



BOROUGH OF LEONIA
COUNCIL WORK SESSION MEETING
~ Minutes ~

305 Beechwood Pl
Leonias, NJ 07605
www.leonianj.gov

Fran Lehmann, Borough Clerk

Monday, May 21, 2012

7:30 PM

Borough Annex

A Council Work Session Meeting of the Mayor & Council of the Borough of Leonia, Bergen County, New Jersey, was held this evening in the Borough Hall Annex, Commencing at 7:30 PM

Mayor John DeSimone called the meeting to order.

1. FLAG SALUTE

Flag salute was said by Peter Knott

2. ROLL CALL

Mayor asked the Clerk to do roll call

Attendee Name	Title	Status	Arrived
Peter Knott	Council President	Present	
Philip Choi	Councilman	Present	
Gil Hawkins	Councilman	Present	
I.S. Pak	Councilman	Present	
Doug Salmon	Councilman	Present	
Darryl Whitter	Councilman	Present	
John DeSimone	Mayor	Present	
Jack Terhune	Administrator	Present	
Fran Lehmann	Borough Clerk	Present	
Lynn Hemmer	Deputy Clerk	Present	
Brian T. Giblin	Borough Attorney	Present	

3. OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice place on the Bulletin Board at Borough Hall and notice sent to the Official Newspaper.

4. PRESENTATION

Police Officer Sihoon Chung - Senator Loretta Weinberg and Mayor DeSimone

Senator Loretta Weinberg, Assemblyman Gordon Johnson, presented Police Officer Sihoon Chung with a resolution passed by the State in honor of Officer Chung who is a Staff Sergeant in the New York State Army National Guard and was selected by a Board of Senior Sergeants as the Top Non-Commissioned Officer of the Year for the entire New York State National Guard. Mayor DeSimone and Councilman Hawkins presented Officer Chung with a proclamation proclaiming May 21, 2012 as "Police Officer Sihoon Chung" Day in Leonia.

5. APPOINTMENTS

6. COMMENTS FROM THE PUBLIC

Mr. John Stendor, 314 Crescent Avenue - Mr. Stendor asked the Governing Body to once again close Woodland Terrace so the Scouts could hold their "Billy Cart Race" on Saturday, June 30, 2012 from 12 Noon to 5:00PM. The Governing Body agreed and added a Resolution to the Agenda.

Mr. Frank Raucci, 78 Hawthorne Terrace - Mr. Raucci spoke against the merging of the Planning Board and the Zoning Board of Adjustment. Mr. Raucci explained his reasons to the Governing Body.

Mr. Jim Bach, 309 Westview - Mr. Bach said this may be a good idea but he has not seen an analysis. There is a meeting on Thursday, May 24th perhaps members of the Council could come and communicate with the Board.

Mrs. Theresa Tietjen, 134 Palisades Avenue - Mrs. Tietjen stated combining the Boards puts too much power in the hands of one group.

Deirdre Mitchell, 56 Spring Street - Ms. Mitchell asked the Council to right a wrong. The "Sima" Project was denied in 2005 and approved in 2011.

Mrs. Leah Roland, 186 Crescent Avenue - Mrs. Roland spoke about the Judge's ruling on the "Sima" Project.

Mr. Greg Makroulakis, 178 Reldyes Avenue - Mr. Makroulakis spoke about the time he has been on the Board of Adjustment. Mr. Makroulakis suggested they meet with the Chairmen of both Boards. More dialogue is needed before action is taken.

Ms. Anna Kolditz, 150 Spring Street - Ms. Kolditz asked the members of the Council to reconsider the appeal of "The Sima" project as she felt The residents were cheated.

7. APPROVAL OF MINUTES

Minutes of May 7, 2012

Councilman Hawkins, seconded by Council President Knott made a motion to approve the Minutes of May 7, 2012. Roll Call vote All in favor none opposed. Minutes approved.

8. RESOLUTIONS

7:30 PM Meeting called to order on May 21, 2012 at Borough Annex, 305 Beechwood Pl, Leonia, NJ.

1. RES-2012-159 Payment of Bills and Vouchers

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gil Hawkins, Councilman
SECONDER:	Philip Choi, Councilman
AYES:	Knott, Choi, Hawkins, Pak, Salmon, Whitter

2. RES-2012-160 Additional Swim Pool Staff

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gil Hawkins, Councilman
SECONDER: Philip Choi, Councilman
AYES: Knott, Choi, Hawkins, Pak, Salmon, Whitter

3. RES-2012-161 Authorizing a Lien on 330 Sylvan Avenue

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gil Hawkins, Councilman
SECONDER: Philip Choi, Councilman
AYES: Knott, Choi, Hawkins, Pak, Salmon, Whitter

4. RES-2012-162 Authorizing Raffle Licenses for ACS Home and School Association for an on Premise Draw and St. John's Home and School for a Calendar Raffle

