



Borough of Leonia
Leonía Senior Center
305 Beechwood Place
Leonía, NJ 07605

Trina Lindsey
Borough Clerk

www.leonianj.gov

Meeting: 04/17/23 7:30 PM

**Mayor and Council
Meeting - Work Session
Meeting**

- 1 FLAG SALUTE**
- 2 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.*
- 3 ROLL CALL**
- 4 PRESENTATION**
- 5 COMMENTS FROM THE PUBLIC - TWO (2) MINUTES PER SPEAKER**
- 6 CONFERENCE DISCUSSIONS**
- 7 APPOINTMENT**
- 8 PROCLAMATION**
- 9 APPROVAL OF MINUTES**
- 10 ADOPTION OF ORDINANCES**
 - 10.1. ORD. 2023-06 Calendar Year 2023 Ordinance to Exceed the Municipal Budget Cost of Living Allowance and to Establish a Cap Bank
[Adoption of ORD 2023-06.pdf](#)
[ORD. 2023-06 COLA.pdf](#)
- 11 INTRODUCTION OF ORDINANCES**
- 12 NON-CONSENT RESOLUTIONS**
- 13 CONSENT RESOLUTIONS**
 - 13.1. RES. 2023-103 Authorize Bill List
[2023-103_Authorize Bill List_4.17.23.pdf](#)
[2023-103_Bill List Backup_4.17.23.pdf](#)
 - 13.2. RES. 2023-104 Authorization to Award Senior Center ADA Proposal - CDBG Project - Arcari &

Iovino

[2023-104_Arcari & Iovino_CDBG Ph 3 Senior Center Improvement Project professional services_04.17.2023.pdf](#)

[Leonia Award Letter 2022.pdf](#)

[2023.04.10 - senior center CDBG restroom project \(1\).pdf](#)

13.3. RES. 2023-105 Change Orders #23 and 24 - New Municipal Building Project

[2023-105_Change Orders #23, 24 - New Municipal Building Construction Project_4.17.23.pdf](#)

[LEONIA POLICE - COR #023_04.17.2023 aw.pdf](#)

[LEONIA POLICE - CO #024_04.17.2023 aw.pdf](#)

13.4. RES. 2023-106 Authorization for LOSAP Payment

[2023-106_Authorization of LOSAP Payment_04.17.2023.pdf](#)

[2023-01 LFN LOSAP INCREASE.pdf](#)

[Leonia LOSAP - GN RECEIPT CR32720 - \\$31,254.09 \(1\).pdf](#)

13.5. RES. 2023-107 Authorization to Terminate Contract with Cleaning Services Contractor and Request to Re-bid Services

[2023-107 AUTHORIZATION TO TERMINATE CLEANING SERVICES CONTACT & REBID 04.17.2023.pdf](#)

14 UNFINISHED BUSINESS

14.1. Bulk Trash Pickup - Pat Fusco/Christoph Hesterbrink

14.2. Liquor License Sale - Pat Fusco

[Affidavits_of_Publication_re_notice_of_sale__2_.pdf](#)

[Liquor_License_Sale_Memo_5.24.16__2_.pdf](#)

[Resolution_authorizing_the_sale_of_liquor_licenses__2_.pdf](#)

14.3. Sidewalk Policy - Bill Ziegler/Mayor Zeigler

[Sidewalk policy options and recommendation_.pdf](#)

14.4. Charge Point Fee Structure - Andrea Wardrop/Brian Chewcaskie

14.5. Fees and Penalties Discussion - Codification - Joanne Terrell/Brian Chewcaskie

[Laws & Ordinance Committee memo re fees and fines.pdf](#)

[Spreadsheet for Fee_Fine Review - Fees.pdf](#)

[Spreadsheet for Fee_Fine Review - Fines.pdf](#)

14.6. Ordinance Chapter 232 Signs - Codification - Joanne Terrell/Brian Chewcaskie

14.7. Chapter 53 Department of Public Works - Codification - Joanne Terrell/Pat Fusco/Brian Chewcaskie

14.8. OEM Liaison - Bill Ziegler

15 NEW BUSINESS

15.1. Trolley Historical Concept - Pat Fusco

16 CLOSED SESSION: RESOLUTION OF THE BOROUGH OF LEONIA, COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND COUNCIL TO RETIRE INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING THE FOLLOWING:

16.1. A. Negotiations

B. Negotiations

C. Litigation

[2023-108_Closed Session_4.17.23.pdf](#)

[2023-109_Authorize a Standstill Agreement between the Borough of Leonia and Kulite Parties_04.17.2023.pdf](#)

[SKM_C65923040415170 \(2\) \(1\).pdf](#)

[Standstill Agreement Between Leonia & Kulite's LLCs \(2\).pdf](#)

17 ADJOURNMENT

Adoption of Ordinances

ORDINANCE 2023-06

Trina will read:

The following ordinance published herewith was first read by title only on April 3, 2023, and posted on the bulletin board of the municipal building:

**BOROUGH OF LEONIA BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)**

Mayor Zeigler opens the floor for any public comments on Ordinance 2023-06.

MAYOR ZEIGLER ASKS THAT A COUNCIL MEMBER MOVE TO PASS AND ADOPT ON SECOND AND FINAL READING ORDINANCE 2023-06 AND THAT NOTICE OF SAME SHALL BE PUBLISHED ACCORDING TO LAW.

THE MOTION WILL THEN BE SECONDED AND THEN ROLL CALL.

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2023 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Leonia in the County of Bergen finds its advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget of said year, amounting to \$120,924 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Leonia, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Leonia shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1.0%, amounting to \$120,924, and that the CY 2023 municipal budget for the Borough of Leonia be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced by _____

Approved _____, 2023

Seconded by _____

ATTEST:

Borough Clerk

Mayor

RECORD OF VOTE

RECORD OF VOTE												
	First Reading						Second Reading					
	April 3, 2023						April 17, 2023					
	Council	M	S	Y	N	A	AB	M	S	Y	N	A
Grandelis						✓						
Davis						✓						
Fusco			✓									
Hesterbrink			✓									
Terrell		✓	✓									
Ziegler	✓		✓									
Mayor Zeigler												
M - Motion S - Seconded Y- Yes N - No A - Abstain AB - Absent												

Judah Zeigler, Mayor

ATTEST:

Trina Lindsey, Borough Clerk

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-103

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

AUTHORIZE BILL LIST

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize the Treasurer to pay the following claims and charge the 2022 Adopted Budget and/or Budget Reserves and 2023 Temporary Budget

2022

Current	01	252.00			
Year Total:			\$ 252.00		

2023

Current	01	238,409.86			
Developers Escrow	13	462.50			
Rec Activities Trust	20	3,704.98			
Year Total:			\$ 242,577.34		
Capital	C-04	391,569.80			
Total of All Funds:			\$ 634,399.14		

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
 Range: First to Last Rcvd: Y Held: Y Aprv: N
 Format: Condensed Bid: Y State: Y Other: Y Exempt: Y
 Vendors: All Include Non-Budgeted: Y
 Rcvd Batch Id Range: First to Last

