

**MAYOR AND COUNCIL
WORK SESSION/REGULAR MEETING
BOROUGH HALL ANNEX
August 1, 2011
7:30PM**

AMENDED AGENDA

1. **FLAG SALUTE**

2. **ROLL CALL**

Mayor Heveran (), Councilpersons, Raucci (), Choi (),
De Simone (), Hawkins (), Knott (), Whitter (), Borough Attorney Giblin (),
Borough Administrator Terhune (), Borough Clerk Lehmann ()

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. **PRESENTATIONS**

Presentation Crime in America – Police Chief Ziegler

5. **APPOINTMENTS**

6. **COMMENTS FROM THE PUBLIC**

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

7. **APPROVAL OF MINUTES**

Council Minutes	July 6, 2011
Closed Session	July 6, 2011

8. **RESOLUTION**

11-156 Authorizing the Treasurer to Pay Claims against the 2010 Budget
Reserves and the 2011 Temporary Municipal Budget

11-157 Appointing Community Development Representatives for 2011-
2012

- 11-158 Appointing Jack Terhune as Open Space Trust Representative
- 11-159 Authorizing Open Space Trust Application
- 11-160 Authorizing Tax Settlement for Block 1217, Lot 16
- 11-161 Appointing Crossing Guards for School Year 2011-2012
- 11-162 Accepting the ANJEC Grant for the Sustainability Element for the Master Plan
- 11-163 Accepting the Proposal from H2M to Develop a Sustainability Element to the Master Plan
- 11-164 Approving the Best Practices Inventory for CY 2011
- 11-165 Approving the Request for a Block Party on Gladwin Avenue
- 11-166 Authorizing raffle license for the Leonia Volunteer Fire Department, off-premise draw

A motion was made by Councilperson _____, seconded by Councilperson _____ to approve the resolutions.

ROLL CALL Councilpersons Raucci, Choi, De Simone, Hawkins, Knott, Whitter

9. INTRODUCTION OF ORDINANCES

Introduction of Ordinance 10-11 entitled; (The original version of this Ordinance has been changed to reflect retention of the LOSAP for the Leonia Volunteer Fire Department)

AN ORDINANCE TO AMEND CHAPTER 66 OF THE CODE OF THE BOROUGH OF LEONIA TITLED “VOLUNTEER SERVICES” (Borough Clerk read by title)

A motion was made by Councilperson _____, seconded by Councilperson _____ to Adopt on first reading Ordinance 10-11

ROLL CALL Councilpersons Raucci, Choi, De Simone, Hawkins, Knott, Whitter

Introduction of Ordinance 11-11 entitled;

**AN ORDINANCE TO AMEND CHAPTER 190 OF THE CODE OF THE
BOROUGH OF LEONIA TITLED "PARKING, OFF STREET"
(Borough Clerk read by title)**

A motion was made by Councilperson _____, seconded by
Councilperson _____ to Adopt on first reading Ordinance 11-11

ROLL CALL Councilpersons Raucci, Choi, De Simone, Hawkins, Knott,
Whitter

10. **ADOPTION OF ORDINANCES**

11. **UNFINISHED BUSINESS**

- a) Complete Streets (Mayor Heveran)
- b) CDBG Grant (Mr. Terhune)
- c) JOP TV Clinic (Mayor Heveran)
- d) Update on Commercial Properties (Council President Raucci)
- e) American Legion Club License
- f) Sculpture (Jack Terhune)

12. **NEW BUSINESS**

- a) eRevival Proposal for Electronic Recycling (Mr. Terhune)
- b) Press Release Loretta Weinberg (Mayor Heveran)
- c) Site Line Visibility (Council President Raucci)

13. **CORRESPONDENCE**

14. **COMMENTS FROM THE PUBLIC**

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

15. **CLOSED SESSION**

Personnel (Council President Raucci)

16. **ADJOURNMENT**

(10 P.M. unless motion to extend)

