



BOROUGH OF LEONIA

COUNCIL- Work Session
~ Minutes ~

Trina Lindsey, Borough Clerk

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

November 21, 2022

7:30 pm

Leonias Senior Center

A Regular 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 November 21, 2022. The meeting was called to order at 7:30 by Mayor Zeigler.

Those present were led in the Flag Salute by Councilman Fusco.

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, Councilwoman Maureen Davis, Councilman Pasquale Fusco, Councilman Louis Grandelis, Councilman Hesterbrink, and Councilwoman Joanne Terrell.

ABSENT: Councilman Ziegler

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

Presentation

New Jersey State Association of Chiefs of Police (NJSACOP) – Accreditation Presentation

Harry Delgado presented to the Mayor and Council, speaking as to the significance of the achievement of the Leonias Police Department becoming accredited. Out of around 600 Law Enforcement agencies, only around 54% are accredited. The Leonias Police Department is now part of the elite class of agencies that can state that they are accredited and reap the benefits of such. Accreditation is a rigorous process, Mr. Delgado stated that under the leadership of

Chief of Police Scott Tamagny, the Leonia Police Department has reached incredible heights. Mr. Delgado and the New Jersey State Association of Chiefs of Police congratulate Chief Tamagny, Administrative Assistant Karlie Seminerio, the Mayor and Council, and all officers within the Leonia Police Department for this outstanding achievement. Mr. Delgado presented the certificate of accreditation to Chief Tamagny.

Chief Tamagny thanked the Mayor and Council for their support and Karlie Seminerio, who through serving in the additional role of accreditation manager helped to lead the charge in this endeavor.

Public Comment

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.

Appointments

RES. 2022-255 Appointment of Part-Time Registrar of Vital Statistics

[2022-255 Appointment of Part-Time Registrar.pdf](#)

Motion by Councilwoman Davis, second by Councilwoman Terrell, that Resolution #2022-255 be approved.

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

Councilwoman Davis:	aye	Councilman Hesterbrink:	aye
Councilman Fusco:	aye	Councilwoman Terrell:	aye
Councilman Grandelis:	aye	Councilman Ziegler:	absent

Appointment to fulfill vacancies in

Nomination by Mayor Zeigler that Councilman Hesterbrink assumes vacancies in the Police Committee and Fire Committee. Councilman Hesterbrink is also nominated to serve as the liaison to the Library Board

Nomination by Mayor Zeigler that Councilman Grandelis assumes the Chairmanship of the Finance Committee.

These nominations are to fill vacancies for the remainder of the 2022 Calendar Year only.

Motion by Councilman Fusco, Second by Councilwoman Davis that these nominations be approved.

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

Councilwoman Davis:	aye	Councilman Hesterbrink:	aye
Councilman Fusco:	aye	Councilwoman Terrell:	aye
Councilman Grandelis:	aye	Councilman Ziegler:	absent

Approval of Minutes

Motion by Councilwoman Terrell, second by Councilman Grandelis, with Councilman Hesterbrink abstaining and all other members present voting in favor, that the Minutes of February 23, 2022 Work Session Meeting were approved.

Motion by Councilman Grandelis, second by Councilman Fusco, with Councilman Hesterbrink abstaining and all other members present voting in favor, that the Minutes of the March 21, 2022 Work Session Meeting were approved.

Non-Consent Resolutions

RES. 2022-256 Corrective Action Plan

[2022-256 Corrective Action Plan.pdf](#)

Chief Financial Officer Cameron Keng explained that most of the items in the corrective action plan were those that required cleaning at the end of the year and are currently being undertaken to close out. Comment 7, relating to financial records, is the item that is currently having the most focus put on it. Currently, 15 out of 22 bank accounts have been reconciled and we can now match our general ledger to our bank statements. The result will be presented to the sub-finance committee for review. The opening balance is an item that is still currently being worked upon, with the transactions to do these adjustments having just been received.

