

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
June 20, 2011
7:30pm**

1. FLAG SALUTE

2. ROLL CALL

Mayor Heveran, Councilpersons Raucci, Choi, De Simone, Hawkins, Knott, Whitter, Brian Giblin, Borough Attorney, Jack Terhune, Borough Administrator, Fran Lehmann, Borough Clerk

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. COMMENTS FROM THE PUBLIC

Limited to two (2) minutes per speaker (20-minute duration)

5. PRESENTATION

6. APPOINTMENTS

11-142 Appointing John Roynon as a Class B Member of the Historic Preservation Commission (term to expire 12/31/2015)

11-143 Appointing Diana Damon as Class C Member of the Historic Preservation Commission (term to expire 12/31/2015)

7. APPROVAL OF MINUTES

Council Meeting Minutes	June 6, 2011
Closed Session Minutes	June 6, 2011

8. RESOLUTIONS

11-137 Authorizing the Treasurer to Pay Claims against the 2010 Budget Reserves and the 2011 Municipal Budget

11-138 Authorizing the Acceptance of a Tax Appeal Settlement for Block 608, Lot 21

11-139 Authorizing the Acceptance of Tax Appeal Settlement for Block 1004, Lot 16

11-140 Authorizing inclusion in the Bergen County Community Development Program
11-141 Authorizing the Payment of Unused Vacation and Accrued Sick Time Fran Yandoli
11-144 Authorizing Estimated Tax Bills for the Third Tax Installment
11-145 Authorizing a request for a designated handicap parking space

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve Resolutions

ROLL CALL Councilperson Raucci () Choi () De Simone () Hawkins () Knott () Whitter ()

9. REPORTS

Standing Committees:

Finance Administration & Personnel
Laws & Ordinances
Police
Fire
Ambulance
Public Works
Borough Administrator
Mayor
Special Bodies

10. INTRODUCTION OF ORDINANCE

Introduction of Ordinance 09-11 entitled:

AN ORDINANCE TO AMEND CHAPTER 80 OF THE CODE OF THE BOROUGH OF LEONIA TITLED "ALCOHOLIC BEVERAGES"

A motion was made by Councilperson _____ seconded by Councilperson _____ to adopt on first reading Ordinance 09-11

ROLL CALL Councilperson Raucci () Choi () De Simone () Hawkins () Knott () Whitter ()

11. ADOPTION OF ORDINANCE

12. UNFINISHED BUSINESS

- a) TV Clinic (Councilman Choi)

13. NEW BUSINESS

- a) Leonia Market (Councilman Choi)
- b) Handicap Parking Space – Gladwin Avenue (Borough Administrator)

14. COMMENTS FROM THE PUBLIC

Limited to five (5) per speaker at the discretion of the Chair (duration 30 minutes)

15. CORRESPONDENCE

16. CLOSED SESSION (E)

- a) Personnel – (Borough Administrator)

17. ADJOURNMENT

(10:00 P.M. unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

Revised 6/21/11

6/21/2011

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Raucci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11-137
DATE 2011
Carried
Defeated
Tabled
Approved

RESOLVED: that the Mayor and Council hereby authorize the Treasurer to pay the following claims and charge the 2011 Temporary and/or Reserve Budget

Current Fund	0-01	16,828.46
Current Fund	1-01	2,168,292.16
Swim Fund	1-05	23,750.74
Capital	C-04	107,842.64
Grant Fund Appropriated	G-01	8,153.18
Developers Escrow	T-13	15,030.91
Recreation Activities Trust	T-20	27,166.05
	Total	\$ 2,367,064.14

Claims Resolution 06/20/11

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____

BOROUGH CLERK

Raucci Aye Nay Abstain
 Choi
 DeSimone
 Hawkins
 Knott
 Whitter

Dated: _____

Resolution No. **11-138**

By:
 Seconded by:

Whereas, Michael and Ann Liebman ("the taxpayers"), filed real property tax appeals for 2009 and 2010 for taxpayers real property located at 539 Ridgeland Terrace., Leonia Block 608, Lot 21; and

Whereas, the tax assessments for 2009 and 2010 are as follows;

	<u>2009</u>	<u>2010</u>
Land	\$ 354,500.00	354,500.00
Improvements	441,000.00	441,000.00
Abatement	<u>(13,300.00)</u>	<u>(13,300.00)</u>
Total	\$ 782,200.00	\$ 782,200.00

and

Whereas, effective year end 2010 the \$13,300 tax abatement shall expire resulting in a 2011 tax assessment as follows;

	<u>2011</u>
Land	\$ 354,500.00
Improvements	<u>441,000.00</u>
Total	\$ 795,500.00

and

Whereas, the 2009, 2010 and 2011 tax assessments may be settled as follows;