FORMAL ACTION ON ANY BOROUGH BUSINESS MAY BE TAKEN

BOROUGH OF LEONIA RESOLUTION

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

#11- 156
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	20,440.30
Current Fund	1-01	1,103,387.59
Grant Fund	G-01	35,183.55
Swim Pool Fund	1-05	54,957.02
Capital	C-04	69,352.59
Dedicated Trust	T-03	4,605.77
Payroll Trust	T-12	2,597.97
Developers Escrow Trust	T-13	6,065.00
Off-Duty Trust	T-14	28,576.37
Recreation Activities Trust	T-20	43,979.36
Municipal Drug Alliance Trust	T-23	250.00
Animal Control Trust	T-25	41.40
	Total	\$ 1,369,436.92

THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED
Claims Resolution 08/01/11 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 - 157
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, the Community Development Office of Bergen County has requested that the Mayor appoint a representative and the Borough Council appoint a representative for the Office of Community Development; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council hereby appoints Hans Spiegel residing at 187 Leonia Avenue, as the representative for the Borough Council and Mrs. Jane Tappen, residing at 124 Vreeland Avenue, the Mayor's appointment.

**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 -158
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

MUNICIPAL REPRESENTATIVE FOR OPEN SPACE COMMITTEE

WHEREAS, the Borough of Leonia has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the Governing Body of the Community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2011 through June 30, 2012; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby appoints Jack Terhune as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

**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 -159
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, a Bergen County Open Space Recreation, Farmland, and Historic Preservation Trust Fund provides matching grants to municipal governments and to non-profit organizations for assistance in the development or redevelopment of municipal recreational facilities; and

WHEREAS, the Borough of Leonia desires to further the public interest by obtaining a matching grant of \$58,250.00 from the County Trust Fund to fund the following project: Playground Safety Surfacing at Wood Park; and,

WHEREAS, the Governing Body has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the Governing Body will hold a public hearing on August 1, 2011 to receive comments prior to the submission of said application; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes and is willing to enter into an agreement with the County of Bergen for the above named project;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Leonia hereby confirms the endorsement of the aforesaid project; and that is hereby authorized to submit the above completed project application to the County by the deadline of September 1, 2011, as established by the County; and,

1. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
2. That the applicant is committed to providing a dollar for dollar cash match for the project; and
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

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

BOROUGH CLERK

Raucci
Choi
DeSimone
Hawkins
Knott
Whitter

Aye Nay Abstain

Resolution No. 11-160

Dated:

By:
Seconded by:

Whereas, Shimon Shour, filed real property tax appeals for the years 2009 and 2011; and

Whereas, the real property tax assessment for the subject premises, located at 195 Park Avenue, Leonia, New Jersey, Lot 16 in Block 1217 on the Tax Assessment Map of the Borough of Leonia, for the year 2009, 2010 and 2011 was as follows:

	<u>2009</u>		<u>2010 and 2011</u>
Land	\$ 387,500.00	Land	\$ 387,500.00
Improvements	726,100.00	Improvements	726,100.00
Abatements	<u>15,000.00</u>	Abatements	<u>0.00</u>
Total	\$1,098,600.00	Total	\$1,113,600.00

and

Whereas, the 2009 tax appeal may be settled by reduction of the aforesaid 2009 assessment as follows and, further, on application of N.J.S.A. 54:51A-8 (Freeze Act) the 2010 assessment may be settled in the same amount as follows:

	<u>2009 and 2010</u>
Land	\$ 387,500.00
Improvements	602,500.00
Abatements	<u>15,000.00</u>
Total	\$ 975,000.00

and

Whereas, the 2011 tax appeal may be settled by reduction of the aforesaid 2011 assessment as follows:

	<u>2011</u>
Land	\$ 387,500.00
Improvements	437,500.00
Abatements	<u>0.00</u>
Total	\$ 825,000.00

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
Rauci						
Choi						
De Simone						
Hawkins						
Knott						
Whitter						
Heveran						