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
22-01170	03/08/22	GPCIN005	GPC, INC.	MUNICIPAL BLDG CONSTRUCTION	Open	357,913.45	0.00 B
22-02297	11/10/22	PETRO020	PETRO-MECHANICS INC.	FUEL SYSTEM	Open	19,986.00	0.00
23-00216	02/01/23	VERAL010	V.E. RALPH & SONS, INC.	DEFIBRILLATOR PARTS FOR FD	Open	266.70	0.00
23-00261	02/13/23	WBMAS005	W.B. MASON CO., INC.	COPY PAPER	Open	778.00	0.00
23-00275	02/13/23	TRUEG005	TRUE GREEN COMMERCIAL	SYLVAN PARK LANDSCAPING	Open	740.17	0.00 B
23-00360	02/22/23	PENNO005	PENNONI ASSOCIATES INC.	BROAD AVE SECTION 10	Open	3,365.50	0.00
23-00414	03/01/23	MICRO010	MICROSYSTEMS	2023 TAX ASSESSMENT POSTCARDS	Open	1,867.27	0.00
23-00418	03/01/23	BIGBE005	BIG BELLY SOLAR, LLC	TRASH RECEPTACLES	Open	534.00	0.00
23-00427	03/13/23	BOROU035	BOROUGH OF FORT LEE	FIRE CHIEF RADIO EQUIPMENT	Open	1,008.86	0.00
23-00444	03/13/23	PERFO015	PERFORMANCE HEALTH SUPPLY INC.	SUMMER CAMP 2023 MEDICAL KITS	Open	522.31	0.00
23-00476	03/13/23	KEYST010	KEYSTONE PRINTING	ENVELOPES	Open	260.00	0.00
23-00484	03/13/23	UNITE065	UNITED MOTOR PARTS	SPEEDY-DRY ABSORBANT	Open	319.00	0.00
23-00486	03/13/23	LEONI310	LEONIA FIRE COMPANY	REIMBURSEMENT FOR EV SEMINAR	Open	280.00	0.00
23-00518	03/13/23	BIGBE005	BIG BELLY SOLAR, LLC	TRASH RECEPTACLES	Open	895.20	0.00
23-00585	03/21/23	TYLER005	TYLER, DANIEL	WINTER 2023 SPEED & AGILITY	Open	700.00	0.00
23-00631	04/04/23	WBMAS005	W.B. MASON CO., INC.	COPY PAPER	Open	778.00	0.00
23-00634	04/11/23	PENNO005	PENNONI ASSOCIATES INC.	NEW MUNI BLDG REBID	Open	980.00	0.00
23-00635	04/11/23	BEATT015	BEATTIE PADOVANO, LLC	PLANNING BOARD ATTORNEY FEES	Open	287.00	0.00
23-00636	04/11/23	BEATT015	BEATTIE PADOVANO, LLC	PLANNING BOARD ATTORNEY FEES	Open	166.50	0.00
23-00637	04/11/23	BEATT015	BEATTIE PADOVANO, LLC	PLANNING BOARD ATTORNEY FEES	Open	37.00	0.00
23-00638	04/11/23	BEATT015	BEATTIE PADOVANO, LLC	PLANNING BOARD ATTORNEY FEES	Open	259.00	0.00
23-00643	04/11/23	VERIZ050	VERIZON	LPD ANALOG SIGNAL	Open	802.52	0.00
23-00645	04/11/23	VEOLI005	VEOLIA WATER NEW JERSEY	WATER SERVICE - VAR. LOCATIONS	Open	135.22	0.00
23-00646	04/11/23	UNITE065	UNITED MOTOR PARTS	CAR WASH SOAP	Open	18.08	0.00
23-00650	04/11/23	CINTA015	CINTAS	JANITORIAL SUPPLIES	Open	38.17	0.00
23-00651	04/11/23	LEONI055	LEONIA BOARD OF EDUCATION	TURF FIELD PORTABLES APR 2023	Open	149.00	0.00
23-00652	04/11/23	GOTOT005	GOTO TECHNOLOGIES USA, INC	GOTO WEBINAR SVCES 3/21-4/20	Open	280.00	0.00
23-00653	04/11/23	VERIZ050	VERIZON	FIOS - VARIOUS LOCATIONS	Open	748.96	0.00
23-00654	04/11/23	EXPOS005	HIGH EXPOSURE	SUMMER CAMP DEPOSIT	Open	1,742.50	0.00
23-00655	04/11/23	AUTOM020	AUTOMOTIVE BRAKE COMPANY	EXHAUST REPAIR - G1	Open	26.89	0.00
23-00656	04/11/23	EAGLE015	EAGLE ELEVATOR CO., INC.	MAINTENANCE NOVEMBER 2022	Open	252.00	0.00
23-00664	04/11/23	MOORE035	MOORE'S HARDWARE	ROOF KEYS	Open	8.37	0.00
23-00665	04/11/23	IAZZE005	IAZZETTI, STACEY	CONTRACTUAL EYE GLASSES	Open	88.00	0.00
23-00666	04/11/23	ARCAR005	ARCARI IOVINO ARCHITECTS PC	REC CENTER STUDY MAR 2023	Open	1,700.00	0.00
23-00670	04/13/23	46AUT005	46 AUTO REPAIR, INC	TRUCK INSPECTION G1	Open	262.50	0.00
23-00671	04/13/23	AUTOM020	AUTOMOTIVE BRAKE COMPANY	FORK LIFT FILTERS	Open	48.50	0.00
23-00672	04/13/23	RACHL010	RACHLES/MICHELE'S OIL CO	RED DYED DIESEL	Open	4,604.55	0.00
23-00673	04/13/23	DTSSE005	DTS SERVICES, LLC.	STREET SWEEPING DEBRIS	Open	1,384.20	0.00
23-00674	04/13/23	SILVE005	SILVER MASON SUPPLY CO.	SIDEWALK REPAIR - LIBRARY	Open	149.00	0.00
23-00675	04/13/23	CINTA015	CINTAS	JANITORIAL SUPPLIES	Open	38.17	0.00
23-00676	04/13/23	HOTIA005	HOTI, ANADON A.	EYE GLASSES - CONTRACTUAL	Open	150.00	0.00
23-00679	04/13/23	RACHL010	RACHLES/MICHELE'S OIL CO	UNLEADED GAS	Open	4,996.88	0.00
23-00680	04/13/23	HOMED005	HOME DEPOT CREDIT SERVICES	BATTERIES	Open	67.48	0.00
23-00681	04/13/23	LORCO010	LORCO PETROLEUM SERVICES	USED OIL RECYCLING	Open	350.00	0.00
23-00687	04/13/23	STEAD010	STEADFAST TRUCK & TRAILER	LADDER 1 MAINTENANCE	Open	5,265.38	0.00
23-00690	04/13/23	ARCAR005	ARCARI IOVINO ARCHITECTS PC	ARCHITECTURAL/MUNI BLD MAR 23	Open	6,615.99	0.00
23-00691	04/13/23	PKFOC005	PKF O'CONNOR DAVIES, LLP	PREP/COMPLETION OF THE AFS	Open	4,500.00	0.00
23-00692	04/13/23	PKFOC005	PKF O'CONNOR DAVIES, LLP	2023 OPER. BUDGET SERVICES	Open	3,070.00	0.00

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
23-00693	04/13/23	PKFOC005	PKF O'CONNOR DAVIES, LLP	ACCOUNTING SERVICES	Open	3,200.00	0.00
23-00694	04/13/23	FIRST075	FIRST-CITIZENS BANK & TRUST CO	LPD COPIER LEASE MAR 2023	Open	210.00	0.00
23-00695	04/13/23	FIRST075	FIRST-CITIZENS BANK & TRUST CO	DPW COPIES FEB/MAR 2023	Open	252.00	0.00
23-00696	04/13/23	DIREC025	DIRECT ENERGY BUSINESS	COMMERCIAL GAS	Open	1,500.86	0.00
23-00697	04/13/23	CHART010	CHARTER COMMUNICATIONS	INTERNET BOROUGH HALL	Open	137.97	0.00
23-00698	04/13/23	PUBLI120	PUBLIC SERVICE ELECTRIC & GAS	FORT LEE RD/PARK DR N	Open	36.07	0.00
23-00699	04/13/23	DIREC020	DIRECT ENERGY BUSINESS	COMMERCIAL ELECTRIC	Open	36.45	0.00
23-00700	04/13/23	PUBLI120	PUBLIC SERVICE ELECTRIC & GAS	HILLSIDE/BROAD AVE	Open	32.77	0.00
23-00701	04/13/23	VERIZ010	VERIZON WIRELESS	MOBILE SVCE CELL/TABLETS/MIFI	Open	1,295.21	0.00
23-00702	04/13/23	VERIZ010	VERIZON WIRELESS	ONE TALK TELEPHONES	Open	1,325.92	0.00
23-00703	04/13/23	VERIZ010	VERIZON WIRELESS	LPD AIR CARDS	Open	846.22	0.00
23-00704	04/13/23	NATIO190	NATIONAL DUST CONTROL	MONTHLY FLOOR MATS -MARCH 2023	Open	538.89	0.00
23-00705	04/13/23	THEST005	THE STORMWATER TRAINING	STORMWATER TRAINING - JV & KM	Open	898.00	0.00
23-00706	04/13/23	RACHL010	RACHLES/MICHELE'S OIL CO	RED DYED DIESEL	Open	3,033.47	0.00
23-00707	04/13/23	MCCOR005	MCCORMICK, TAYLOR	FEDERAL TAP GRANT #7	Open	20,230.08	0.00
23-00708	04/13/23	VERIZ050	VERIZON	LPD TELEPHONE	Open	488.74	0.00
23-00709	04/13/23	BERGE115	BERGEN COUNTY MUNICIPAL JIF	2ND QTR JIF INSURANCE PAYMENT	Open	146,579.00	0.00
23-00710	04/13/23	PUBLI130	PUBLIC SERVICE ELECTRIC &	ANNUAL SURV CAMERA POLE RENTAL	Open	67.74	0.00
23-00712	04/13/23	NATUR015	NATURE'S CHOICE CORP.	MIXED VEGETATIVE MATERIALS	Open	508.50	0.00
23-00713	04/13/23	ACTIO025	ACTION DATA SERVICES	MARCH 2023 PAYROLL SERVICES	Open	663.00	0.00
23-00715	04/13/23	GARFI005	GARFIELD ENTERPRISES LLC	GASOLINE	Open	174.00	0.00
23-00716	04/13/23	VERIZ050	VERIZON	LPD BREATHALYZER APR 2023	Open	44.56	0.00
23-00717	04/13/23	HOMED005	HOME DEPOT CREDIT SERVICES	BOROUGH MAINTENANCE SUPPLIES	Open	160.53	0.00
23-00718	04/13/23	EAGLE015	EAGLE ELEVATOR CO., INC.	MONTHLY MAINTENANCE FEB 2023	Open	126.00	0.00
Total Purchase Orders: 72 Total P.O. Line Items: 0 Total List Amount: 611,822.30 Total Void Amount: 0.00							0.00

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total
Fund Description	Fund						
CURRENT	2-01	252.00	0.00	252.00	0.00	0.00	0.00
CURRENT	3-01	215,833.02	0.00	215,833.02	0.00	0.00	0.00
DEVELOPERS ESCROW	3-13	0.00	0.00	0.00	0.00	0.00	462.50
REC ACTIVITIES TR	3-20	<u>3,704.98</u>	<u>0.00</u>	<u>3,704.98</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Year Total:		219,538.00	0.00	219,538.00	0.00	0.00	462.50
CAPITAL	C-04	391,569.80	0.00	391,569.80	0.00	0.00	0.00
Total of All Funds:		<u>611,359.80</u>	<u>0.00</u>	<u>611,359.80</u>	<u>0.00</u>	<u>0.00</u>	<u>462.50</u>

Project Description	Project No.	Rcvd Total	Held Total	Project Total
19900020 - MSN SERVICES NOBILE	19900020	259.00	0.00	259.00
20210007 - 131 FORT LEE RD	20210007	37.00	0.00	37.00
20210015 - 256 GRAND AVE	20210015	166.50	0.00	166.50
Total of All Projects:		<u>462.50</u>	<u>0.00</u>	<u>462.50</u>

P.O. Type: All	Include Project Line Items: Yes	Open: N	Paid: Y	Void: N
Range: First to Last		Rcvd: N	Held: N	Aprv: N
Format: Condensed	First Enc Date Range: 04/04/23 to 12/31/23	Bid: Y	State: Y	Other: Y Exempt: Y
Vendors: All	Include Non-Budgeted: Y			
Rcvd Batch Id Range: First to Last				

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
23-00632	04/04/23	PUBLI120	PUBLIC SERVICE ELECTRIC & GAS	GAS/ELETRIC 1/20/23 - 2/16/23	Clsd	15,640.93	0.00
23-00667	04/11/23	CHEWC005	CHEWCASKIE, BRIAN	APR 2023 BOROUGH ATTORNEY	Clsd	5,769.24	0.00
23-00668	04/11/23	DIMIN005	DIMIN FIERRO LLC	APR 2023 PROSECUTOR	Clsd	1,166.67	0.00

Total Purchase Orders:	3	Total P.O. Line Items:	0	Total List Amount:	22,576.84	Total Void Amount:	0.00
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Totals by Year-Fund Fund Description	Fund	Budget Total
CURRENT	3-01	22,576.84
Total of All Funds:		<u>22,576.84</u>

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-104

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

**AUTHORIZE ARCHITECTURAL SERVICES PROPOSAL FOR LEONIA SENIOR
CENTER CDBG FUNDED ADA RESTROOMS & ENTRANCEWAYS PROJECT**

WHEREAS, the Borough of Leonia was recently awarded \$80,000 for Phase III Leonia Senior Center improvements to include ADA compliant restroom facilities and lower-level entranceway improvements; and

WHEREAS, the Borough’s Architect, Anthony Iovino, of Arcari & Iovino Architects, P.C., assisted the Borough with the grant application cost estimate and has submitted a proposal for architectural and engineering services related to this CDBG funded project; and

WHEREAS, the scope of services to be performed by Arcari & Iovino include assisting with the bidding of the project and the evaluation of the bids and with construction administration in an amount not-to-exceed \$13,500.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, that Arcari and Iovino Architects, P.C. of Little Ferry, New Jersey, is authorized to provide professional architectural and engineering services to assist with the completion of the Phase III Leonia Senior Center Improvements.