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gil Hawkins, Councilman
SECONDER: Philip Choi, Councilman
AYES: Knott, Choi, Hawkins, Pak, Salmon, Whitter

5. RES-2012-163 163 Approving Billy Cart Race

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gil Hawkins, Councilman
SECONDER: Philip Choi, Councilman
AYES: Knott, Choi, Hawkins, Pak, Salmon, Whitter

6. RES-2012-164 Authorizing Borough Attorney Giblin to File an Appeal to the Appellate Court Sima Appeal

RESULT: ADOPTED [3 TO 1]
MOVER: Darryl Whitter, Councilman
SECONDER: Doug Salmon, Councilman
AYES: Peter Knott, Doug Salmon, Darryl Whitter
NAYS: Gil Hawkins
ABSTAIN: Philip Choi, I.S. Pak

9. REPORTS

STANDING COMMITTEES

Finance, Administration and Personnel

Council President Knott said nothing at this time. A meeting will be scheduled to discuss personnel.

Laws & Ordinances

Councilman Whitter stated the Committee has not met. Nothing to report at this time.

Police

Councilman Hawkins read a report prepared by Lt. Rowe.

Fire

Council President Knott reported there have been 22 calls so far in May. There were 32 calls in April and to date the Fire Department has responded to 138 calls. Mr. Weber, from Englewood Hospital, has met with the Fire Department regarding the free physicals being offered. The Committee will have a meeting within the next week.

Ambulance

Councilman Pak read a report from Mr. Harvey Weber from Englewood Hospital regarding the number of calls made for the month of April.

Public Works

Councilman Choi met with Mr. Saitta who is now back to work.

Borough Administrator

Mr. Terhune read a letter from John Villareal. Mr. Terhune reported on 330 Sylvan Avenue, the home is owned by the owner who is deceased. Five members of the DPW cleaned the property and removed a tree from the deck. The home and the garage have been condemned by the Building Inspector. The wife and daughter of the owner do not want the house as it is heavily mortgaged. Both the basketball court and the Beechwood Place Parking lot work was supposed to commence but due to the rain will be next week before the scheduled work can be done. Saturday is Opening Day at the Pool. There will be a brunch please RSVP to Mrs. Davidson. The preliminary survey work has been done on Oakdene. Mr. Terhune read a report from FEMA regarding emergency notification. Anyone who has a cell phone will automatically receive a text message in an emergency. Councilman Choi inquired when the Leonia Market will open. The target date is June 18th.

Mayor

Mayor DeSimone attended Leonia Day he thanked everyone for a great day. Mayor DeSimone also thanked Steve Hutnik and the members of the American Legion for the Memorial Day Parade. Mayor DeSimone also performed two weddings since the last meeting.

Special Bodies

Councilman Hawkins read a letter from Ridgefield Park regarding the Rowing Team from the NY Rowing Association.

Council President Knott reported the Historic Preservation met on May 14th and the Minutes for the April meeting were approved. Mr. Roynon has prepared a mission statement.

Council President Knott reported the Board of Health met and there are problems with a listeria outbreak and whooping cough. Shellfish imports have been banned from Korea.

Council President Knott reported the Sculpture for Leonia on May 12th was a great event. Council President Knott acknowledged the members of the Committee.

Councilman Pak reported the discount period for the Leonia Pool has ended. The Recreation Department took \$178,151.00 which is a 21% increase over last year. The Pool opening day is Saturday at 10:00AM. Sunday, May 27th is open pool day and there is no charge for anyone wishing to use the pool. The Recreation Commission thanks the DPW for their work in the parks. All the coaches have taken a class in concussions. The Recreation Commission also thanks Mr. Terhune for his assistance in having wireless connection installed at the pool.

10. INTRODUCTION OF ORDINANCE

- 1. ORD-2012-13 An Ordinance Establishing a Joint Planning Board/Zoning Board of Adjustment and Amending Chapter 37 Entitled "Land Use Procedures" of the Revised General Ordinances of the Borough of Leonia, County of Bergen and State of New Jersey**

Borough Clerk read the Ordinance by Title.

Councilman Hawkins made a motion to table Ordinance 2012-13, seconded by Councilman Choi. Roll call vote: Councilpersons Knott, Salmon and Whitter voted no. Councilpersons Hawkins, Choi, and Pak voted yes. The vote constituted a tie which was broken by Mayor DeSimone who voted no. The motion to table died.

Councilman Hawkins felt this Ordinance should have gone before Laws & Ordinances. After a lengthy debate by the members of the Council a motion as follows was made to introduce Ordinance 2012-13

Councilman Whitter, second by Council President Knott made a motion to Introduce Ordinance 2012-13. Roll call vote; Councilpersons Knott, Pak, Salmon and Whitter voted yes. Councilmen Hawkins and Choi voted no, Ordinance 2012-13 Introduced.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Darryl Whitter, Councilman
SECONDER:	Peter Knott, Council President
AYES:	Peter Knott, I.S. Pak, Doug Salmon, Darryl Whitter
NAYS:	Philip Choi, Gil Hawkins

11. ADOPTION OF ORDINANCE

- 1. ORD-2012-12 Adoption of Bus Stop Ordinance**

Borough Clerk read the Ordinance by Title.