#11 -161
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, pursuant to N.J.S.A. 40A:9-154.1, the Governing Body may appoint adult school Crossing Guards for terms not exceeding one (1) year; and

WHEREAS, Police Chief Jay Ziegler has recommended that the following individuals be appointed as School Crossing Guards for the school year beginning September 2011 through June 2012:

Mirsada Astafaj
Carl Baker
Elide Brusco
Sheryl Kurz
Charlie Lee
Arsenio Marcelo
Mercedes Perneti
Harriette Townsend
Santos Villareal
Debra Wright

WHEREAS, Police Chief Ziegler furthermore recommends the following for appointments as substitute Crossing Guards:

Elife Serginci
Shirley Eastling

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby appoints the above named as the 2011 – 2012 Crossing Guards.

**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 -162
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, the Borough of Leonia, county of Bergen, State of New Jersey applied for a Grant from ANJEC to develop a Sustainability Element for the Master Plan; and

WHEREAS, the Borough has received approval in the amount of \$5,000 to cover a Professional Planner to work with the Planning Team on the Sustainability Plan; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Leonia that they hereby accept the Grant from ANJEC and authorizing the Mayor to sign the agreement.

**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 - 163
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, the Borough Applied for and received a Grant from ANJEC in the amount of \$5,000 to develop a Sustainability Element to the Master Plan; and

WHEREAS, H2M has submitted a proposal in the amount of \$7,500 to assist in the preparation of the Sustainability Element to the Master Plan; and

WHEREAS, the CFO has certified that the necessary funds are available; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia that they hereby accept the proposal from H2M and authorize the Mayor to sign same.

**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 - 164
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, the Governing Body of the Borough of Leonia, County of Bergen, State of New Jersey has reviewed the CY 2011 Best Practices Inventory; and

WHEREAS, the Governing Body hereby approves the submission of such; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Leonia that they have reviewed and approve the submission of the CY 2011 Best Practices Inventory.

**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 - 165
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

WHEREAS, the residents of Gladwin Avenue have requested to hold their 32nd Annual Block Party on September 10, 2011 from 3:00PM to 7:30PM; and

WHEREAS, the Governing Body of the Borough of Leonia hereby grants permission for the street to be closed on Sunday, September 10, 2011; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia that the request for a Block Party on Gladwin Avenue is hereby approved.

**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 -166
DATE 08/01/2011
Carried
Defeated
Tabled
Approved

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia that the application for the Leonia Fire Department to hold an off Premise Draw Raffle No. 14-11 on August 27, 2011

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

BOROUGH CLERK

**BOROUGH OF LEONIA
ORDINANCE 10-11**

AN ORDINANCE TO AMEND Chapter 66 of the Code of the Borough of Leonia titled "Volunteer Services."

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. Chapter 66 of the Code of the Borough of Leonia, titled "Volunteer Services," is hereby repealed in its entirety and replaced by the following:

Emergency Volunteer Length of Service Award Program (LOSAP)

§66-1 - Program created.

The Length of Service Awards Program (LOSAP), adopted under Ordinance No. 09-00 is herewith maintained in accordance with Chapter 338 of the Laws of 1997 (N.J.S.A. 40A:14-183 et seq.), to reward members of the volunteer fire department for their loyal, diligent, and devoted services to the residents of the Borough of Leonia.

§66-2 - Administration of plan; contributions.

The LOSAP shall provide for fixed annual contributions to deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Borough of Leonia pursuant to P.O. 1997, c. 388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this article.

§66-3 - Criteria for contributions.

The LOSAP shall provide for annual contributions to each eligible member that meets the criteria as follows: 100 points are required for a member to be eligible for an annual contribution. The annual contribution shall be as follows: \$1,000.00 per year.

§66-4 - Cost of program.

The estimated cost of the program has been calculated as follows:

A. For regular annual services: \$40,000.0 for the first year.

B. For regular annual services: \$40,000.00 for the second year.

C. For regular annual services: \$40,000.00 for the third year.

§66-5 - Point schedules.