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk



**COUNTY OF BERGEN
OFFICE OF THE COUNTY EXECUTIVE**

One Bergen County Plaza • Room 580 • Hackensack, NJ 07601-7076
(201) 336-7300 • Fax (201) 336-7304
countyexecutive@co.bergen.nj.us

James J. Tedesco III
County Executive

October 28, 2022

The Honorable Judah Zeigler
Borough of Leonia
312 Broad Avenue
Leonia, New Jersey 07605

Dear Mayor Zeigler,

I'm delighted to inform you that your recent application for FY 2022-2023 Community Development Block Grant (CDBG) funding from the Bergen County Division of Community Development has been approved. We look forward to working with you as a sub-grantee for the following project:

Senior Center Improvemets Phase II

\$80,000

Laura Salandra, a contract administrator with the Division of Community Development, has been assigned to work with you in executing this project through to completion. Please expect to hear from Laura to review the sub-grant implementation process. Among the first steps to be taken will be submission of the plans and specifications for your project and completion of an environmental review by BCD CD prior to contract finalization.

Should you have any questions before that time, please feel free to contact Rob Esposito, Director of the Division of Community Development, at (201) 336-7201 or resposito@co.bergen.nj.us

The Division of Community Development's partnership with the county's 70 municipalities and scores of nonprofit and government agencies over the years has resulted in a wide range of significant quality of life improvements to the benefit of Bergen residents. Thank you very much for being part of our continuing effort to make Bergen County a great place to live for everyone.

Sincerely,

James J. Tedesco, III
County Executive

www.co.bergen.nj.us

JJT:rgc



Celebrating our 30th year!
1992 – 2022

One Katherine Street
Little Ferry, NJ 07643

201.641.0600

www.aiarchs.com

Edward Arcari, AIA, PP
Anthony Iovino, AIA, PP



April 10, 2023

Andrea Wardrop, Borough Administrator
Borough of Leonia
312 Broad Avenue
Leonia, NJ 07605

Re: Professional Services Proposal
Senior Center – CDBG Funded Renovation

Dear Ms. Wardrop,

We are pleased to submit this proposal for architectural and engineering services relating to the CDBG funded renovation of the Senior Center restrooms and creation of a vestibule at the lower-level entrance. The funding for this project is through Community Development Block Grant funds that require a specific administration process. We understand the CDBG requirements and are prepared to perform those steps necessary to help the borough meet their policies and deadlines.

The improvements generally include new fixtures and finishes at both upper floor restrooms, a new single-occupant barrier-free restroom at the lower-level, and a new vestibule at the lower-level lobby. The two existing lower-level restrooms are undersized as they relate to current Barrier-Free/ADA requirements. As well, the adjacent kitchen area is no longer utilized and is available to facilitate the restroom expansion. We expect to create a new restroom within the kitchen space and to convert the smaller existing restroom into a janitorial closet. Also, a new sink for artwork programs is to be added within the crafts space.

The services, tasks, and timelines we anticipate for this project are outlined as follows:

Design and Construction Documents Phase (4 weeks)

The goal of the Design effort is to resolve significant design issues such as the technical aspects of utility systems to be modified. The Construction Documents are set in the form of drawings and specifications. These will establish the construction and administrative requirements for the construction of the project.

Tasks associated with Design and Construction Documents phase include the following:

- Visit the building for measurements and observations.
- Review Building Code for scope of project.

- Progress and design review meeting with Borough.
- Prepare public bidding front-end documents with CDBG content for the Client review.
- Prepare final construction documents.
- Submit documents to Community Development for their review and approval.
- Offer opinion as to the probable construction value.
- Assemble project manual.
- Final review with Borough.

Bidding Phase (4-5 weeks)

During the bidding phase we would assemble the bid documents and assist with their distribution to contractors. We will answer their questions during the process and attend the bid opening. We would help you evaluate the bids and would prepare a summary letter of our findings. This period includes the time to secure a contract from the awarded bidder and assistance with that process.

Tasks associated with Bidding Phase include the following:

- Assist with the distribution of bid sets.
- Respond to bidder requests for information.
- Attend the bid opening.
- Assist with the evaluation of the bids.
- Prepare a summary of the bid results and findings for Borough and CDBG records.

Construction Administration Phase (3 months)

The Construction Administration is where the architect makes observations to determine that the construction is conforming to construction drawings and specifications. Administrative tasks occur at the architect’s and consultant’s offices throughout the phase whereas they review submittals, respond to contractor questions, and help resolve issues as they arise during construction. Records are maintained of all significant correspondence, meetings, and submittals.

Tasks associated with Construction Administration include the following:

- Attendance at CDBG required pre-construction meeting (1 meeting) and prepare minutes.
- Review initial schedules of time and money by contractor.
- Review periodic applications for payment by contractor.
- Review product and equipment submittals and shop drawings.
- Review contractor requests for changes.
- Attend site meetings and issue reports (4 visits).
- Determine dates for substantial completion and issue document.
- Conduct project closeout and CDBG walk through (1 visit)

We propose a fee of Thirteen Thousand Five Hundred Dollars (\$13,500) for the services described in this proposal as follows:

Design and Construction Documentation	\$7,500
Public Bidding	\$950
Construction Period	\$5,050
Total	\$13,500

We do not anticipate the need for structural engineering for building modifications nor have we included engineering to upgrade building systems outside of the work area. Should those elements

be required, we would secure quotes for such consultants and services for your authorization. We also have not included hazardous materials testing and abatement.

We hope you find this proposal acceptable. With your acceptance, we will forward an agreement form for your endorsement. We understand the CDBG timeline and procedures and are prepared to help you achieve those goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Lovino', is positioned above the typed name.

Anthony Lovino, AIA, PP, LEED
Arcari + Lovino Architects, P.C.

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-105

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

**AUTHORIZE CHANGE ORDERS #23 and #24 FOR THE CONSTRUCTION OF THE
NEW MUNICIPAL BUILDING**

WHEREAS, by Resolution 2022-94, dated March 7, 2022, the Borough of Leonia (“Borough”) authorized the construction of a new municipal building to house the Borough’s police department, municipal courtroom and council chambers, and court offices (the “Project”); and

WHEREAS, in accordance with New Jersey’s Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) the Borough solicited bids for the construction of the new municipal building pursuant to an open and competitive bidding process; and

WHEREAS, the contract was awarded per Resolution 2022-04 to GPC, Inc. for a contract price of \$7,298,000.00; and

WHEREAS, twenty-two (22) previous work items were approved via Resolutions 2022-172, 2022-195, 2022-207, 2022-222, 2022-231, 2022-245, 2022-252, 2022-268, 2022-272, 2023-75, and 2023-92; bringing the new total contract price to \$7,700,939.40 (the “Contract Price”); and

WHEREAS, two (2) additional work items (change order) are necessary for the completion of the “Project” (the “Work Item”):

	Work Item	Change in Price
Change Order 23	Provide fire rated ceiling at top of elevator shaft	\$4,844.40
Change Order 24	Owner request to move the wall at Judges Room 217, ceiling layer results in the requirement of (2) additional sprinkler heads	\$2,717.04
NEW TOTAL CONTRACT PRICE		\$7,708,500.84

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-105

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey that the Borough hereby authorizes the Change Order to include the following Work Item in the Project, thereby modifying the total Contract Price in accordance to the schedule:

I, CAMERON KENG, CHIEF FINANCIAL OFFICER OF THE BOROUGH OF LEONIA, hereby certify that the funds will be available under:

ORD # 2021-08 MUNICIPAL BUILDING /Account# 1-04-55-2021-008

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk

AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
 Leonia Police/Court Bldg.
 1 Wood Park
 Leonia, NJ 07605

CONTRACT INFORMATION:
 Contract For: General Construction
 Date:

CHANGE ORDER INFORMATION:
 Change Order Number: 023
 Date: April 11, 2023

OWNER: *(Name and address)*
 Borough of Leonia
 312 Broad Avenue
 Leonia, NJ 07605

ARCHITECT: *(Name and address)*
 Arcari + Iovino Architects, P.C.
 One Katherine Street
 Little Ferry, NJ 07643

CONTRACTOR: *(Name and address)*
 GPC, Inc.
 20 E. Willow Street
 Millburn, NJ 07041

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Provide fire rated ceiling at top of the elevator shaft (COR #29R). Add \$4,844.40

The original Contract Sum was	\$ 7,298,000.00
The net change by previously authorized Change Orders	\$ 402,939.40
The Contract Sum prior to this Change Order was	\$ 7,700,939.40
The Contract Sum will be increased by this Change Order in the amount of	\$ 4,844.40
The new Contract Sum including this Change Order will be	\$ 7,705,783.80

The Contract Time will be unchanged by Zero (0) days.
 The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Arcari + Iovino Architects, P.C.
 ARCHITECT *(Firm name)*

GPC, Inc.
 CONTRACTOR *(Firm name)*

Borough of Leonia
 OWNER *(Firm name)*

SIGNATURE

SIGNATURE

SIGNATURE

Anthony Iovino, President
 PRINTED NAME AND TITLE

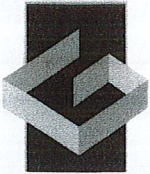
Brenda Grafas, President
 PRINTED NAME AND TITLE

Andrea Wardop, Borough Administrator
 PRINTED NAME AND TITLE

DATE

DATE

DATE



WBE/SBE

GPC, Inc.

20 East Willow Street ~ Millburn, NJ 07041
Phone: 973-376-6116 ~ Fax: 973-376-0599
Email: info@grafas.net

March 28, 2023

Arcari & Iovino
One Katherine Street
Little Ferry, NJ 07643

Attention: Anthony Iovino

Re: Leonia Police / Court Building
Project No. 2050b - COR #29R
1 Wood Park
Leonia, NJ 07605

Gentlemen:

As required by code, provide 2 hour shaft wall fire separation at the top of the elevator shaft due to the trusses that frame thru the shaft.

DePalma (attached):	\$ 4,404.00
GPC (OH&P @ 10%):	\$ 440.40
ADD:	\$ 4,844.40

Very truly yours,

GPC, Inc.