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Land	withdrawn	\$ 354,500.00	\$ 540,000.00
Improvements	assessment	<u>380,500.00</u>	<u>380,500.00</u>
Total	unchanged	735,000.00	\$ 735,000.00

and

Whereas, said settlement will produce a loss in real property tax revenue lesser in amount than the costs of a successful defense of said appeal; and

Whereas, the Mayor and Council have been advised by the Borough Assessor and by contractual personnel that said settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF LEONIA that said settlement be and the same is hereby approved; and

Aye Nay Abstain

Rauci
Choi
DeSimone
Hawkins
Knott
Whitter

Dated: - -

Resolution No. 11-139

By:
Seconded by:

Whereas, Ronald Cavalier ("the taxpayer"), filed real property tax appeals for 2009 and 2010 for taxpayers real property located at 301 Fort Lee Road, Leonia Block 1004, Lot 16; and

Whereas, the tax assessments for 2009 and 2010 are as follows;

	<u>2009 and 2010</u>
Land	\$ 412,100.00
Improvements	<u>638,000.00</u>
Total	\$1,050,100.00

and

Whereas, the 2009 and 2010 tax assessments may be settled as follows;

	<u>2009</u>	<u>2010</u>
Land	withdrawn	\$ 412,100.00
Improvements	assessment	<u>487,900.00</u>
Total	unchanged	900,000.00

and

Whereas, said settlement will produce a loss in real property tax revenue lesser in amount than the costs of a successful defense of said appeal; and

Whereas, the Mayor and Council have been advised by the Borough Assessor and by contractual personnel that said settlement is in the Borough's interest;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF LEONIA that said settlement be and the same is hereby approved; and

BE IT FURTHER RESOLVED that all appropriate Borough officials or the contractual personnel be and are hereby authorized to take all steps necessary to effect said settlement; and

BE IT FURTHER RESOLVED that all actions taken by all appropriate Borough officials or contractual personnel in effecting said settlement be and they are hereby ratified and confirmed.

The within Resolution was duly adopted
by the Borough Council at their meeting
on _____, 2011

Fran Lehman
Municipal Clerk

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Raucci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11 -140
DATE 6/20/2011
Carried
Defeated
Tabled
Approved

A RESOLUTION AUTHORIZING INCLUSION IN THE BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by July 8, 2011, each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Leonia and its residents to participate in said programs; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Leonia hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and the HOME Investment Partnership Act Program for the Program Years 2012, 2013, 2014 (July 1, 2012 – June 30, 2015); and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Rauci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11 -141
DATE 6/20/2011
Carried
Defeated
Tabled
Approved

WHEREAS, Frances Yandoli, Borough Trial court Administrator is retiring effective June 30, 2011; and

WHEREAS, Chapter 46-38 entitles Mrs. Yandoli to be paid, at the discretion of the Governing Body, for unused vacation and accrued sick time; and

NOW, THEREFORE BE IT RESOLVED, that Mrs. Yandoli shall be compensated for ten (10) unused vacation days at her current daily rate of pay or \$1,887 and additionally; Mrs. Yandoli, having accrued 71 unused sick days in her tenure of service with the Borough, she will additionally be paid \$13,398.41; and

BE IT FURTHER RESOLVED, \$7,642.71 will be paid the first payroll July 2011 and the second payment of \$7,642.71 the first payroll in January 2012.

BE IT FURTHER RESOLVED, that the CFO has certified that funds are available in the 2011 budget; and

BE IT FURTHER RESOLVED, that Mrs. Yandoli may return to service of the Borough in 2011 as a paid contract vendor for a salary not to exceed \$15,000.00 for the calendar year 2011

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

6/16/2011

6

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Raucci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11 -142
DATE 6/20/2011
Carried
Defeated
Tabled
Approved

WHEREAS, Mayor Mary Heveran is authorized by The Borough Code to appoint members to the Historic Preservation Commission with advice and Consent of the Council; and

WHEREAS, a vacancy presently exists on the Leonia Historic Preservation Commission;

NOW, THEREFORE, BE IT RESOLVED, that John Roynon is hereby appointed to the Historic Preservation Commission as a "Class B" Member for a term of four years which will expire on December 31, 2015.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

6/16/2011

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Raucci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11 -143
DATE 6/20/2011
Carried
Defeated
Tabled
Approved

WHEREAS, Mayor Mary Heveran is authorized by The Borough Code to appoint members to the Historic Preservation Commission with advice and Consent of the Council; and

WHEREAS, a vacancy presently exists on the Leonia Historic Preservation Commission;

