



## BOROUGH OF LEONIA

COUNCIL- Regular Meeting  
~ Minutes ~

Trina Lindsey, Borough Clerk

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

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**December 5, 2022**

**7:30 pm**

**Leonias Senior Center**

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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 December 5, 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 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, Councilwoman Maureen Davis, Councilman Pasquale Fusco, Councilman Louis Grandelis, Councilman Hesterbrink, and Councilman William Ziegler

**ABSENT:** Councilwoman Terrell

**ALSO PRESENT:** Borough Attorney Brian Chewcaskie  
Borough Administrator Andrea Wardrop  
Borough Clerk Trina Lindsey  
Deputy Clerk Jonathan Mandel

### ***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.

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

Motion by Councilman Fusco, second by Councilman Grandelis, Councilman Hesterbrink abstaining and all other members present voting in favor, that the Minutes of June 27, 2022 Work Session Meeting were approved.

Motion by Councilman Grandelis, second by Councilwoman Davis, with Councilman Hesterbrink abstaining and all other members present voting in favor, that the Minutes of September 7, 2022 Regular Meeting were approved.

Motion by Councilman Fusco, second by Councilman Grandelis, with Councilman Hesterbrink abstaining and all other members present voting in favor, that the Minutes of September 19, 2022 Work Session Meeting were approved.

### ***Reports***

#### **Councilwoman Davis**

##### Police Department

Please see attached the November 2022 Police Committee Report

[November 2022 Police Committee Report](#)

##### Board of Health

The Board of Health does not meet in November due to a conflict with the Thanksgiving Holiday.

The Board of Health has been working with the Borough Administrator to finalize the hiring process for the new registrar and finalize their budget.

#### **Councilman Fusco**

##### Department of Public Works

Councilman Fusco provided the statistics of the Department of Public Works November Report.

##### Building Department

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

[November 2022 Construction Permit Activity Report](#)

[November 2022 Cash Receipts Audit Report](#)

##### Planning Board

Councilman Fusco was not in attendance for the November 2022 Planning Board Meeting. Many applications were carried over to December.

#### **Councilman Grandelis**

##### Fire Department

There was no meeting in November.

25 alarms, 2 fires, and 3 hazardous conditions with no fire.

Repairs are underway to the existing fleet and ladder truck.

The 125<sup>th</sup> anniversary of the Fire Department will occur next month.

The Leonia Fire Department is always looking for volunteers, those interested are encouraged to reach out to Councilman Grandelis or Chief Caruolo.

## EMS

### Recreation Commission

Councilman Grandelis was unable to meet with the Recreation Commission at the November 15, 2022 meeting. The next scheduled meeting is December 20, 2022.

The Tree Lighting Event was incredibly successful, all individuals and departments involved were thanked for their assistance.

The first-ever Turkey Trot 5k on Thanksgiving Day was a great success, with over 200 registrants. Non-perishable items to donate to the Leonia Food Pantry were collected as part of the event. It is currently believed that the Turkey Trot will become an annual event.

Casino trips have returned to the Senior Center for the Tropicana and Seniors.

On December 6, 2022 will be the annual Senior Christmas Party.

The Recreation Commission is looking into ideas for the Local Recreation Community Improvement Grant project. Current ideas are renovating the recreation center, creating pickleball courts, improving the basketball court, and renovating the Leonia Swim Club building.

## **Councilman Ziegler**

### Facilities Committee

The new municipal building is out of the group, with walls now visible. The project is currently on time and is under budget.

An upcoming concern that could potentially affect the timeline of the new municipal building is a backup generator being delayed until October of 2023. A Police Station may not be opened until a backup generator is on-site and fully functional.

Mayor Zeigler asked if any potential alternative sources for the generator were identified. Councilman Ziegler responded that there is not one yet but the idea is to ask Project Manager John Brattoli if he could use his contacts to source a generator and have it expedited. Mayor Zeigler offered to assist with this endeavor should the project manager not be able to find one.

### Historic Preservation Commission

December 5<sup>th</sup> is the date of Leonia's incorporation.

November 13<sup>th</sup>, 1865 was Leonia's naming day.

