



BOROUGH OF LEONIA

REGULAR COUNCIL MEETING

~ Minutes ~

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

Fran Lehmann, Borough Clerk

Monday, July 16, 2012

7:30 PM

Borough Annex

A Regular Council 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

2. 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 placed on the Bulletin Board at Borough Hall and notice sent to the Official Newspaper.

4. PRESENTATION

5. APPOINTMENTS

6. COMMENTS FROM THE PUBLIC

7. APPROVAL OF MINUTES

1. 2012-8 Approval of Minutes for June 25, 2012

Councilman Hawkins mentioned a report on Wood Park about tape being on one of the playground pieces that is broken. This was his comment and not Councilman's Pak's.

When we make notations on the minutes how come everyone else's reports has a lot more information listed then his reports. Thinks its important that the Police Report is fully listed in the meeting minutes.

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

2. 2012-9 Approval of Closed /Session Minutes for June 25, 2012

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

8. RESOLUTIONS

Mayor DeSimone asked if anyone wishes to pull any resolutions for consideration.

Councilman Knott asked to discuss resolution 12-179 the red light resolution.

Councilman Choi asked to discuss resolution 12-176, Borough Administrator Jack Terhune explained the concept to the Council.

Councilman Hawkins would also like to discuss 12-190 the Wood Park Play ground resolution. After reading over the contract we have with the contractor there is a consequential damages waiver, it says" buyer agrees to indemnify, defend and hold Rubbercycle harmless of and free from any liability which may be asserted against Rubbercycle by virtue of any suit or claim of any claim of any kind

1. RES-2012-176 Appointing Community Development Representatives

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

2. RES-2012-177 Municipal Representative for Open Space Committee

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

3. RES-2012-178 Appointing Additional Lifeguards

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

4. RES-2012-179 Authorizing RFP for Red Light Cameras

Councilman Knott spoke in opposition citing lack of statistics showing the cameras reduced accidents.

Mayor DeSimone stated the Police Department is in favor of the cameras and feels they can handle the workload. The Infrastructure is falling apart Need to find a revenue source.

Councilman Hawkins has several problems with the red light camera's. Councilman Hawkins understands the concern about the infrastructure, but does not feel this is the way to go. Councilman Hawkins spoke about Assembly Bill 2996 sponsored Assemblywoman Valerie Vainieri Huttle. Councilman Hawkins said the bill will make the red light cameras illegal. Councilman Hawkins would like Assemblywoman Huttle to attend a meeting to explain the bill. Councilman Hawkins stated it would be a misfortune for someone who could not afford the \$80.00 ticket.

Councilman Salmon spoke in regards to the red light cameras.

Councilman Whitter made comments in regards to some of the opinions that were presented at the meeting. It is not going cost the Borough anything to put the equipment in Borough.

The Governing Body continued to discuss the pros and cons of the red light cameras.

The Governing Body held Resolution 2012-179 for a separate vote.

Councilman Hawkins stated that he wasn't here for the Palisades Park presentation. Councilman Hawkins asked for an explanation of the process. Is it true that the Officer sits and reviews the film and determines whether or not the person operating the vehicle will receive a ticket.

Councilman Whitter explained that, that is not how the process goes.

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

5. RES-2012-180 Accepting the Proposal from Birdsall Services for Green Acres Improvements for Playground Safety Surface in Wood Park

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

6. RES-2012-181 Endorsing National Night Out

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

7. RES-2012-182 Authorizing Block Party on Warwick Lane

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

8. RES-2012-183 Authorizing the Approval of Bills and Vouchers

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

9. RES-2012-184 Approving the Request to Close a Portion of Woodland Place at Broad Avenue

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

10. RES-2012-185 Approving Block Party Request for Ames Avenue

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

11. RES-2012-186 DPW Personnel

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

12. RES-2012-187 Borough Clerk Retirement

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

13. RES-2012-188 Property Maintenance Lien

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

14. RES-2012-189 Acting Borough Clerk

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

15. RES-2012-190 Wood Park Playfound Surface

Councilman Hawkins questioned the "Playground Disclaimer Consequential Disclaimer Waiver." Councilman Hawkins read the disclaimer. Borough Attorney Giblin said this is common to have a disclaimer like this. Mr. Terhune spoke with the owner of the Company and he is willing to work out the issue. Councilman Hawkins asked to have the Resolution amended to add "Agreement approved by the Borough Attorney." Members of the Governing Body agreed.

RESULT: ADOPTED [5 TO 1]
MOVER: Philip Choi, Councilman
SECONDER: Peter Knott, Council President
AYES: Knott, Choi, Hawkins, Pak, Whitter
NAYS: Doug Salmon

16. RES-2012-191 Oakdene Avenue Improvements

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

17. RES-2012-192 Oakdene Avenue Engineering

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

9. INTRODUCTION OF ORDINANCE

Ordinance read by Borough Clerk Fran Lehmann

1. ORD-2012-14 Amending Chapter 37 "Land Use Procedures"

Council Hawkins asked for a minute to read over the Ordinance, stated that with the new process he was unable to read the contents.

The Governing Body briefly discussed the Ordinance.

RESULT:	INTRODUCED [UNANIMOUS]	Next: 8/13/2012 7:30 PM
MOVER:	Darryl Whitter, Councilman	
SECONDER:	Peter Knott, Council President	
AYES:	Knott, Choi, Hawkins, Pak, Salmon, Whitter	

10. ADOPTION OF ORDINANCE

11. UNFINISHED BUSINESS

12. NEW BUSINESS

1. (ID # 1110) Fire Department

Councilman Knott explained he received a letter from Fire Chief Chace, Deputy Chief Bohnert, and Captain McCardle. The Fire Department is aging and having difficulty recruiting new members especially during the daytime hours. Many of the members are not in town during the day. There will be a Fire Committee Meeting on Tuesday, July 17, 2012. Council President Knott will report at the next meeting.

2. (ID # 1111) Recreation

Borough Administrator Terhune explained that a structural engineer from Birdsall Engineering looked at the Recreation roof that Councilman Pak had mentioned at the last meeting. Mr. Terhune explained the roof definitely needs to be repaired.

Councilman Whitter asked if this had to be voted on tonight. Administration Terhune explained that it didn't need to be voted on but he would like some guidance on the issue.

Councilman Whitter made a motion seconded by Council President Knott to authorize Birdsall to prepare the specifications. Roll Call Vote: all in favor. Motion passed.

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

Vivian DeMarco - 324 Magnolia Place, has spoken previously about the curb break by Happy Market where there is a handicap crossing that cars are using as an exit. The other day 2 little girls almost got hit, what are we waiting for someone to get hit to do something about. Mrs. DeMarco also noted that cars coming out of the "Happy Market" parking lot instead of following the one way signs they make the left turn and exit onto Magnolia. Mr. Terhune will have the Police Department and the DPW review and make some suggestions.

14. CORRESPONDENCE

15. CLOSED SESSION

1. (ID # 1117) Litigation

Councilman Whitter handed out a letter from Dauti Construction Project 322 - 324 Grand Ave concerning the demolition of the property.

16. ADJOURNMENT