NOW, THEREFORE, BE IT RESOLVED, that Diana Damon is hereby appointed to the Historic Preservation Commission as an "Class C" Member for a term of five years which will expire on December 31, 2015.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Raucci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11 -144
DATE 6/20/2011
Carried
Defeated
Tabled
Approved

WHEREAS, the Borough of Leonia adopted its budget on May 16, 2011, but the Bergen county Board of Taxation has been unable to certify Leonia's tax rate as the current date and the Borough's Tax Collector has been unable to mail the Borough's 2011 tax bills by June 14th; and

WHEREAS, the Borough of Leonia Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rate and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Leonia, in the County of Bergen, State of New Jersey on this 20th day of June 2011 as follows:

1. The Leonia Tax Collector is hereby authorized and directed to prepare issue estimated tax bills for the Borough of Leonia for the Third Installment of 2011. The Tax Collector shall take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for the third quarter of 2011 is hereby set at \$32,483,767.17
3. In accordance with the law the Third Installment of 2011 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON _____**

BOROUGH CLERK

BOROUGH OF LEONIA RESOLUTION

Council	Motion	Second	Yes	No	Abstain	Absent
Rauci			x			
Choi		x	x			
De Simone			x			
Hawkins			x			
Knott			x			
Whitter	x		x			
Heveran						

#11 -145
DATE 6/20/2011
Carried
Defeated
Tabled
Approved

WHEREAS, a request has been made for a designated handicap parking space on the eastside of Gladwin Avenue; and

WHEREAS, the Leonia Police Department supports the request for a handicap parking space on Gladwin Avenue; and

WHEREAS, the DPW will mark the parking space and post the necessary signs

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Leonia that a handicap parking space on the eastside of Gladwin Avenue as close as possible to the sidewalk entrance of 226 Fort Lee Road be installed.

**THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
BY THE MAYOR AND COUNCIL ON 6/20/2011**

BOROUGH CLERK

**BOROUGH OF LEONIA
ORDINANCE 09-11**

AN ORDINANCE TO AMEND Chapter 80 of the Code of the Borough of Leonia titled "Alcoholic beverages."

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen and State of New Jersey as follows:

Section 1. Ordinance 80-3B of the Code of the Borough of Leonia is amended to read as follows:

§ 80-3 Applications; issuance; fees.

A. Laws applicable. All applications for licenses, all licenses issued and all proceedings under this article shall be in accordance with the act, rules and regulations referred to in § 80-1, and all other applicable laws of the State of New Jersey or the United States.

B. Issuing authority. All licenses required by this article shall be issued by the Mayor and Borough Council, which shall also administer the provisions of this article. Licenses shall be for one year commencing July 1 and expiring June 30.

C. License required. No person shall sell or distribute alcoholic beverages within the Borough without obtaining a license in accordance with the act referred to in § 80-1 and the provisions of this article.

D. License fees. The annual fee of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

Class of License	Annual License	Number of Licenses
Plenary retail consumption license	\$1,200	1
Plenary retail distribution license	\$600	3 1 pocket license
Annual license \$100.00	\$100	1

Section 2. Ordinance 80-3.1 of the Code of the Borough of Leonia shall be amended by to change the title to read as follows:

Section 80-3.1 "General regulations applicable to plenary retail consumption licenses and plenary retail distribution

licenses; hours; off-premises consumption; sales to certain persons; closing of premises."

Section 3. Ordinance 80-3.3 shall be amended to read as follows:

Section 80-3.3 General regulations applicable to club licenses, hours; off-premises consumption; sales to certain persons; closing of premises."

A. Hours of sale. No alcoholic beverages shall be sold or served in any establishment holding a club license at any time other than the following permitted hours:

Tuesday - Thursday	6 p.m. to 11 p.m.
Friday	6 p.m. to 1 a.m.
Saturday	12 p.m. to 1 a.m.
Sunday	12 p.m. to 11 p.m.

The times set forth herein shall be Eastern Standard Time, except when Daylight Savings Time is in effect, when the time shall be Daylight Savings Time.

B. Sale of alcoholic beverages for consumption off the premises. No licensee holding a club license shall sell or deliver, or allow, permit, or suffer the sale or delivery of any alcoholic beverage for consumption off the licensed premises or allow, permit or suffer the removal of any alcoholic beverage from the licensed premises at any time.

C. No holder of a club license shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any intoxicated person or minor or permit the consumption of alcoholic beverages on any licensed premises by any of the above named classes of persons or permit any such persons to congregate in or about the licensed premises.

Section 4. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

Fran Lehmann,
Borough Clerk

Mary Heveran,
Mayor

Introduced:
Adopted:

, 2011
, 2011