Each active volunteer member shall be credited with points for volunteer services provided to the Fire Department in accordance with Schedule A:

SCHEDULE A

1. Distribution.

A total of 100 points are needed for a qualifying year.

2. Categories.

A. Fire Department Responses.

Points will be credited based upon the following annual percentage of attendance at the Fire Department emergency responses to which the Leonia Volunteer Fire Department has been dispatched. There will be a maximum of 70 points and a minimum of 30 points for this category.

60% attendance	70 points
55% attendance	65 points
50% attendance	60 points
45% attendance	55 points
40% attendance	50 points
35% attendance	45 points
30% attendance	40 points
25% attendance	35 points
20% attendance	30 points

B. Training.

Points will be credited based on participation in certified fire service training courses and/or fire service seminars where a certificate of completion has been issued:

1. Course or seminar under 20 hours duration, two points per hour with a maximum of 10 points per course or seminar.

2. Courses 20 to 45 hours duration, 10 points plus two points for every hour over 20 hours with a maximum of 20 points per course.

3. Courses over 45 hours duration, 20 points plus 2 points per hour for every hour over 45 hours with a maximum of 30 points.

C. Drills.

Points will be credited based on participation in all Fire Department drills lasting a minimum of two hours. There is a 40 point maximum and a 10 point minimum for this category: 2 points per drill.

D. Meetings.

Points will be credited for attendance at all Fire Company meetings. There is a 30 point maximum and a 10 point minimum for this category: 2 points per meeting.

E. Holder of an Elected Departmental Office.

Chief of Department	40 points
Deputy Chief of	35 points
Department Captain	30 points
Lieutenant	25 points
Engineer	15 points
Active Former Chief	15 points

F. Holder of an Elected Company Office.

President	35 points
Vice President	20 points
Treasurer	20 points
Financial Secretary	20 points
Secretary	20 points
Assistant Secretary	20 points
Sgt. at Arms	10 points

G. Miscellaneous Activities.

Points will be credited based on participation in the following activities that are deemed official fire service activities, 2 points will be credited for each activity with a maximum of 25 points in this category.

Regularly scheduled house duty
Work details
Fire prevention activities
Active committee meetings

3. LOSAP Administration.

The Department Chief and the Company President will each appoint one member to maintain all required records for the administration of LOSAP. These members will receive a credit of 30 points. Records shall be maintained on a monthly basis, and posted at the firehouse in a regular location.

Attendance for emergency responses and drills will be calculated using the Department's NFIRS records.

In order to receive credit for other functions, members must fill out the proper form and have it approved by the Chief or Deputy Chief, or the President or Vice President, whichever is applicable. Each member will be responsible for reviewing the records posted each month to determine if they have been given the proper credit. Any member who feels they have been denied credit may appeal to the Chief within 30 days of the posting of the records. The administrators will review any appeals and any subsequent changes will be made the following month.

Section 2. 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 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

Section 4. 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

BOROUGH OF LEONIA
ORDINANCE // - //

AN ORDINANCE TO AMEND Chapter 190 of the Code of the Borough of Leonia titled "Parking, off street."

WHEREAS, the Mayor and Council of the Borough of Leonia requested permission to create a dedicated trust by rider to receive donations for a parking trust; and

WHEREAS, the Borough received permission from the Director of the Division of Local Government Services to create such a trust and accept deposits pursuant to N.J.S.A. 40A:5-29.

NOW, THEREFORE, 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. A dedicated trust by rider for Developer Donation Parking Trust is hereby established pursuant to N.J.S.A. 40A:5-29.

Section 2. The Mayor and Borough Clerk are hereby authorized to execute any documents necessary to establish or memorialize this action by the governing body.

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Approved:

Fran Lehmann,
Borough Clerk

Mary Heveran,
Mayor

Introduced:

, 2011

Adopted:

, 2011