By: 

R. Michael Glander

RMG/ah

Via Fax: 201-641-0626

Phone: 201-64100600

Email: Aiovino@aiaarchs.com

cc: **Ralph Justo**
Arcari & Iovino
Rjusto@aiaarchs.com

cc: **John Brattoli**
CBRE, Inc.
John.brattoli@cbre.com

cc: **Aditya Gupta**
CBRE, Inc.
Aditya.Gupta@cbre.com

cc: **Veronica Hernandez**
CBRE, Inc.
Veronica.Hernandez@cbre.com

cc: **Drew M. Di Sessa**
Pennoni & Associates
DDiSessa@pennoni.com



REQUEST FOR CHANGE ORDER

Ref.# CO-00003

External/CCN#

Date Mar 27, 2023

Job # 436

To: **GPC, Inc.**
20 East Willow Street
Millburn, NJ 07041
Phone: 973-376-6116 Fax: 973-376-0599

Project: **Leonia Police / Court Building**
One Wood Park
Leonia, NJ 07605

Description: Elevator Shaft Lid

Labor	Quantity UOM	Unit Total	Rate	Total
Carpenter	22.00 Hrs	22.00	105.97	\$2,331.34
Taper	8.00 Hrs	8.00	87.35	\$698.80
Total Labor				\$3,030.14

Material	Size	Quantity UOM	Unit Price	Total
MISC-1021- C/O GENERAL WORK	-	1.00 EA	800.00 EA	\$800.00
Total Material				\$800.00

Notes: 2 hour elevator shaftwall ceiling at top of elevator shaft

AUTHORIZED BY:
ON BEHALF OF: GPC, Inc.
PROJECT MANAGER:

Labor Total:	\$3,030.14
Material Total:	\$800.00
Sub Trade Total:	\$0.00
Cleanup Total:	\$0.00
Equipment Total:	\$0.00
Misc. Total:	\$0.00
Sub Total:	\$3,830.14
Mark Up:	\$573.86 14.98%

Total:	\$4,404.00
---------------	-------------------



D

Horizontal Membrane

Steel Framed



2 Hour Fire-rated Construction		Non-loadbearing		Acoustical Performance		Reference	
Construction Detail	Description	Test Number	STC	Test Number	ARL	Index	
	<ul style="list-style-type: none"> - horizontal membrane or metal duct enclosure • 25.4 mm (1") SHEETROCK Liner Panels • 12.7 mm (1/2") SHEETROCK FIRECODE C Core Gypsum Panels • CGC Steel C-H stud spanning horizontally 610 mm (24") o.c. - joints finished 	OBMEC #89-1-118			SA926	D-1	

AIA® Document G701® – 2017

Change Order

PROJECT: <i>(Name and address)</i> Leonia Police/Court Bldg. 1 Wood Park Leonia, NJ 07605	CONTRACT INFORMATION: Contract For: General Construction Date:	CHANGE ORDER INFORMATION: Change Order Number: 024 Date: April 11, 2023
OWNER: <i>(Name and address)</i> Borough of Leonia 312 Broad Avenue Leonia, NJ 07605	ARCHITECT: <i>(Name and address)</i> Arcari + Iovino Architects, P.C. One Katherine Street Little Ferry, NJ 07643	CONTRACTOR: <i>(Name and address)</i> GPC, Inc. 20 E. Willow Street Millburn, NJ 07041

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

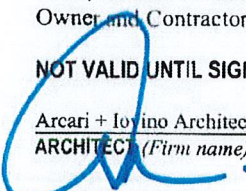
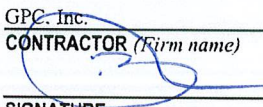
Owner request to move the wall at Judges Room 217, ceiling layout results in the requirement of (2) additional sprinkler heads (COR #28). Add \$2,717.04

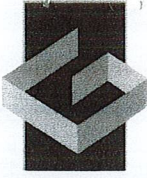
The original Contract Sum was	\$ 7,298,000.00
The net change by previously authorized Change Orders	\$ 407,783.80
The Contract Sum prior to this Change Order was	\$ 7,705,783.80
The Contract Sum will be increased by this Change Order in the amount of	\$ 2,717.04
The new Contract Sum including this Change Order will be	\$ 7,708,500.84

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>Arcari + Iovino Architects, P.C.</u> ARCHITECT <i>(Firm name)</i>	<u>GPC, Inc.</u> CONTRACTOR <i>(Firm name)</i>	<u>Borough of Leonia</u> OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
<u>Anthony Iovino, President</u> PRINTED NAME AND TITLE	<u>Brenda Grafas, President</u> PRINTED NAME AND TITLE	<u>Andrea Wardop, Borough Administrator</u> PRINTED NAME AND TITLE
<u>4/11/2023</u> DATE	<u>04/12/23</u> DATE	 DATE



WBE/SBE

GPC, Inc.

20 East Willow Street ~ Millburn, NJ 07041

Phone: 973-376-6116 ~ Fax: 973-376-0599

Email: info@grafas.net

March 27, 2023

Arcari & Iovino
One Katherine Street
Little Ferry, NJ 07643

Attention: Anthony Iovino

**Re: Leonia Police / Court Building
Project No. 2050b - COR #28
1 Wood Park
Leonia, NJ 07605**

Gentlemen:

As a follow up to the owners request to move the wall at the judges room 217, the ceiling layout results in the requirement of two (2) additional sprinkler heads as shown on the attached partial plan.

Allied Sprinkler (attached):	\$ 2,470.04
GPC (OH&P @ 10%):	\$ 247.00
ADD:	\$ 2,717.04

Very truly yours,

GPC, Inc.

By: 

R. Michael Glander

RMG/ah

Via Fax: 201-641-0626

Phone: 201-64100600

Email: Aiovino@aiaarchs.com

cc: Ralph Justo
Arcari & Iovino
Rjusto@aiaarchs.com

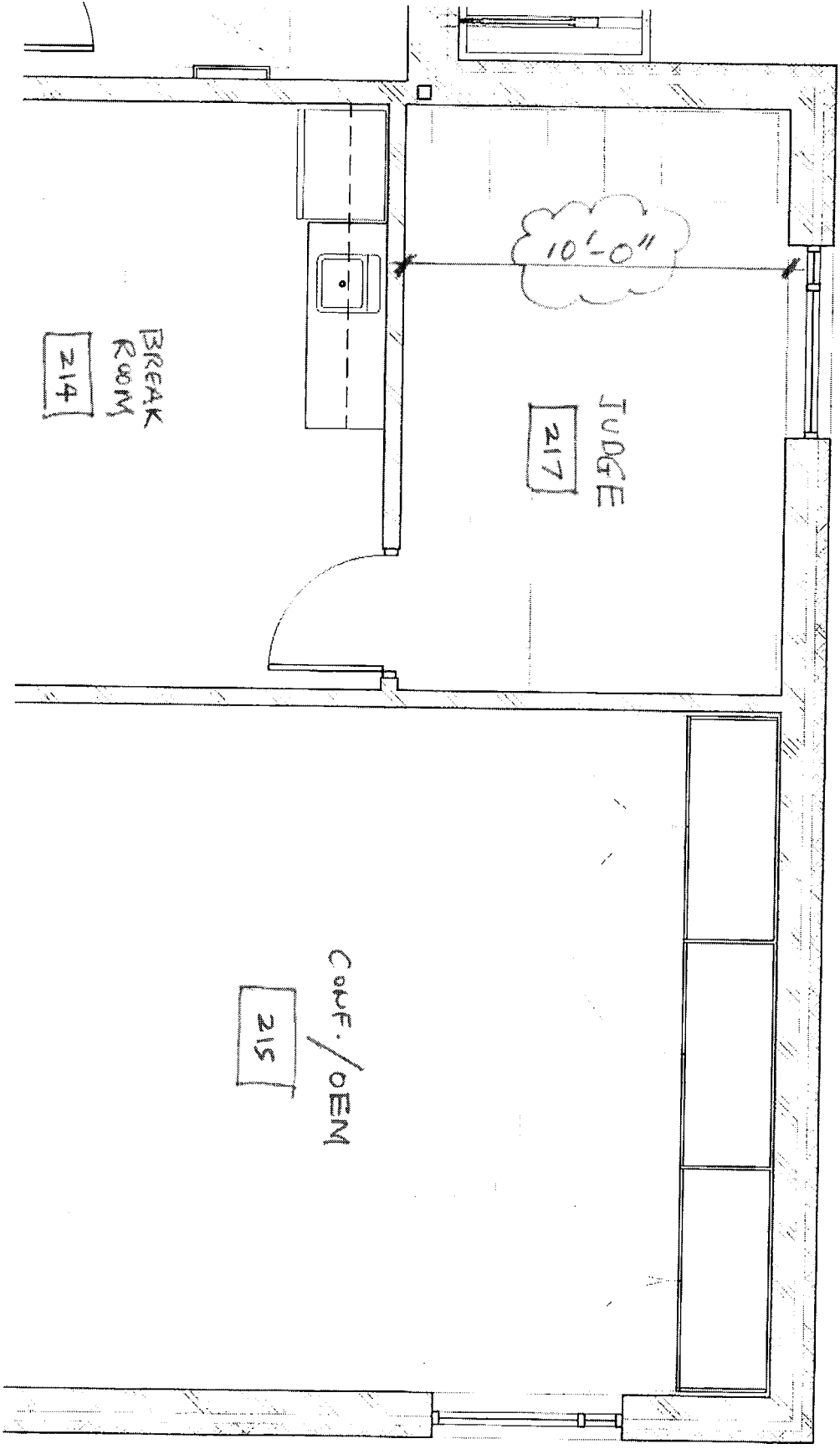
cc: John Brattoli
CBRE, Inc.
John.brattoli@cbre.com

cc: Aditya Gupta
CBRE, Inc.
Aditya.Gupta@cbre.com

cc: Veronica Hernandez
CBRE, Inc.
Veronica.Hernandez@cbre.com

cc: Drew M. Di Sessa
Pennoni & Associates
DDiSessa@pennoni.com

(C)



arcari + iovino ARCHITECTS PC

ONE KATHERINE STREET
LITTLE FERRY, NJ 07643
201 641 0800, FAX 201 641 0638
WWW.AARCHS.COM

EDWARD ARCARI, N.J.#12305 ANTHONY IOVINO, N.J.#11720

LEONIA POLICE/COURT BUILDING

1 WOOD PARK

LEONIA, NJ

JUDGE'S OFFICE

1/4" = 1'-0"
03.22.23

SK002

2050 \current \Sketches

©2023 arcari + iovino ARCHITECTS PC



517 GREEN GROVE ROAD
 PO BOX 607
 NEPTUNE, NEW JERSEY 07754
 P: 732.922.3399 | F: 732.918.8668
 ALLIEDFIRESAFETY.COM



CHANGE REQUEST

To: mike@grafas.net
 Grafas Painting Contractors
 20 East Willow Street
 Millburn, NJ 07041
 Ph: (973)376-6116 Fax: (973)376-0599

Number: 3
 Date: 3/23/23
 Job: 10-22-0041 Leonia PD & Court

Description: Additional Heads in Break room

Reason: Design Change

Please find listed below our additional costs to add two(2) additional sprinkler heads in the break room, due to the judges office being reduced in size and the break room increasing. The new sprinkler heads will be shown on the as-built and field plans. This change requires modifying the hydraulic calculations, though I do not see a need to provide a resubmittal to the town or engineer at this time. These changes will be reflected in the AS-BUILT record plans.