Mayor Zeigler stated that many of the comments stated within the corrective action plan tend to be perennial favorites and that he assumes the actions put in place will remove them from next year's audit. CFO Keng stated that the goal is to tackle as many as possible and will continue to make improvements.

Motion by Councilwoman Davis, second by Councilman Grandelis, that Resolution #2022-256 be approved.

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

Councilwoman Davis:	aye	Councilman Hesterbrink:	aye
Councilman Fusco:	aye	Councilwoman Terrell:	aye
Councilman Grandelis:	aye	Councilman Ziegler:	absent

Consent Resolutions

RES. 2022-257 Authorize Bill List

[2022-257 Bill List.pdf](#)

[Bill List Backup.pdf](#)

RES. 2022-258 Borough Hall Renovation – Conceptual Design Sturdy – Arcari & Iovino

[2022-258 Borough Hall Renovation.pdf](#)

RES. 2022-259 Council on Local Mandates Complaint[2022-259 Council on Local Mandates Complaint.pdf](#)**RES. 2022-260 Primepoint Payroll Contract Award**[2022-260 Contract Award Primepoint.pdf](#)

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

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

Councilwoman Davis:	aye	Councilman Hesterbrink:	aye
Councilman Fusco:	aye	Councilwoman Terrell:	aye
Councilman Grandelis:	aye	Councilman Ziegler:	absent

RES. 2022-260 Primepoint Payroll Contract Award[2022-260 Contract Award Primepoint.pdf](#)

Pulled by Councilman Hesterbrink for additional discussion.

Councilman Hesterbrink has confidence that moving forward with this company is the right choice but wondered if perhaps the contract should be looked over with more scrutiny.

On a question from Mayor Zeigler, it was confirmed by the Borough Attorney that the contract was not yet provided to him for review.

Mayor Zeigler recommended that the resolution be passed, subject to the Borough Attorney's agreement that the contract is appropriate.

Motion by Councilman Hesterbrink, Second by Councilman Grandelis that RES. 2022-260 be approved as amended to require the Borough Attorney's review of the contract

On a roll call, the vote on RES. 2022-260 was recorded as follows:

Councilwoman Davis:	aye	Councilman Hesterbrink:	aye
Councilman Fusco:	aye	Councilwoman Terrell:	aye
Councilman Grandelis:	aye	Councilman Ziegler:	absent

Unfinished Business**Monopole Discussion – Pasquale Fusco**

Councilman Fusco is happy to report that AT&T has reached out to him and wishes to schedule a meeting to discuss options going forward.

Due to pending litigation, Mayor Zeigler wishes to make sure that no meeting occurs without the presence of the Borough Attorney. Borough Attorney Chewcaskie stated that when the

meeting occurs either he or Consultant Peter Lupo will be present. Mayor Zeigler also wishes to ensure that the Borough Administrator is aware of what is happening.

The monopole discussion shall be stayed until after the meeting, being pushed to the Work Session of January 2023.

C2 Operator Discussion – 2023 – Andrea Wardrop

Borough Administrator Wardrop, Borough Engineer, and DPW have discussed potential alternatives to the current sewer operator. Due to an aging sewer system and eventual signs of distress, it was found that it would be in best interest to look towards alternatives. Proposals were requested and three in total were received, with one being from Pennoni for a C4 Operator. It is recommended that the Borough proceed with the proposal from Pennoni Associates and that the resolution be brought via resolution at the next Mayor and Council meeting.

Mayor Zeigler asked for the benefit of those present that the Borough Administrator go into more detail as to what a C2 Operator is and why is one needed.

Borough Engineer DiSessa explained that the New Jersey Department of Environmental Protection mandates certain operators for different systems, water and sewer being two of them. The Borough of Leonia has an all-gravity system, meaning it needs at least a C2 Operator who oversees its operation and creates reporting on it. Municipalities typically either have a C2 Operator in-house or must go to a licensed operator from the outside.

