual Halloween on Broad Event. The event will take place on October 29, 2022 from 10:00 A.M. to 12:00 P.M.

The first-ever Thanksgiving Turkey trot, a 5k run, will take place on Thanksgiving Day. Food Donations will be collected in the week leading up to Thanksgiving.

Winter Basketball League will begin on October 10, 2022.

Various new Senior Programs are planned.

October 17, 2022, a free vaccine clinic will be provided to Leonia residents 50+, pregnant, or chronically ill. No charge for those with traditional Medicare part B, with a \$25 fee for all others.

The Lower-Level Senior Center Drainage Project was completed and so far, is showing great success.

Councilman Fusco inquired as to what the route was for the 5k turkey trot, to which Recreation Superintendent Sean Krakower stated that it will be the same as the previous Run for Fun event.



**Councilwoman Terrell**Board of Education

This is the last year that Superintendent Edward Bertolini will serve in his role before his retirement.

Board of Education President Bryce Robbins resigned, with Dan Lee and Mary Albanese being voted in as President and Vice-President respectively.

Law and Ordinances Committee

Various items for future ordinances were discussed.

**Councilman Ziegler**Facilities Committee

The footings are in for the New Municipal Building, and the walls are starting to come up. We are hopefully on the path toward opening up the Police Parking lot once again.

There is an important AV and Security Media meeting taking place in October.

Meetings regarding the furniture of the new building continue to occur.

Meetings occur every month with the Mayor, Councilman Fusco, Councilman Ziegler, and all other important players.

Except for the parking lot issue, the project continues on schedule.

Historical Preservation Commission

The Historical Preservation Commission had no meeting in September due to a technical issue with the chair's computer.

Environmental Commission

The Environmental Commission has made a call for participation, inviting members of the public to put in their membership applications.

Topics of discussion include the Highwood Hills restoration project, the Plastic Bag Ban, School Composting, and various other topics that new volunteers may be involved in. New topics such as Overpeck Section IV have brought in new issues that volunteers may assist with.

The Environmental Commission shall join a coalition of people expressing concerns over the lack of transparency and citizen involvement in the project. A call is being made to request that further development of Overpeck Section IV be put on temporary hold until the Counties' existing plans are provided to the public and more meaningful collaboration is put in place.

Councilman Ziegler questioned if the Mayor and Council would be opposed to him drafting a resolution in regards to Overpeck Section IV calling for many of the provisions requested by

the public. This resolution would be placed upon the October 17, 2022 Work Session for further discussion. Mayor Zeigler had no issues with this course of action.

### Shade Tree Commission

The Shade Tree Commission is aware that the Sidewalk Policy discussion item is on the agenda for the October 17, 2022 Work Session. Councilman Ziegler is to discuss with item with Mayor Zeigler to come forward with suggestions.

With the recent tax bill, a mailer included information about lanternflies to provide further information to the public on how to combat the infestation. Residents are encouraged to keep the DPW apprised of any potential infestations.

Fall Planting is to involve 30-35 trees and the Shade Tree is looking for an additional 10-12 spots. If residents know anyone looking for a tree, they are encouraged to notify them of this opportunity being presented by the Shade Tree Commission.

On this agenda is an ordinance for introduction putting forward the suggestions of the Shade Tree Commission in allowing the Borough's Tree Expert provides his services to residents in determining if a tree is dead or dying.

### **Borough Administrator's Report**

The Leonia Senior Center Lower-Level Drainage Improvement project has been completed and the Borough Engineer is performing final inspections. The expectation is to provide all the necessary documentation to the Community Development Block Grant (CDBG) by October 15, 2022.

The EMS has relocated to the lower level of the senior center and the ambulances are to park in the two parking spots provided for them in the Beechwood Lot.

Wood Terrace Drainage improvements and the Lakeview Avenue Resilience Planning projects are underway. On September 14, 2022 the Wood Terrace Drainage Improvements project was submitted to the New Jersey Department of Environmental Protection (NJDEP). The Stormwater Competitive Grant Project provided to NJDEP was submitted on time. Amelia Janisz, president and founder of Green Reviews, provided much assistance in the submission of this. The Borough Administrator thanked her for her assistance.