A moment of silence for Ellie Spiegel was held at the November 14, 2022 Meeting of the Historic Preservation Commission.

A location for a Hickson marker on Fort Lee Road by the railroad tracks was discovered.

Further discussion of the Leonia History Museum is to be taken up in March.

Assistant to the Borough Clerk Michael Greco was commended for his assistance in updating the Historic Preservation Commission's page on the borough website and uploading all their minutes.

An aerial photo of Leonia was discovered, dating 1924.

### Environmental Commission

The Environmental Commission shall meet tomorrow December 6, 2022 at 7:30 P.M.

### Shade Tree Commission

The Shade Tree Commission met on November 9, 2022.

The Shade Tree Commission is preparing for Spring Planting.

Councilman Ziegler spoke to Co-Chair Imanta Bergmanis regarding sidewalk policy updates and was able to get the Shade Tree perspective on the issue. This perspective shall be discussed and added to a future Work Session.

The Shade Tree Commission wishes to continue to work closely with Borough Engineer Drew DiSessa regarding Broad Avenue Section 10.

### **Mayor's Report**

Mayor Zeigler attended the New Jersey State League of Municipalities Conference. At the conference, Mayor Zeigler attended the Legislative Session where there was much discussion regarding State Mandate, State Pay. At the Legislative Session Mayor Zeigler requested that a representative be appointed to make sure that this is upheld. The Senate Minority Leader was in favor of this notion but the Senate Majority Leader would not.

Mayor Zeigler was in attendance at the retirement dinner of Superintendent of Schools Dr. Bertolini. Dr. Bertolini was honored by the Mayor and Council's decision to rename part of Christie Heights Street to Ed Bertolini Way. The Board of Education is on track to find his replacement by the end of the calendar year.

**Borough Administrator's Report**

For the new municipal building, an audiovisual tech meeting was held, with a further discussion being held on December 6, 2022 regarding the actual costs received from the vendors. The CBRE manager provided reports that shall be distributed to the facilities committee and subsequently the governing body.

Borough Administrator was pleased with the turnout for NJLM and the active participation of those attending. At the conference, the Borough Administrator attended various educational panels.

Annual cybersecurity webinar courses as well as anti-harassment courses are to be completed by Borough of Leonia staff before December 22, 2022.

Borough managers attended the scheduled NEOGOV training session, with the project in very good shape to succeed with its objective. The first performance reviews are expected to be completed by the end of the year.

For the TAP Grant, the Borough Administrator spoke with Vittorio Anepete of McCormick Taylor and advised of the Governing Bodies will to have the public information session coinciding with a public Mayor and Council Meeting.

Experience reports were sent for state health benefits, they are to be sent to the JIF Risk Management team to review the Borough of Leonia's loss ratio.

Borough Administrator Wardrop is working very closely with CFO Cameron Keng for the Operating Budget. Departments were already spoken to on a 1-to-1 level to review their budget requests.

The CDBG Grant application for a new HVAC system for the Recreation Center will be applied for on December 16, 2022.

**Borough Attorney's Report**

Ordinances are up for adoption later in this meeting.

The filed Local Mandate complaint is complete, it was docketed and circulated to the Governing Body.

The Ordinance for the limitations on gas-powered leaf blowers was prepared and will be distributed to the Law and Ordinances Committee.

Councilman Hesterbrink inquired as to whether or not a response was received for the payroll software. Borough Attorney Chewcaskie stated that as of yet no response has been received.

**Borough Engineer's Report**

The Broad Avenue Section 9 project is now complete, with replacement trees being planted in conjunction with the Shade Tree Commission.

Broad Avenue Sections 10 and 11 were both awarded to contractor 4-Clean Up Inc. Both projects are to begin in the Spring of 2023. The Shade Tree Commission will be part of the pre-planning and pre-construction meetings of the projects.

The Broad Avenue TAP Grant improvements with McCormick Taylor are proceeding with designs and are scheduling the public information session. McCormick Taylor is working with Borough Engineer Drew DiSessa throughout this process.

The low roof replacement of the Leonia Recreation Center, a capital budget item, shall have its preconstruction meeting on December 14, 2022. There is a pending construction start date of January 2, 2022 but it can be pushed back to the Spring if necessary. Mayor Zeigler stated his concern over beginning the project and it being left uncompleted for the Winter due to weather complications.