In accordance with our contract we must have a written change order before performing any additional work. Please sign below and/or issue us a written change order in the above amount if we are to proceed with this work. Please note that permits, resubmittals, multiple remobilizations, painting, patching, phasing, premium time, delays, acceleration, ceiling damage, water damage, access panels, furniture protection and removal and/or replacement of ceilings is not included in this price.

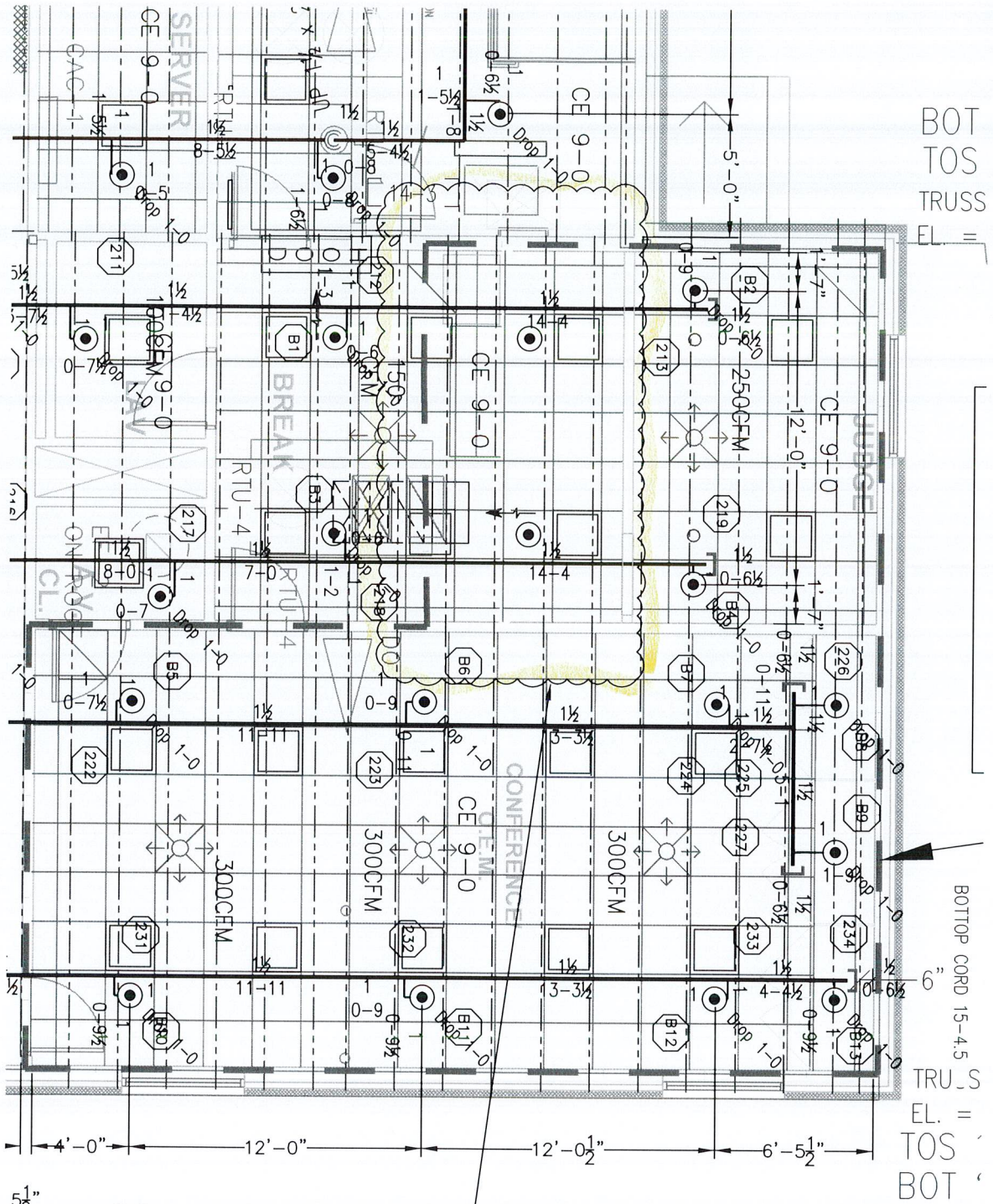
Please note that we are going to require a time extension of (5) working days for the design, material acquisitions, pipe fabrication as well as field labor.

We reserve the right to increase these costs if this change order is not approved in a timely manner and we are boxed out or buried by other trades prior to our installation.

Alternate: If resubmittal of shop drawings and/or hydraulic calculations is required for the Township, NJDCA, Government, Engineer, and/or Architect, there will be an additional cost of \$3,000.00.

Work performed by us:

Description	Quantity	Unit	Unit Price	Price
Feild Labor - (2 men 4 hours each)	8.00	hr	\$126.00	\$1,008.00
Engineering Labor	3.00	hr	\$200.00	\$600.00
RI Piping Material	1.00	lot	\$260.00	\$260.00
Safety & Cleanup	1.00	days	\$100.00	\$100.00
Truck & Equipment Expenses	1.00	days	\$100.00	\$100.00
Consumables (7% of total Labor)	1.00	lot	\$70.56	\$70.56
			Subtotal:	\$2,138.56
		Overhead	10.00%	\$213.86
		Profit	10.00%	\$235.24 117.02
			Total:	\$2,587.66 2470.04



BOT
TOS
TRUSS
EL. =

BOTTOP CORD 15-4.5
"9"
TRU.S
EL. =
TOS
BOT

(2) ADDITIONAL HEADS

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-106

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

AUTHORIZATION FOR LOSAP PAYMENT

WHEREAS, the Mayor and Council of the Borough of Leonia approve a Length of Service Award Program (LOSAP) which authorizes the Borough of Leonia to make contributions for all volunteers who qualified; and

WHEREAS, pursuant to N.J.S.A. 40A:14-185, the Borough may increase the contributions from time to time provided that the increase does not exceed a certain amount; and

WHEREAS, the State of New Jersey has determined that the increase for the year 2022 shall be 7.8% as set forth in the Local Finance Notice 2023-01; and

WHEREAS, the Leonia Fire Department currently has 21 members who have qualified for 2022 with the individual contribution totaling \$1,488.29 for a total contribution of \$31,254.09; and

WHEREAS, the Mayor and Council desire to raise the contribution to the LOSAP as permitted by statute.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey approve the 7.8% increase to the contribution to the Length of Service Award Program for 2023 totaling \$31,254.09.

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk



LFN 2023-01

January 6, 2023

Local Finance Notice

Philip D. Murphy
Governor

Lt. Governor Sheila Y. Oliver
Commissioner

Jacquelyn A. Suárez
Director

Contact Information

Website

www.nj.gov/dca/divisions/dlgs

E-mail

dlgs@dca.nj.gov

Phone

609.292.6613

Mail and Delivery

101 South Broad St.
PO Box 803
Trenton, New Jersey
08625-0803

Distribution

Municipal CFOs
Administrators/Managers
Municipal Clerks
Fire District Officials
Auditors

LOSAP CY 2022 Annual CPI Adjustment (For Use in CY 2023)

This Local Finance Notice provides local units administering a Length of Service Awards Program (LOSAP) with general information regarding LOSAP award increases and the annual cost of living adjustment to the maximum award amounts.

- 1. Newly established LOSAPs:** New programs must provide a benefit between the minimum contribution of \$100 and maximum contribution of \$1,150 per year.
- 2. Increasing base contribution amounts:** The LOSAP law did not contemplate increases to the initially approved base contribution amounts. As the LOSAP law intends that voters approve the base amount of contributions, base amounts cannot be increased solely by governing body action. The public referendum process must be used to increase award contribution amounts where the total appropriation would exceed the originally approved amount (plus allowed CPI adjustments and subject to minor adjustments based on number of participants). This use of the referendum is in addition to the provisions in N.J.A.C. 5:30-14.8 authorizing a referendum to create or abolish a LOSAP.
- 3. Periodic or annual contribution increases (cost of living):**
 - a. Automatic CPI adjustments: Automatic annual cost of living adjustments are permissible if authorizing language was included in the enabling resolution or ordinance. Application of the automatic annual Consumer Price Index (CPI) adjustment is strictly optional.
 - b. Time-to-time CPI adjustments: If the enabling ordinance or resolution did not provide for an automatic annual CPI adjustment, the sponsoring agency may choose to provide a CPI adjustment from time to time. In this case, the LOSAP contribution may be increased up to a maximum equal to the cumulative percentage increase since the time the award was last set. The change is made by resolution without a public hearing.

- c. Authorizing automatic increases: If the sponsoring agency wants to provide for an automatic annual CPI adjustment to the LOSAP award, the agency must amend the enabling ordinance or resolution to authorize an automatic adjustment. This type of program amendment is subject to a public hearing whether adopted by ordinance or resolution. This action does not require a referendum.

2022 CPI Adjustments for Use in CY 2023

LOSAP rules require that the Director of the Division of Local Government Services annually calculate an adjustment to the maximum LOSAP contribution due to changes in the CPI. Please note that the amount of the increase cannot exceed the amount calculated by multiplying the current contribution by the inflation percentage.

There may be differences in the maximums between fire districts and municipalities where calculations represent different CPI quarters.

The increase in CY 2022 (for use in CY 2023) is **7.8% for municipal** (November) and **7.3% for fire district** (February) LOSAPs. Calculation history and details follow. The table also shows the maximum LOSAP award allowable for Programs that have been in effect since 1999.