On September 23, 2022 the Borough of Leonia in collaboration with the City of Englewood submitted a technical assistance grant for resilience planning to further address Leonia's issues stormwater and flooding issues in the Lakeview Avenue area. Ms. Janisz provided technical grant writing assistance with this submission and the City of Englewood provided a letter of support. We are hopeful that this collaboration will make the Borough of Leonia more competitive in the application process.

In regard to Broad Avenue Section 10, tonight the Governing Body is being asked to authorize the contract with 4-Clean Up Inc.

For the Transportation Alternative Grant (TAP), the Borough Administrator and Borough Engineer met with the design assistance engineer and spoke to him regarding the new

design. Vittoria Anepete would like to make a presentation to the full Governing Body at the October 17, 2022 Work Session to discuss the federal design assistance grant.

The Borough Administrator spoke with Borough Auditor Garry Higgins, who wishes to bring the results of the 2022 Audit to the Governing Body in the first meeting of November. The Borough Auditor wished to let everyone know that 30% of the municipalities within New Jersey have yet to file as accounting firms are backlogged.

The Borough Administrator stepped up her participation in the New Jersey Municipal Managers Association, now serving as the Bergen County liaison to the NJMMA. She participated in three panels at that conference, with one, in particular, being about borough interns and how to support them. This same panel shall be brought to the New Jersey State League of Municipalities conference in November.

### **Borough Attorney's Report**

Borough Attorney Brian Chewcaskie noted that there are two ordinances on for this evening, which shall be discussed at that time.

### **Borough Engineer's Report**

Borough Engineer DiSessa stated that in regards to Broad Avenue Section 10 the Borough of Leonia accepted bids, which shall be awarded via resolution at this meeting.

Currently, Section 11 from Crescent to Hillside is out to bid and shall be opened up on October 18, 2022.

The TAP Grant and Senior Center project was discussed by the Borough Administrator. For the Senior Center project, the contractor performed a good job and their work should alleviate some of the flooding issues.

### ***Adoption of Ordinances***

#### **Ordinance 2022-14**

ORD. 2022-14 – Electric Vehicle Charging Station Fees

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

“An Ordinance Authorizing and Encouraging Electric Vehicle Supply / Service Equipment (EVSE) & Make-Ready Parking Spaces.”

Borough Attorney Chewcaskie explained that this ordinance establishes the zoning parameters consistent with the model electric vehicle ordinance promulgated by the state and establishes fees for utilizing the municipal chargers. A letter was received from the Planning Board on September 30, 2022 making two comments about the 2022 Master Plan and requiring various reviews and locational restrictions. The second comment in particular is contrary to the mandatory provisions of the ordinance, location and review are dependent

on building codes which could not be included. The Borough Attorney recommends that the ordinance is adopted as introduced with one revision correcting the year of the Master.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-14.

Councilwoman Terrell motioned that ordinance 2022-14 be adopted on second reading. Seconded by Councilman Fusco.

Councilman Ziegler had questions as to the second recommendation of the Planning Board. What confuses the Councilman is that the recommendation of the Planning Board is reasonable and prudent, causing him to be disappointed that the State wouldn't allow the Borough of Leonia to consider it. Councilman Ziegler explained that the Planning Board recommends that EV stations and equipment be installed in parking garages and areas accessible to emergency services. California, the state where EV Vehicles are the most common, has experienced several dangerous situations where electric vehicles catch on fire in an area inaccessible to emergency services. As electric vehicle fires in particular are even more severe and difficult to control, this creates a safety hazard. Councilman Ziegler feels that the Planning Board suggested the right thing but due to State constrictions we are unable to follow their suggestion.

Mayor Zeigler asked Councilman Ziegler what his recommendations would be at this point. Councilman Ziegler stated that his comments are more venting as this is not the first or last time the State gets in the way of practical, prudent, competent initiatives.