Mayor Zeigler inquired if this was an inexpensive item.

Borough Engineer DiSessa stated that the work required is minimal, a few hours a month of coordinated work with the DPW and a few hours working on reports to go to the NJDEP.

Borough Administrator Wardrop clarified that currently, the Borough of Leonis is paying \$2,400 a year for C2 Operator services, the new alternative proposed by Pennoni Associates will allow for more robust services and will cost \$700 a month.

Mayor Zeigler asked what issue is being solved by taking this course of action.

Borough Attorney Chewcaskie explained that the Borough of Leonia requires additional services to be performed to comply with the NJDEP so that no fines are leveled against the municipality.

The Borough Administrator stated that \$700 is believed to be an appropriate amount for the requested services.

Mayor Zeigler asked if anyone objected to this course of action, to which all confirmed they were in approval of this agreement moving forward.

Gas-Powered Blowers – Brian Chewcaskie / Joanne Terrell

Councilwoman Terrell clarified that this item of discussion is something that was spoken of in the past, hence the unfinished business classification. Prior, the Borough Attorney was asked if anything could be done to prohibit gas-powered blowers for various health reasons. Since then, a neighboring town was sued for an ordinance similar to what is desired.

Borough Attorney Chewcaskie explained that what the Township of Montclair did was limit the operation of gas-powered leaf blowers to between the dates of March 15th and October 15th. This prohibited the use of gas-powered blowers for both individuals and companies. The ordinance was enacted in 2021 and successfully litigated and defended by Montclair. Since their successful defense of the ordinance, it has yet to be appealed.

Councilwoman Terrell requested more description as to what is being proposed.

Borough Attorney Chewcaskie gave more detail into the proposal, stating that every year between the periods of March through May and October through December there will be a period in which the use of gas-powered blowers by both homeowners and companies will be permitted. The gas blowers will be prevented from being used at all other times.

Mayor Zeigler asked what the chances would be that if Leonia adopted a similar ordinance that they would be sued.

Borough Attorney Chewcaskie stated that a trial court based on what happened in Montclair would not be binding on Leonia but he has more confidence in a positive result based on the results. It is limiting the use of a certain type of equipment, but it does not limit someone from using alternative equipment.

Councilwoman Davis questioned if there could be more clarity given to the dates that the proposed ordinance will prevent the use of gas-powered blowers.

Borough Attorney Chewcaskie clarified that the gas-powered blowers will see limited use for the periods of March 15th through May 15th and October 15th through December 15th.

Councilwoman Davis understands the banning of the use of gas-powered blowers for reasons of health but wondered if the blowers are typically not used during the times they are prohibited. If it was a health issue during a six-month period, wouldn't it be an issue all year round?

Borough Attorney Chewcaskie replied that he did not review the minutes of the Montclair Council meeting but would imagine that the periods in which they would be allowed are the months in which they see heavy use.

Mayor Zeigler stated that he does not believe the full argument was made around health reasons alone.

Councilman Hesterbrink opined that the banning of leaf blowers only during low-use months is defeating the purpose of limiting noise and health issues.

Councilman Fusco stated that the ban on gas-powered blowers is for the light months and believes that a compromise is being made to allow them during the months in which they are highly demanded.

Councilman Hesterbrink believes that the core of the issue is that residents have issues with the use of the equipment during heavy seasons, stating that most complaints come from these times.

Councilwoman Davis believes that the Borough of Leonia is opening itself up to conflict should it decide to follow a similar path as Montclair.

Mayor Zeigler stated that they do not have all the facts ready to state exactly why Montclair made the decision to adopt this ordinance but believes they were trying to create a partial solution to the problem.

Councilman Fusco stated that he can see why the use of gas blowers would be banned during these periods, as people are more active outdoors.

Councilman Hesterbrink asked Borough Attorney Chewcaskie if the months of prohibition were swapped and gas-powered blowers were banned during heavy leaf season if Montclair would have prevailed.