Borough Engineer DiSessa is in the process of collecting quotes for inspections of the culvert and storm drainage systems for the Wood Terrace drainage project.

For the Lakeview Avenue drainage improvements project, Borough Engineer DiSessa reached out to Englewood's City Engineer and is coordinating a contact for NJDOT. Borough Engineer DiSessa is currently awaiting a response from the Englewood City Engineer. Mayor Zeigler offered to reach out to the Governing Body of Englewood if needed to help expedite the process.

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

#### **Ordinance 2022-18**

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

“An Ordinance to repeal and replace part II, general legislation, chapter 100, cannabis of the revised general ordinances of the Borough of Leonia”

Borough Attorney Chewcaskie explained that the request was made to update limitations on cannabis for the Borough of Leonia. 4 of the 6 classes of cannabis licenses will be allowed, those being excluded being delivery and retail. In terms of the management of licenses, a limitation on 3 of each of the permitted types was set to see if there would be any interest in acquiring them.

Mayor Zeigler made mention of some verbiage that may need to be updated to remove a reference to the City of Garfield. Borough Attorney Chewcaskie stated that he will review the ordinance again to ensure that there are no further typos.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-18.

Councilwoman Davis motioned that ordinance 2022-18 be adopted on second reading. Seconded by Councilman Ziegler.

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

Councilwoman Davis: aye  
 Councilman Fusco: aye  
 Councilman Grandelis: aye

Councilman Hesterbrink: aye  
 Councilwoman Terrell: absent  
 Councilman Ziegler: aye

### **Ordinance 2022-19**

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

“An Ordinance amending Chapter 220 Entitled ‘Rent Control’ of the code of the Borough of Leonia”

Borough Attorney Chewcaskie stated that over the summer, issues arose regarding the rent control ordinance and its applicability to additional services or amenities, in particular parking spots or garages. This amendment clarifies that the maximum 5% increase will apply to these parking spots or garages. There are also limitations to changes that can be made for increases during the course of a lease.

Let the record show that no members of the public came forward either virtually or in person during the public hearing of Ordinance 2022-19.

Councilman Fusco motioned that ordinance 2022-19 be adopted on second reading. Seconded by Councilwoman Davis.

Mayor Zeigler reiterated his former comments as to the matter by stating that it is disappointing that this ordinance had to have been created due to landowners not adhering to the spirit of the rent cap.

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

Councilwoman Davis: aye  
 Councilman Fusco: aye  
 Councilman Grandelis: aye

Councilman Hesterbrink: aye  
 Councilwoman Terrell: absent  
 Councilman Ziegler: aye

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

#### **Ordinance 2022-20**

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

“An Ordinance adding chapter 96 ‘Business Insurance Registration’ to the code of the Borough of Leonia”

Borough Attorney Chewcaskie explained that this ordinance is being enacted as a result of the mandate that the Borough of Leonia submitted a complaint on. The Borough has been determined to be a depository for the insurance information of the businesses of Leonia.

Motion by Councilman Grandelis, Second by Councilman Fusco that ordinance 2022-20 be introduced and passed on first reading, and setting December 19, 2022 at 7:30 p.m. or as soon thereafter as the matter can be heard for second reading and adoption.

Mayor Zeigler encouraged members of the public to watch the video after the meeting for clarity that this is not an ordinance that the Borough of Leonia wishes to pass nor interested

in engaging in this activity. This is a product of a state statute that is in clear violation of the State Mandate, State Pay constitutional amendment. This places a new cost burden and administrative burden on the Borough of Leonia.