Councilman Whitter, seconded by Council President Knott, made a motion to adopt on final reading Ordinance 2012-12.

Public Hearing

Mr. Steve Hutnik, 262 Leonia Avenue asked for an explanation. Mr. Terhune explained when a Resolution was being prepared for the bus shelter, the Code Book was checked and it became apparent that none of the stops along Grand Avenue had been included in the Code Book.

Ernest Liberatore, 121 Wood Ridge Place, suggested selling advertisements to be placed on the bus shelters. Mr. Terhune explained how this works.

Councilman Hawkins felt this Ordinance should have gone before the Laws and Ordinance Committee. Councilman Whitter stated this was previously discussed just memorializing existing bus stops. Mr. Giblin explained that the buses cannot stop if the Ordinance is not adopted.

After a lengthy discussion by the members of the Council a vote was taken to adopt the Ordinance.

Roll call vote; All in favor none opposed. Ordinance 2012-12 adopted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darryl Whitter, Councilman
SECONDER:	Peter Knott, Council President
AYES:	Knott, Choi, Hawkins, Pak, Salmon, Whitter

12. UNFINISHED BUSINESS

Policy Regarding Naming of Parks

Councilman Pak explained this was not done by resolution just by motion by the Recreation Commission. Councilman Pak would like to refer this to the Laws & Ordinance Committee.

13. NEW BUSINESS

A. Waiver of Pool Registration Fees (Borough Administrator)

Mr. Terhune explained the reason for this item on the Agenda; the Director of the Shelter our Sisters House sent a letter to Supt. Davidson requesting the fees be waived for the residents. Councilman Hawkins feels this should be sent back to Recreation Commission for a recommendation by them.

Councilman Hawkins made a motion to send back to the Recreation Commission for them to set a protocol, seconded by Councilman Pak. Roll call; All in favor none opposed.

Councilman Whitter will send a memo to Recreation to come prepared with a recommendation.

14. COMMENTS FROM THE PUBLIC (Agenda and Non-Agenda items)

Mr. Steve Hutnik, 262 Leonia Avenue,--Mr. Hutnik thanked Martha Lieblich and Jane Wilson for an outstanding day. Mr. Hutnick thanked the DPW for putting up the flags for Memorial Day.

Mrs. Leah Roland, 186 Crescent Avenue,- Mrs. Roland spoke on the waiver of the pool fees. Mrs. Roland would like to suggest a ribbon cutting ceremony for the Leonia Market and hopefully have the press present. Mrs. Roland feels the Borough should send a letter to the Bergen County Parks regarding the letter sent from Ridgefield Park. Councilman Hawkins does feel the Borough needs to make a statement and explained the Parks permit policy.

Mrs. Karen Peters, 142 Park Avenue, - Mrs. Peters questioned the receiving of a bill for outstanding balances that were not covered by insurance from Englewood Hospital Ambulance. Mr. Terhune asked to have bills sent to him and he would address it with the Hospital.

Mrs. Theresa Tietjen, 134 Palisades Avenue, - Mrs. Tietjen does not understand why the Board of Adjustment approved Dr. Kazmir's project on Grand Avenue. Dent Wizard property is a disgrace.

Ernest Liberatore, 121 Wood Ridge Terrace, - Mr. Liberatore would like to meet with the Economic Development Committee and speak about revenue streams that might be available.

Ms. Deirdre Mitchell, Spring Street, Ms. Mitchell asked the Council to right the wrong. Ms. Mitchell read a portion of the Zoning Ordinance.

Council President Knott asked if the Council could review the decision. Mr. Giblin explained this would need to go before the Appellate Division of the Court. It could take two (2) years to

be heard and two and half (21/2) years for a decision. The appeal process started when the transcripts were delivered to the Council, and ended when the letter from their attorney stated that they had withdrawn the appeal.

Council President Knott noted that Councilmen Pak and Salmon were not on the Council at the time.

Councilman Hawkins spoke on his take on the lawsuit.

Councilman Whitter gave his opinion about the lawsuit.

The Council discussed at length Ms. Mitchell's request.

Mr. Tony Puzzo, 135 Hillcrest Avenue, - Mr. Puzzo spoke about the request to waive the pool fees. He also noted that there was poll taken of the Recreation Commission. Councilman Whitter asked for a recommendation from the Recreation Commission.

15. CORRESPONDENCE

16. CLOSED SESSION

A. Litigation

17. ADJOURNMENT

As there was no further business before the Governing Body, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Fran Lehmann
Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Knott, Choi, Hawkins, Pak, Salmon, Whitter