Borough Attorney Chewcaskie believes that in the scenario created by Councilman Hesterbrink, Montclair would be unsuccessful in defending the ordinance as there would be a good reason for landscapers to argue for the use of the equipment. Borough Attorney Chewcaskie also clarified that this is the second attempt of Montclair to pass an ordinance of this nature, as their prior attempt was litigated. In the City of Summit, the potential of passing a similar ordinance was considered but it was heavily contested by the residents.

Councilman Hesterbrink thinks there is certainly movement in the ordinance and perhaps it is something to be considered as a step in the right direction.

Mayor Zeigler responded that they do not necessarily need to opine on such a motion and that they may proceed with this course of action if it is deemed necessary. Mayor Zeigler also stated that if they were to consider something similar, he would be against the provision stating that the person who can extend or modify the dates is the emergency management coordinator.

Mayor Zeigler requested to know if any of the Mayor and Council wished to proceed.

Councilwoman Terrell requested to know if by proceeding they would send the ordinance to the Law and Ordinances Committee to tinker it further for use in Leonia. Mayor Zeigler stated that if Councilwoman Terrell as chair of the Law and Ordinances Committee believes it needs to be tinkered with, then he has no issues with this course of action.

Councilwoman Terrell requested to know if the DPW uses gas-powered blowers. Councilman Grandelis confirmed that they do and will not be able to purchase equipment to bring them up to code should their current blowers be prohibited. Councilwoman Terrell stated that this provides an example of what would need to be looked at by the Law and Ordinances Committee.

Councilman Grandelis expressed concern with litigation and requested clarification as to what is the goal to accomplish through a potential ordinance of a similar nature to Montclair's.

Mayor Zeigler responded that the intent is to take some level of action to address an issue.

Councilwoman Davis stated that she believes it is a step in the right direction and this compromise is better than nothing. Councilman Hesterbrink agreed with this sentiment.

All were in favor of bringing the ordinance to the Law and Ordinances Committee for reviewal.

New Business**NEOGOV Participation Discussion – Mayor Ziegler / Andrea Wardrop**

Borough Administrator Wardrop explained that several organizations are giving pushback as to the implementation of the NEOGOV performance review system.

Mayor Zeigler stated that an agreement was made to use the NEOGOV software to conduct employee performance reviews and there has been at least one group that has stated that they do not wish to participate in its use.

Borough Administrator Wardrop replied that in particular, the Police Department does not wish to use the software for reasons related to accreditation and that they also have their own system in use. Mayor Zeigler responded that them having their own system does not prevent them from using NEOGOV.

Councilwoman Davis reiterated the point that they were informed by professionals that the use of the system would prevent the accreditation recently achieved by the Police Department. Mayor Zeigler holds reservations as to this and responded that he is certain that NEOGOV can be used, but for purposes of accreditation they must go above and beyond with its use.

Councilwoman Davis suggested that a meeting be scheduled to create a solution. Mayor Zeigler responded that the Chief of Police must implement the use of the software and inquired as to what other organization needs to implement the software. Borough Administrator Wardrop responded the library also needs to implement the software.

Mayor Zeigler relayed to Library Director Elysse Fink that he believes it would be appropriate to have the Board Chair of the Library Committee speak as to their reservations with NEOGOV, in particular the concern that the information collected will be shared borough-wide. Mayor Zeigler asked that if a decision is made to not comply with the implementation of NEOGOV that a letter be received from the Library Board stating their specific reasons for refusing to implement the system.

Mayor Zeigler asked the Borough Administrator to draft a letter in response to the Library Board and reaffirm that the Borough of Leonia is competent and able to protect the employees of the library.

Oktoberfest 2023 – Andrea Wardrop

Borough Administrator Wardrop received a phone call from Andee Post to relay to the Mayor and Council the Rotary Club's thanks for allowing the Oktoberfest 2022 event to take place in Wood Park. The Rotary Club also wished to ask that for Oktoberfest 2023 that the event be permitted to occur on a Saturday rather than a Sunday and that the hours be extended to go later into the evening.