Fire District LOSAPs February to February CPI Change

Year	Current Year CPI	Prior Year CPI	Consumer Price Index Factor	Maximum LOSAP Award for Programs in effect since 1999
2000	174.7	168.6	3.6%	\$1,191
2001	179.0	174.8	2.4%	\$1,220
2002	182.0	179.0	1.6%	\$1,240
2003	186.6	182.0	2.5%	\$1,278
2004	191.4	186.6	2.6%	\$1,311
2005	200.1	191.4	4.5%	\$1,370
2006	209.0	200.1	4.5%	\$1,432
2007	213.152	209.0	2.0%	\$1,461
2008	220.935	213.152	3.7%	\$1,516
2009	220.262	220.935	0%	\$1,516
2010	226.529	220.262	2.8%	\$1,558
2011	230.878	226.529	1.9%	\$1,588
2012	235.857	230.878	2.2%	\$1,623
2013	240.137	235.857	1.8%	\$1,652
2014	242.584	240.137	1.0%	\$1,669
2015	242.424	242.584	0%	\$1,669
2016	243.132	242.424	0.3%	\$1,674
2017	248.345	243.132	2.1%	\$1,709
2018	249.567	248.345	0.49%	\$1,717
2019	253.218	249.567	1.5%	\$1,742

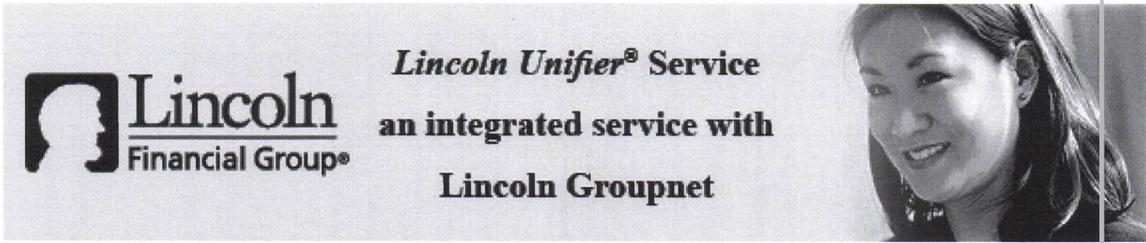
2020	259.694	253.218	2.6%	\$1,787
2021	262.167	259.694	0.96%	\$1,804
2022	281.402	262.167	7.3%	\$1,936

**Municipal LOSAPs
November to November CPI Change**

Year	Current Year CPI	Prior Year CPI	Consumer Price Index Factor	Maximum LOSAP Award for Programs in effect since 1999
2000	177.9	174.4	2.0%	\$1,173
2001	182.9	177.9	2.8%	\$1,206
2002	185.8	182.9	1.5%	\$1,224
2003	190.3	185.8	2.4%	\$1,253
2004	200.2	190.3	5.2%	\$1,318
2005	207.5	200.2	3.6%	\$1,365
2006	211.6	207.5	2.0%	\$1,392
2007	218.929	211.6	3.5%	\$1,441
2008	225.113	218.929	2.8%	\$1,481
2009	224.787	225.113	0%	\$1,481
2010	228.543	224.787	1.7%	\$1,506
2011	235.440	228.543	3%	\$1,551
2012	240.537	235.440	2.2%	\$1,585
2013	241.141	240.537	0.25%	\$1,589
2014	244.948	241.141	1.6%	\$1,614
2015	243.697	244.948	0%	\$1,614
2016	246.952	243.697	1.3%	\$1,635
2017	248.956	246.952	0.8%	\$1,648
2018	253.040	248.956	1.6%	\$1,674
2019	257.966	253.040	1.9%	\$1,705
2020	259.979	257.966	0.8%	\$1,718
2021	274.647	259.979	5.6%	\$1,814
2022	295.978	274.647	7.8%	\$1,955

Approved: Jacquelyn A. Suárez, Director

Document	Internet Address
DLGS LOSAP Webpage	http://www.nj.gov/dca/divisions/dlgs/programs/losap.html



Contribution Records Sent

General Information...				
Contract Name: Leonia Boro 2022		Contract Number: CR32720		
Company Name: Lincoln Financial Advisors		Payroll Period Ending: 4/6/2023		
Your Name: Bruce Linger, Sy Green, Nicholina Glavan		E-mail Address: Nicholina.Glavan@lfg.com,		
Phone Number: 201-556-4570/201-556-4564		Fax Number: 201-368-5161		
Tracking Number: aglf20230406114755000001900				
Contribution Information...				
Contract Number	Total Records	Total Contributions	Total Remittance	Payment Method
CR32720	41	\$ 31,254.09	\$ 31,254.09	Check
Employer Totals:				\$ 31,254.09
Employer Program Sponsor Contributions:			\$ 31,254.09	
Employer Program Sponsor Contributions (negative):			\$ 0.00	
Total Contributions:				\$ 31,254.09
Forfeiture Account/Amount:				\$ (0.00)
Total Remittance Amount:				\$ 31,254.09
Paying by Check				
Total amount of check(s):			\$ 31,254.09	
Number of check(s) enclosed:			1	
Check number(s):				
<u>US Mail</u>		<u>Express Mail</u>		
The Lincoln National Life Insurance Company		The Lincoln National Life Insurance Company		
Employer Services (5H-26)		Employer Services (5H-26)		
Attn: Groupnet Processing		Attn: Groupnet Processing		
PO Box 7864		1301 South Harrison Street		
Fort Wayne IN 46801-7864		Fort Wayne IN 46802		
Grand Totals:	41	\$ 31,254.09	\$ 31,254.09	Check

LEONIA BOROUGH LOSAP 2022

	xxx-xx-	Last	First		Contribution 2022
5343	#####	BIONDI	JOHNNY	J	\$1,488.29
2081	#####	BIONDI	JOSEPH	J	
4666	#####	BOHNERT	DAVID	J	
0097	50660097	CABA	ALFREDO		
8962	#####	CARUOLO	THOMAS		\$1,488.29
7186	#####	CHACE	RONALD	D	
1767	#####	CLARK	MICHAEL	A	
1370	#####	COSTANTINO	NICH		\$1,488.29
9749	#####	DAVENPORT	ARNOL		
6597	#####	DUNN	JOHN	M	\$1,488.29
5930	#####	DUNN	JOHN	B	\$1,488.29
3342	#####	FERTIL	ELIJAH		
2269	#####	FISHER	SCOTT	W	\$1,488.29
2294	#####	GERMAIN	CHARLES		\$1,488.29
9729	#####	GIANNUZZI	JOHN		
6378	#####	GOLDMAN	GREGG	I	\$1,488.29
3734	#####	HAENELT	DAVID	A	
2583	#####	HAWKINS	GILBERT		
6791	#####	HEINERT	DIEGO		
0989	#####	LIESAUER	PAUL	N	\$1,488.29
4919	#####	LIM	DANIEL		
2173	#####	MACKENZIE	STEP		
1551	#####	MALLOY	KEVIN		
2464	#####	MCARDLE	JAMES		\$1,488.29
2690	#####	METZDORF	THOMAS		\$1,488.29
6401	#####	MUGAN	JOHN	P	
9781	#####	NEU	DANIEL	G	\$1,488.29
4272	#####	PANAROTTO	DANNY		\$1,488.29
2898	#####	PAWLICK	ROBERT		\$1,488.29
1041	#####	PAWLICK	ROBERT		\$1,488.29
4816	#####	PETERS	MARYELLE		\$1,488.29
8165	#####	QUINTON	RICHARD		\$1,488.29
9384	#####	REILLY	BRENDAN		
3980	#####	SCHIESS	DONALD		\$1,488.29
6837	#####	STENDOR	NOLAN		\$1,488.29
6433	#####	VALENS	TIFFANY		
5262	#####	VILLELA	DYLAN	E	
6396	#####	WRIGHT	TROY	A	
0038	#####	YEANDLE	BRIAN		
9278	#####	ZAIKOWSKI	ROBER		\$1,488.29
		NEW			
5194	1.5E+08	WRIGHT	DYLAN		\$1,488.29
			TOTAL		\$31,254.09

LEONIA BOROUGH LOSAP 2022

	xxx-xx-	Last	First		Contribution 2022
5343	#####	BIONDI	JOHNNY	J	1488.29
2081	#####	BIONDI	JOSEPH	J	
4666	#####	BOHNERT	DAVID	J	
0097	#####	CABA	ALFREDO		
8962	#####	CARUOLO	THOMAS		1488.29
7186	#####	CHACE	RONALD	D	
1767	#####	CLARK	MICHAEL	A	
1370	#####	COSTANTINO	NICH		1488.29
9749	#####	DAVENPORT	ARNOL		
6597	#####	DUNN	JOHN	M	1488.29
5930	#####	DUNN	JOHN	B	1488.29
3342	#####	FERTIL	ELIJAH		
2269	#####	FISHER	SCOTT	W	1488.29
2294	#####	GERMAIN	CHARLES		1488.29
9729	#####	GIANNUZZI	JOHN		
6378	#####	GOLDMAN	GREGG	I	1488.29
3734	#####	HAENELT	DAVID	A	
2583	#####	HAWKINS	GILBERT		
6791	#####	HEINERT	DIEGO		
0989	#####	LIESAUER	PAUL	N	1488.29
4919	#####	LIM	DANIEL		
2173	#####	MACKENZIE	STEP		
1551	#####	MALLOY	KEVIN		
2464	#####	MCARDLE	JAMES		1488.29
2690	#####	METZDORF	THOMAS		1488.29
6401	#####	MUGAN	JOHN	P	
9781	#####	NEU	DANIEL	G	1488.29
4272	#####	PANAROTTO	DANNY		1488.29
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3980	#####	SCHIESS	DONALD		1488.29
6837	#####	STENDOR	NOLAN		1488.29
6433	#####	VALENS	TIFFANY		
5262	#####	VILLELA	DYLAN	E	
6396	#####	WRIGHT	TROY	A	
0038	#####	YEANDLE	BRIAN		
9278	#####	ZAIKOWSKI	ROBER		1488.29
			TOTAL		
		NEW			
		WRIGHT	DYLAN		1488.29
					31254.09

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-107

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

**AUTHORIZATION TO TERMINATE CONTRACT WITH CLEANING SERVICES
CONTRACTOR AND REQUEST TO RE-BID SERVICES**

WHEREAS, the Borough of Leonia contracted with Best Cleaning Building Service, Inc. of Lodi, New Jersey, on September 1, 2022 for a period of two years from September 1, 2022 through August 31, 2024 at an annual contract price in the amount of \$61,200.00; and

WHEREAS, the Borough Administrator, DPW Superintendent, and Department Directors have met on multiple occasions with Best Cleaning Building Service, Inc. to report staff concerns and review the scope of services agreed upon by the contractor with little to no improvement shown by the cleaning crew(s) since October 2022; and

WHEREAS, the Borough Attorney opined on April 13, 2023 that the Borough of Leonia may terminate the contract for non-performance with 60-days' notice; and

WHEREAS, the Borough Administrator requests authorization to re-bid the cleaning services for Borough facilities.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, that the existing contract with Best Cleaning Building Service, Inc., of Lodi, New Jersey, be terminated with 60-days' notice to the contractor and that the Borough Administrator is authorized to work with the Borough QPA on the re-bid process for cleaning services for municipal facilities.