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

### ***Introduction of Ordinances***

#### **Ordinance 2022-17**

ORD. 2022-17 – Amend Shade Tree Ordinance.pdf

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

“An Ordinance Amending Chapter 275 ‘Trees’, Section 275-24 ‘Issuance of Tree Removal Permits’, Subsection 275-24(B) ‘Replacement Tree, Tree Replacement Fee’ of the Code of the Borough of Leonia.”

Borough Attorney Chewcaskie explained that this ordinance amends the Shade Tree Ordinance to permit the Certified Tree Expert to provide his services to Borough residents. This service in particular is the examination of the health of trees at a fee that is established by the ordinance.

Motion by Councilman Ziegler, Second by Councilwoman Terrell that ordinance is introduced and passed on first reading, and setting October 17, 2022 at 7:30 p.m. or as soon thereafter as the matter can be heard for second reading and adoption.

Mayor Zeigler questioned whether the Mayor and Council agreed that the Borough of Leonia should be charging taxpayers \$75 so that a salaried Borough employee may come and decide whether their tree is diseased or dying. As these services will most likely be performed during their normal work hours, the mayor is unsure as to how he feels about charging the fee.

Councilman Ziegler stated that the intent of the Shade Tree Commission bringing this up was to make it easier for a Leonian to abide by the ordinance, with no discussion of fees brought up. Councilman Ziegler assumed that the cost of the fee would be to cover the cost of the employee's time and noted that this service is at a discounted price from what it would be if the resident found an outside certified tree expert. Mayor Zeigler's concern is that the employee's time is already paid for by the taxpayers through his salary. Councilman Ziegler was not part of the particular discussion regarding the reasoning for the fee, but the point in his bringing it up is to bring to point that the cost is at a substantial discount to the resident.

Councilwoman Davis's perspective is that it costs close to \$300 to have an outside certified tree expert come in and determine if a tree is suitable for being cut down. Councilwoman Davis did have a concern that if the Borough employee states that a tree is healthy and in the worst-case scenario something happens with it, would the Borough be liable? Councilwoman Davis was not in favor of charging a fee either.

Councilwoman Terrell does not recall why the fee was set as \$75 but asked if the objection is that homeowners are charged anytime a borough employee does work during their paid hours as part of their job, are there no other jobs where fees are charged? Mayor Zeigler stated that most fees are mandated by state statutes. In this situation this individual has a full-time job where he is being paid, so why is the taxpayer being charged for his time? Councilman Terrell asked the Borough Attorney if he recalled why they settled on a \$75 fee.

Borough Attorney Chewcaskie stated that there was a suggestion for a fee similar to a Building Department fee and what is being done is there is an additional service being provided to the property owner. Much like if a resident were to file a permit with the construction department, there was a thought that there should be a fee for this service as well. If the individual performing the service is being paid, they are being paid by all taxpayers. Mayor Zeigler understands the Borough Attorney's point but still holds reservations about the fee.

Councilman Fusco shares the concerns of the mayor, requesting to make a motion to rescind the \$75 fee and amend the ordinance. Seconded by Councilwoman Terrell. Mayor Zeigler opened up discussion as to this particular amendment to the ordinance.

Councilman Ziegler stated that as this is an additional service requested of a full-time employee, he wished to get perspective and confirmation from Councilman Fusco as Chairperson of the DPW Committee that this is not something that they cannot do simultaneously with their normal duties. Councilman Ziegler in particular is concerned that this may be a substantial ask and wishes to ensure that they will be able to perform these duties, not to the detriment of time for their usual day-to-day ones. Councilman Fusco stated that this service will be on an as-requested basis. Councilman Ziegler wishes to make sure that this additional service will not be so time-consuming that an additional part-time employee is required to fulfill the functions of the certified tree expert's main role. Mayor

Zeigler responded that it is found that an additional fee is required for the certified tree expert's time the ordinance can always be amended to add it at a later time.