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

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

### ***Consent Resolutions***

#### **RES. 2022-262 Authorize Bill List**

[2022-262 Bill List.pdf](#)

[Bill List Backup.pdf](#)

#### **RES. 2022-263 OMNIA Plan Incentive 2022/2023**

[2022-263 OMNIA Plan Incentive.pdf](#)

#### **RES. 2022-264 Authorize Senior Coordinator Non-Contractual Salary Increase**

[2022-264 Senior Coordinator Salary Increase.pdf](#)

[Carried Resolution 22-06.pdf](#)

[2021-205 Appointment of Senior Coordinator.pdf](#)

#### **RES. 2022-265 Authorize Recreation Superintendent Salary Increase**

[2022-265 Recreation Superintendent Salary increase.pdf](#)

[Carried Resolution 22-05.pdf](#)

[2020-247 Appoint Recreation Superintendent.pdf](#)

#### **RES. 2022-266 Authorize DPW Contract Agreement**

[2022-266 DPW Contract.pdf](#)

[DPW Contract.pdf](#)

#### **RES. 2022-267 C2 Operator Proposal – Pennoni Associates**

[2022-267 C2 Operator Proposal.pdf](#)

#### **RES. 2022-268 Authorize Change Order #15 – New Municipal Building**

[2022-268 Change Order #15.pdf](#)

[Change Order #15.pdf](#)

Motion by Councilman Grandelis, second by Councilman Hesterbrink, 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:	absent
Councilman Grandelis:	aye	Councilman Ziegler:	aye



***Unfinished Business*****Leonia Area in Need of Redevelopment – Brian Chewcaskie / Pasquale Fusco**

Borough Attorney Chewcaskie explained that what has been dealt with in the past few months is a designation of an area in need of redevelopment, in particular a certain property on Shore Avenue, Willow Tree Road, and Grand Avenue. The Governing Body did adopt a resolution and refer it to the Planning Board on September 5, 2018 and then again on August 16, 2021. A study was prepared by H2M, the study dated October 27, 2022. The Planning Board scheduled a hearing and conducted that hearing on October 26, 2022 where testimony was heard from the planners and determined that what was outlined in the study area does qualify as an area in need of redevelopment. It was recommended that the Governing Body of Leonia accept the report and designate the area as an area in need of redevelopment. If the Governing Body does determine to adopt a resolution, that resolution would also include the authority for the Planning Board to prepare a redevelopment plan. The redevelopment plan would be the zoning for those properties and set forth provisions for the area in need of redevelopment. The zoning will either supersede what presently exists or be created as an overlay in addition to what already exists. If the Governing Body agrees with the findings of the Planning Board and there is a well-drafted resolution that is provided to the Governing Body, the next step would be the designation. There will be another procedure to adopt the redevelopment plan by ordinance.

Mayor Zeigler requested confirmation that the procedure is to next adopt the resolution containing the recommendations of the Planning Board which will also develop the redevelopment plan. The Borough Attorney responded that this is indeed the next step and that the Governing Body can prepare the plan themselves should they desire. However, it is recommended that the Planning Board be the ones to prepare the plan as they have the experience and knowledge to do so.

Mayor Zeigler asked as to the next step, asking if it would be then that the Governing Body can either accept or reject the Planning Boards' recommendation after a public hearing. Borough Attorney Chewcaskie confirmed this and suggested that rather than introduce an ordinance that it goes onto a Work Session meeting to discuss first.

Mayor Zeigler stated that at this point a resolution will be placed for discussion at the next Work Session meeting and will determine if the Governing Body is determined to accept it. Borough Attorney Chewcaskie will draft a resolution for discussion at the next Work Session.

Councilman Hesterbrink asked if the Governing Body would benefit from seeing the study. Councilman Fusco replied that the Mayor and Council already saw the study through a presentation by H2M. Mayor Zeigler agreed with the sentiments of Councilman Hesterbrink that the public should be involved throughout the process and are well-informed of what is going on.

Borough Attorney Chewcaskie clarified that there are specific notice requirements as part of the study and that the affected property owners were already notified.

**Shade Tree Ordinance – Mayor Zeigler**

Mayor Zeigler explained that in his opinion he feels that the Shade Tree Ordinance as it stands is currently being universally ignored by the public, noting a particular case where a

large healthy tree was taken down without a permit. Mayor Zeigler stated that there may be a need to educate the public that such an ordinance to prevent this activity is in place.

Councilman Grandelis stated that a potential remedy is if permits are being pulled for the work that a notice is attached to the application. Councilman Fusco responded that a notice is already on the application. Mayor Zeigler replied that many of the applications taken out tend to be interior-focused.