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk

The Record

NORTH JERSEY'S TRUSTED SOURCE

Ad Order Number
0004162545

STATE OF NEW JERSEY
COUNTY OF PASSAIC SS:

Siana Aguerre

Of full age, being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group publisher of the The Record. Included herewith is a true copy of the notice that was published on the following date(s):

05/15/17

in The Record, a newspaper of general circulation and published in Hackensack, in the County of Bergen and circulated in Bergen, Passaic, Hudson, Morris and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this 15 day of May, 2017 at Woodland Park, NJ

Melanie C Altz
A Notary Public of New Jersey



NOTICE OF INTENT BY THE BOROUGH OF LEONIA TO ISSUE A NEW PLENARY RETAIL CONSUMPTION LICENSE AND TO AUCTION SAME IN ACCORDANCE WITH N.J.S.A. 33:1-19.3

Please take notice that on June 15, 2017, the Borough of Leonia will conduct a public sale of a plenary retail consumption license in accordance with N.J.S.A. 33:1-19.3.

1. The Borough of Leonia has determined, pursuant to Resolution No. 2016-196 adopted October 5, 2016, to issue a new plenary retail consumption license by public sale to the highest qualified bidder.
2. All bids will be sealed and the minimum bid is Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), with a deposit of ten percent (10%) of the bid to be paid within ten (10) days of the acceptance of the bid by the Borough of Leonia. The deposit must be paid by certified or cashier's check. In the event the successful bidder does not complete the purchase of the plenary retail consumption license, any deposit will be forfeited.
3. All interested applicants shall submit a complete application (bid), which will be evaluated by the Governing Body for determination in accordance with the following factors:
 - (a) The intended use of the license by the applicant, which use must be in accordance with the Borough ordinances regarding liquor licenses;
 - (b) Location of the premises from which the applicant will maintain its business. With regard to this factor, the Governing Body will consider the impact on traffic, the aesthetics of the planned establishment, and the availability of parking;
 - (c) A business plan of the application to be submitted with the application (bid) shall include, but not be limited to, information concerning the hours of operation; the number of proposed tables/seats; the type of liquor to be sold (wine and beer, microbrewery, hard liquor); and the type of food to be sold. The applicant shall provide a minimum number of 40 seats and a full service lunch and dinner menu;
 - (d) Whether the location from which the applicant intends to operate shall be owned by the applicant or leased by the applicant. If leased, details of the lease must be provided;
 - (e) With regard to the location of the planned business, the Governing Body will consider proximity to churches, schools and public parks;
 - (f) The applicability of any land use provisions;
 - (g) The ratable impact if such license is issued;
 - (h) Community needs;
 - (i) The amount offered for purchase of a liquor license by the applicant (bidder);
 - (j) The prior business experience of the individuals that will be operating the business, whether the business is to be operated as a proprietorship, partnership or corporation;
 - (k) Whether any individual, partnership, corporation or association has ever held a liquor license, and whether such license was ever suspended or revoked;
 - (l) Whether the applicant (bidder) will maintain liquor liability insurance;
 - (m) Financial documentation establishing the fiscal condition of the applicant (bidder), including, but not limited to, the last three (3) years Federal and State tax returns, profit and loss statements, and balance sheets;
 - (n) Whether the applicant will obtain a loan in order to purchase the liquor license and, if so, the terms of such loan; and
 - (o) Any and all other information to be included as required in the application (bid) for a retail alcoholic beverage license.
4. The Borough of Leonia reserves the right to reject any and all bids if the highest bid is not accepted. The sale of the license may be postponed or cancelled at any time prior to the opening of the bids (N.J.S.A. 33:1-19.5).
5. All bids must be received by June 9, 2017 and will be opened on June 15, 2017 at 10:00 a.m. at the Municipal Building conference room, Borough of Leonia, 312 Broad Avenue, Leonia, New Jersey 07605.
6. All bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulation thereunder, and any applicable municipal ordinance. The applicant, at the time of submission, shall submit a certification that the applicant knows of no reason why the applicant would be disqualified from holding an interest in a retail liquor license in New Jersey and, further, that the applicant meets all the special conditions or requirements stated in the notice.
7. All prospective bidders for the license shall apply by submitting to the Municipal Clerk a full and complete 12 page ABC Retail License Application Form in a separately sealed envelope, with the applicant's bid and the certification referenced in no. 6 hereof. It must also state the last date and time that application and bids will be accepted. All prospective bidders must qualify no later than five (5) business days prior to the opening of the bids.
8. The Township Administrator will publicly announce those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules and regulations, and resolution five (5) days prior to the opening of the bids. No bids will be opened from or on behalf of any bidder who has not been identified as presumptively meeting the qualifications for bidding.

The Resolution and bid documents may be obtained from the Borough Administrator either in person, by mail, or by e-mail to jterhune@leonianj.gov.

May 15, 2017 - Fee: \$136.95 (166) 4162545



STATE OF NEW JERSEY
COUNTY OF PASSAIC SS:

Diana Aguerre

Of full age, being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group publisher of the The Record. Included herewith is a true copy of the notice that was published on the following date(s):

05/08/17, 05/15/17

in The Record, a newspaper of general circulation and published in Hackensack, in the County of Bergen and circulated in Bergen, Passaic, Hudson, Morris and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this 15 day of May, 2017 at Woodland Park, NJ

Melanie C Altz
A Notary Public of New Jersey



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 2. All bids will be sealed and the minimum bid is Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), with a deposit of ten percent (10%) of the bid to be paid within ten (10) days of the acceptance of the bid by the Borough of Leonia. The deposit must be paid by certified or cashier's check. In the event the successful bidder does not complete the purchase of the plenary retail consumption license, any deposit will be forfeited.
 3. All interested applicants shall submit a complete application (bid), which will be evaluated by the Governing Body for determination in accordance with the following factors:
 - (a) The intended use of the license by the applicant, which use must be in accordance with the Borough ordinances regarding liquor licenses;
 - (b) Location of the premises from which the applicant will maintain its business. With regard to this factor, the Governing Body will consider the impact on traffic, the aesthetics of the planned establishment, and the availability of parking;
 - (c) A business plan of the application to be submitted with the application (bid) shall include, but not be limited to, information concerning the hours of operation; the number of proposed tables/seats; the type of liquor to be sold (wine and beer, microbrewery, hard liquor); and the type of food to be sold. The applicant shall provide a minimum number of 40 seats and a full service lunch and dinner menu;
 - (d) Whether the location from which the applicant intends to operate shall be owned by the applicant or leased by the applicant. If leased, details of the lease must be provided;
 - (e) With regard to the location of the planned business, the Governing Body will consider proximity to churches, schools and public parks;
 - (f) The applicability of any land use provisions;
 - (g) The ratable impact if such license is issued;
 - (h) Community needs;
 - (i) The amount offered for purchase of a liquor license by the applicant (bidder);
 - (j) The prior business experience of the individuals that will be operating the business, whether the business is to be operated as a proprietorship, partnership or corporation;
 - (k) Whether any individual, partnership, corporation or association has ever held a liquor license, and whether such license was ever suspended or revoked;
 - (l) Whether the applicant (bidder) will maintain liquor liability insurance;
 - (m) Financial documentation establishing the fiscal condition of the applicant (bidder), including, but not limited to, the last three (3) years Federal and State tax returns, profit and loss statements, and balance sheets;
 - (n) Whether the applicant will obtain a loan in order to purchase the liquor license and, if so, the terms of such loan; and
 - (o) Any and all other information to be included as required in the application (bid) for a retail alcoholic beverage license.
 4. The Borough of Leonia reserves the right to reject any and all bids if the highest bid is not accepted. The sale of the license may be postponed or cancelled at any time prior to the opening of the bids (N.J.S.A. 33:1-19.5).
 5. All bids must be received by June 9, 2017 and will be opened on June 15, 2017 at 10:00 a.m. at the Municipal Building conference room, Borough of Leonia, 312 Broad Avenue, Leonia, New Jersey 07605.
 6. All bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulation thereunder, and any applicable municipal ordinance. The applicant, at the time of submission, shall submit a certification that the applicant knows of no reason why the applicant would be disqualified from holding an interest in a retail liquor license in New Jersey and, further, that the applicant meets all the special conditions or requirements stated in the notice.
 7. All prospective bidders for the license shall apply by submitting to the Municipal Clerk a full and complete 12 page ABC Retail License Application Form in a separately sealed envelope, with the applicant's bid and the certification referenced in no. 6 hereof. It must also state the last date and time that application and bids will be accepted. All prospective bidders must qualify no later than five (5) business days prior to the opening of the bids.
 8. The Township Administrator will publicly announce those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules and regulations, and resolution five (5) days prior to the opening of the bids. No bids will be opened from or on behalf of any bidder who has not been identified as presumptively meeting the qualifications for bidding.
The Resolution and bid documents may be obtained from the Borough Administrator either in person, by mail, or by e-mail to jterhune@leonianj.gov.
- May 8, 15, 2017 - Fee: \$273.90 (166) 4160754

GITTLEMAN, MUHLSTOCK & CHEWCASKIE, L.L.P.

ATTORNEYS AT LAW
 2200 FLETCHER AVENUE
 9W OFFICE CENTER
 FORT LEE, NEW JERSEY 07024

(201) 944-2300

TELECOPIER

(201) 944-1497

MELVIN GITTLEMAN (1930-2013)
 STEVEN MUHLSTOCK
 BRIAN M. CHEWCASKIE
 NYLEMA NABBIE (N.J. & N.Y.)