Councilwoman Davis responded to Councilman Ziegler's concerns by stating that by her estimations, the amount of time it would take to examine one tree would be at most one hour. Mayor Zeigler inquired as to how Councilwoman Davis came up with an hour. Councilwoman Davis stated that from personal experience with hiring an outside tree expert the average amount of time it took them to inspect a tree was around an hour. Councilwoman Davis also added that she does not believe that trees in Leonia are being cut down at such a rapid rate that it would be a highly required service consistently. Various individuals within the DPW could perform the normal duties of the certified tree expert should an unextraordinary amount of his time be required for the inspections.

Borough Administrator Wardrop shed some light on the topic by stating that during the consideration of fees the point was brought up that for the individual to keep his license as a certified tree expert he must keep up CEUs. To obtain these CEUs the individual must participate in seminars, webinars, and conferences. The thought was that the funds acquired through the fee would help to offset some of the cost of these various educational programs. Mayor Zeigler stated that his concern is that it will turn into a profit center and not a break-even proposition. Mayor Zeigler asked if the cost of CEUs is anticipated to be more than \$750 a year, to which the Borough Administrator confirmed. Mayor Zeigler finds it reasonable to charge to help keep up the license of the certified tree expert but still holds some reservations. Additional revenue from this fee shall be put into the Shade Tree trust to cover the planting of tree saplings to replace those cut-down.

Councilman Grandelis stated that he also wishes to understand the amount of time that is expected to be required as part of this newly offered service.

Councilwoman Davis held some questions as to how the fees are set up, holding reservations still as to charging residents an additional \$75 fee on top of any other fees they must pay as part of the process. Councilwoman Davis in particular feels concerned about charging residents over a tree that must be taken down. Mayor Zeigler explained that the genesis of the issue is that they do not want laypersons cutting down trees that are healthy and do not require to be cut down. The additional \$75 fee is set to cover the cost of keeping the individual licensed who is serving a purpose to assist the Shade Tree Commission in their mission. Councilwoman Davis asked if in any other departments where there are individuals who must keep up their CEU requirements that a fee is charged. Mayor Zeigler responded that in other departments the fees charged to residents are mandated by state statute. Councilwoman Davis stated that she remembers the initial purpose of the ordinance was so that if an individual had a dead or dying tree, they wouldn't need to pay a fee to have it removed. Councilman Fusco stated that the upside to the fee is that an individual won't arbitrarily come in to request that a tree be taken down if it is not truly diseased or dying.

Councilman Ziegler called the question. Mayor Zeigler called for a vote on the proposed amendment to the ordinance, removing the \$75 fee.

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

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

Mayor Zeigler: nay

The motion to amend Ordinance 2022-17 was defeated.

On a roll call to pass Ordinance 2022-17 as presented, 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. 2022-237 Authorize Bill List**

[2022-237 Authorize Bill List.pdf](#)

[Bill List Backup.pdf](#)

#### **RES. 2022-238 Award Contract – Broad Avenue Section 10 Roadway Improvements**

[2022-238 Broad Avenue Section 10 Contract Award.pdf](#)

#### **RES. 2022-239 Authorization to Serve Alcohol at Leonia Senior Center**

[2022-239 Authorization to Serve Alcohol at the Leonia Senior Center.pdf](#)

Motion by Council President Flaim, 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

### ***New Business***

#### **November 7, 2022 Regular Meeting Date – Trina Lindsey / Jonathan Mandel**

It is the recommendation of the Borough Clerk and Deputy Borough Clerk that the November 7, 2022 Mayor and Council Meeting be moved to November 9, 2022. This is recommended so that the meeting may be held the day after the election rather than the day prior.

There were no objections from the Mayor and Council to moving the November 7, 2022 Meeting to November 9, 2022.

### ***Closed Session***

#### **RES. 2022-240 Authorize Closed Session**

[2022-240 Closed Session.pdf](#)

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. Negotiations
- 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 this meeting.

There being no further business to come before the Council, on a motion from Council President Flaim, seconded by Councilman Fusco, and all present voting in favor, the meeting was adjourned to the Closed Executive Session at 9:11 p.m.

***Adjournment:***

There being no further business to come before the Mayor and Council, on a motion by Council President Flaim, second by Councilman Ziegler, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Jonathan Mandel,  
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