Mayor Zeigler explained that the Mayor and Council do not have the authority to approve such a request, that authority rests with the Recreation Commission but can endorse it.

Councilman Hesterbrink inquired as to what hours are being proposed for the event.

Borough Administrator Wardrop recalled the proposed hours being 4:00 P.M. to 11:00 P.M.

Mayor Zeigler stated that going till 11:00 P.M. may be a bit too much.

Councilman Grandelis suggested that 4:00 P.M. to 10:00 P.M. may be more reasonable.

Borough Administrator Wardrop stated that she will relay the information and advise the recreation superintendent of the Rotary Club's request.

There was no objection to this proposed course of action.

Community Development Block Grant (CDBG) 2022/2023 Project Selection – Andrea Wardrop

Borough Administrator Wardrop stated that it is the time of the year again when the CDBG staff inquire as to what will be the municipality-requested project for the CDBG grant. The Borough Administrator Wardrop wished to come to the Mayor and Council to provide information as to what the staff is considering at this time.

For the proposed project it must be within the mapping provided by CDBG. Potentially viable projects were discussed, with the first idea being the masonry and roof of the Senior Center but that was advised by the Borough Engineer as being unnecessary. So far there are a few suggested options:

1. Ray Avenue Road Improvements
2. HVAC System for the Recreation Center

On a question from the Mayor, Borough Administrator Wardrop confirmed that both the HVAC improvements and Recreation Center are viable for the grant. Historically the capital requests for the HVAC have been \$85,000. Mayor Zeigler asked that if the HVAC System is chosen, the costs be validated by the Borough Engineer. The Borough Administrator is comfortable with the HVAC System being the chosen project.

Mayor Zeigler's opinion is that as money has been spent on all borough facilities, it makes sense to improve upon a building that has been virtually ignored and can be used much more than it currently is. The Recreation Center has many required improvements but putting a new HVAC system in place is a huge upgrade and a step in the right direction.

Councilman Hesterbrink suggested that the insulation of the building also be looked into. There was talk over the infrastructure act with lots of money being provided to the State of New Jersey to improve upon sustainability. Mayor Zeigler concurs with doing as much as possible to obtain funding but holds reservations as to how much of the money will be provided to municipalities.

Business Insurance Registration Ordinance – Brian Chewcaskie / Joanne Terrell

Borough Attorney Chewcaskie stated that once a copy is provided of the resolution for the complaint on local mandates is provided to his office they will move along in that regard. In the interim, an ordinance is drafted for the costs involved in having the clerk be the

depository for this information. There will be a fee of \$75 for the registration to cover the costs of software used for this purpose. The ordinance will be brought in December for introduction.

Mayor Zeigler is shocked by the indifference of the State in considering State Mandate, State Pay when it comes to Legislation. At this point, there is no choice but to proceed with the ordinance to collect a fee.

Date of 2022 Budget Meeting – Councilwoman Davis

Councilwoman Davis inquired as to the date of the budget hearings. Mayor Zeigler replied that it was decided to host the meeting in person on December 10, 2022 at the Leonia Senior Center.

Retirement of Dr. Bertolini – Mayor Zeigler

In thinking of a way to appropriately honor Superintendent of Schools Dr. Bertolini, Mayor Zeigler stated his desire to ceremoniously rename a portion of Christie Heights Street to Ed Bertolini Way.

There were no objections.

Closed Session

RES. 2022-261 Authorize Closed Session

[2022-261 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. Contract Negotiation
- B. Potential Litigation

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

There being no further business to come before the Council, on a motion from Councilwoman Terrell, seconded by Councilwoman Davis, 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 Councilman Grandelis, second by Councilman Fusco, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:23 p.m.

Respectfully submitted,
Jonathan Mandel,