Mayor Zeigler is unaware if the Borough currently has the right to keep the contractor accountable as well as the homeowner as a potential option. Borough Attorney Chewcaskie stated that it may be possible to put in the ordinance that all parties involved are held accountable for violations.

Councilman Fusco asked if it would be possible to have a notice formally sent out with a tax bill, to which it was explained that this was done already.

Councilman Ziegler expressed his gratitude to the mayor for bringing this up as this is something that the Shade Tree Commission has been discussing intently. When the ordinance first went into effect the Shade Tree Commission sent out a notice to all tree contractors in the area and included a notice in one of the tax bills to make the public aware. Councilman Ziegler stated that he believes that the Shade Tree Commission has done a great job in its efforts to raise public awareness but the fact is that many people just do not know that there is an ordinance. Councilman Ziegler asked that the property maintenance officers stop when they hear a tree grinder and ask the contractors if they have a permit.

Mayor Zeigler asked if the Borough of Leonia currently has the right to sanction the contractors for violations. Borough Attorney Chewcaskie replied that it is something that he will have to look into.

Councilman Hesterbrink agreed with the idea of holding contractors accountable and stated that he believes it is a step in the right direction.

Councilwoman Davis wished to bring up past discussions of when a tree is “totem polled” or has all its branches cut off, eventually leading to the death of the tree. This is a method being employed by some residents and their contractors to try and skirt around the Shade Tree Ordinance. At the time of which it was first mentioned some research was done and it was found that tree contractors who are certified as licensed tree experts would risk losing their certification if they were hired to totem pole a tree. Councilwoman Davis then elaborated that due to this, she remembers there is a provision in the ordinance that allows the Borough of Leonia to fine a contractor for this behavior. Borough Administrator Wardrop stated that she will have to look into the ordinance to confirm this.

Councilman Ziegler elaborated that the exact term for “totem polling” a tree is pollarding and the Shade Tree Commission is currently working on language to specifically outlaw this bad behavior as some contractors attempt to beat the fine by killing the tree with over-trimming.

Borough Administrator Wardrop brought up the idea of having limited signage, about one sign per street, discussing the shade tree ordinance. This would be a potential way to have the word spread. Mayor Zeigler has reservations as to this idea as he does not wish to have more signs put up.

Councilman Ziegler offered the idea of using the Police Department's electronic sign occasionally to notify the public.

Mayor Zeigler asked Councilman Ziegler if he was aware of when the Shade Tree Commission will be introducing their suggestions for an amended ordinance. Councilman Ziegler replied that there is not a set date yet in mind.

### ***New Business***

#### **Council Meeting Review Process – Louis Grandelis**

Councilman Grandelis wishes to improve the reviewal process of documents before their final approval by the Mayor in Council, ensuring that they are reviewed by all necessary parties. The suggestion is being made that an electronic signature is attached to these documents to show they have been reviewed and are ready to be acted upon by the Mayor and Council.

On a question from Mayor Zeigler, Councilman Grandelis elaborated that the process does not need to be extremely elaborate but at the very least have a sign-off that shows that the person who is supposed to review the document last before submission has done so.

Borough Administrator Wardrop explained that she is concerned with the items that cannot be completed in time. Mayor Zeigler replied that the core issue is not that the contract couldn't be provided in time but that it hadn't reached the attorney for his review. Mayor Zeigler doesn't disagree with the premise but thought must be put into what the process will be.

Borough Clerk Lindsey stated that this process could be an addition to the checklist of what must be done as part of the agenda process.

#### **Reorganization Meeting – Mayor Zeigler**

Mayor Zeigler wished to make the Mayor and Council aware that since the first Monday of January 2023 will be January 1, the reorganization meeting will be on January 4, 2023. The meeting will begin at 7:30 PM.

### ***Closed Session***

#### **RES. 2022-269 Authorize Closed Session**

[2022-269 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 Negotiations

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 Councilman Fusco, seconded by Councilman Hesterbrink, and all present voting in favor, the meeting

was adjourned to the Closed Executive Session at 8:35 p.m.

***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 8:49 p.m.

Respectfully submitted,

Jonathan Mandel,  

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