BRIAN M. CHEWCASKIE
 E-MAIL
 brian@gmcnjlaw.com

MEMO

TO: MAYOR & COUNCIL OF THE BOROUGH OF LEONIA

FROM: BRIAN M. CHEWCASKIE

DATE: MAY 24, 2016

RE: SALE OF LIQUOR LICENSE

In anticipation of the sale of the liquor license, the following is the procedure for the issuance of a new liquor license using a public sale option:

1. The Mayor and Council adopts a resolution indicating its intent to issue a new license by the public sale option. Pursuant to N.J.S.A. 33:1-19.3, the resolution should contain the following information:

- The requirements that all bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder, and any applicable Borough ordinances.
- A statement that the license will be awarded to the highest qualified bidder. The action location of the license will be determined through the normal licensing process that takes place after the highest bid is accepted.
- Any other specific requirements and conditions that a prospective licensee must satisfy, such as, the requirement to operate a restaurant, public accommodation or other facility.

SALE OF LIQUOR LICENSE

Page 2

May 24, 2016

- Any minimum bid requirement and other bidding provisions, such as, deposit requirements, when payment of balance of bid is due, permissible modes of payment, refunds and forfeitures, etc.
- A statement that the Mayor and Council reserves the right to reject all bids if the highest bid is not accepted.

2. After adopting the enabling resolution, the Mayor and Council must advertise its intention to issue a new license using the public sale option and invite bidders. The notice must be published in a newspaper circulating generally in the Borough, not less than two (2) times, which publications cannot be less than one week apart. The minimum time period that must be allowed between the second or last publication and the date of sale is thirty (30) days. The date of sale is the date on which the bids are to be opened. Pursuant to N.J.S.A. 33:1-19.4, this notice should contain the following information:

- A statement that the Mayor and Council, by Resolution No. _____, has determined to issue a new license (type of license should be specified) by public sale to the highest qualified bidder.
- A statement that all bids will be sealed and any minimum bid requirements and other bidding provisions, such as deposit requirements, when payment of balance of bid is due, permissible modes of payment, refunds and forfeitures, etc.
- Any other specific requirements and conditions that a prospective licensee must satisfy, such as the requirement to operate a restaurant, public accommodation or other facility.
- A statement that the Mayor and Council reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to the opening of the bids.
- A statement of the place, date and time that bids will be opened.

SALE OF LIQUOR LICENSE

Page 3

May 24, 2016

- A statement that all bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder, and any applicable Borough ordinances. This should take the form of a certification by the applicant that the applicant knows of no reason why the applicant would be disqualified from holding an interest in a retail liquor license in New Jersey and further that the applicant meets all of the special conditions or requirements stated in the notice.
 - A statement that all prospective bidders for the license shall apply by submitting to the Borough Clerk a full and complete 12-page ABC retail license application form, a separately sealed envelope with the applicant's bid and any bid deposit fee and the certification reference above. It must also state the last date and time that applications and bids will be accepted. All prospective bidders must qualify no later than five business days prior to the opening of bids.
 - A statement that the Borough Clerk will publicly announce those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules and regulations and the resolution, five (5) days prior to the opening of the bids. No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the qualifications for bidding.
3. At the designated place, date and time, the sealed bids are opened and all bid amounts and the highest bid amount are announced. If the Mayor and Council determines to reject all bids, same shall be done by resolution. If it determines to accept the highest qualified bid, it shall do so by resolution, indicating that the ultimate issuance of the license is subject to the payment of the balance of the bid price, payment of the annual State and municipal licensing fees and the satisfactory outcome of an investigation of the source of funds and criminal background checks, as well as compliance with all regulations concerning issuance of a license, including, but not limited to, publication and a hearing if there are

SALE OF LIQUOR LICENSE

Page 4

May 24, 2016

objections. It is during this part of the process that a proposed location for the license, if any, is considered. Once this entire process is complete, the Mayor and Council must adopt a resolution either issuing the license or denying issuance of the license.

If you have any questions, please do not hesitate to contact me.

BMC:mkb

RESOLUTION
of the
BOROUGH OF LEONIA

Resolution No. _____

Council Meeting Date: _____

Date Adopted: _____

RESOLUTION OF THE BOROUGH OF LEONIA, COUNTY OF BERGEN,
STATE OF NEW JERSEY AUTHORIZING SALE OF
PLENARY RETAIL CONSUMPTION LICENSES

Councilperson _____ submitted the following resolution, which was duly seconded by Councilperson _____.

WHEREAS, the Mayor and Council of the Borough of Leonia has determined that it is in the best interests of the Borough of Leonia to conduct a public sale of a plenary retail consumption license; and

WHEREAS, N.J.S.A. 33:1-19, et seq. permits the Governing Body to issue new licenses and accept applications from interested parties.

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

1. The Mayor and Council of the Borough of Leonia, pursuant to the authority conferred by N.J.S.A. 33:1-19.3, has determined to issue a plenary retail consumption license;
2. The Governing Body shall utilize what is commonly known as the public sale option to evaluate applicants to determine whether their proposal is in the best public interest;
3. All interested applicants will submit a complete application (bid), which will be evaluated by the Governing Body for determination in accordance with the following factors:
 - (a) The intended use of the license by the applicant, which use must be in accord with the Borough ordinances regarding liquor licenses;
 - (b) Location of the premises from which the applicant will maintain its business. With regard to this factor, the Governing Body will consider the impact on traffic, the aesthetics of the planned establishment, and the availability of parking;

- (c) A business plan of the applicant to be submitted with the application (bid) shall include, but not be limited to, information concerning the hours of operation; the number of proposed tables/seats; the type of liquor to be sold (wine and beer, microbrewery, hard liquor); and the type of food to be sold. The Applicant shall provide a minimum number of 40 seats and a full service lunch and dinner menu;
- (d) Whether the location from which the applicant intends to operate shall be owned by the applicant or leased by the applicant. If leased, details of the lease must be provided;
- (e) With regard to the location of the planned business, the Governing Body will consider proximity to churches, schools and public parks;
- (f) The applicability of any land use provisions;
- (g) The ratable impact if such license is issued;
- (h) Community needs;
- (i) The amount offered for purchase of a liquor license by the applicant (bidder);
- (j) The prior business experience of the individuals that will be operating the business, whether the business is to be operated as a proprietorship, partnership or corporation;
- (k) Whether any individual, partnership, corporation or association has ever held a liquor license, and whether such license was ever suspended or revoked;
- (l) Whether the applicant (bidder) will maintain liquor liability insurance;
- (m) Financial documentation establishing the fiscal condition of the applicant (bidder), including, but not limited to, the last three (3) years Federal and State tax returns, profit and loss statements, and balance sheets;
- (n) Whether the applicant will obtain a loan in order to purchase the liquor license, and if so, the terms of such loan;
- (o) Any and all other information to be included as required in the application (bid) for a retail alcoholic beverage license.

4. All applicants (bidders) must be qualified to have an interest in retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder, N.J.S.A. 33:1-1, et seq. and N.J.A.C. 13:2-1.1, et seq. and any and all applicable municipal ordinance.

5. The license will be awarded to the highest qualified bidder. The actual location of the license will be determined through the normal licensing process after the highest bid is accepted.

6. A minimum bid in the amount of three Hundred Twenty-Five Thousand Dollars (\$325,000.00) is established. The successful bidder will be required to submit a deposit in the amount of ten percent (10%) of the bid within five (5) days of the Borough of Leonia's determination to accept the bid. The balance of the bid will be due sixty (60) days after the award of the bid by the Borough of Leonia. In the event that the successful bidder fails to complete the transaction and pay the remaining balance of the bid, the ten percent (10%) deposit will be forfeited.

7. A condition of the award of the bid shall be that the business be in operation no later than eighteen (18) months of the award of the bid.

8. The bid, once awarded by the Borough of Leonia, shall be deemed non-assignable.

9. The Borough of Leonia reserves the right to reject any and all bids.

10. The Borough Clerk is hereby authorized to notice in accordance with the terms of the Resolution that the Borough of Leonia intends to issue a new liquor license using the public sale option and invite bidders in accordance with the requirements of N.J.S.A. 33:1-19.3, et seq.

APPROVED, this _____ day of _____, 2016.

Sidewalk policy options and recommendation:

3 basic options:

- 1) Leonia responsible for sidewalks (same as roads and other public infrastructure)
- 2) Leonia partially responsible for sidewalk maintenance depending on circumstances
- 3) Homeowner is responsible for sidewalks

Borough is responsible for all sidewalks (like roads and other infrastructure)

- + All sidewalks will be passable/navigable.
- + Eliminates potential legal liability associated with borough trees
- + Spreads cost out broadly/evenly

--Taxes will increase to cover these additional costs

--Homeowners should still be accountable for breakage caused by negligence which will require admin follow ups.

Leonias partially responsible for sidewalk maintenance. Hybrid approach where the Borough accepts costs associated with borough owned shade tree repairs.

–Messy/inconsistent

–Homeowners without borough trees might think they aren't getting a good enough deal

–Code enforcement confusion

Homeowner is responsible for their own sidewalks

- + Consistent/easily understood
- + We have code enforcement team in place
- + Very little interpretation necessary
- + Easily communicated
- + It's the way it has always been. Homeowners maintaining sidewalks is a carry over from English common law.
- + No tax increase

–Homeowners will complain regarding borough trees. STC will gladly be involved to share best practices and make suggestions to homeowners.

MEMORANDUM

TO: BOROUGH OF LEONIA
LAWS & ORDINANCE COMMITTEE

FROM: BRIAN M. CHEWCASKIE, ESQ.

DATE: FEBRUARY 27, 2023

I've had an opportunity to follow up on various action items with respect to codification. With respect to fees/fines, I have the following recommendations:

- Chapter 123, Schedule of Fees for Liquor Licenses. The maximum fee for a plenary retail consumption or distribution license is \$2,500.00. The municipality is permitted to raise fees by 20% a year pursuant to statute. I would recommend that the current distribution fee be raised by 20%.
- Chapter 126, Filming Regulation Fees. Fees are appropriate and are higher than most surrounding communities.
- Chapter 132, Fire Insurance Fees. This ordinance requires that no fire claims in excess of \$2,500.00 be paid unless all municipal taxes and liens are satisfied. It is my suggestion that \$2,500.00 be raised to \$25,000.00.
- Chapter 181-5. Sound Trucks and Loud Speakers. This ordinance has been eliminated by virtue of the adoption of a new noise ordinance consistent with DEP requirements.
- Chapter 194-3, Alternate Side of Street Parking. The current fine is \$25.00. I suggest raising same to \$50.00. However, the Police Chief should also make a recommendation.
 - **(From Police Chief) The fine for alternate side parking under 194-3 is \$44 and I would not suggest changing it. The \$25 fine is only for 194-3(D) and I also would suggest no change. We try to use 194-3(D) after a warning was issued and before the \$44 violation is issued."**

- Chapter 212-42, Public Officer/Custodian. In the event the Construction Code Official is acting as a public officer/custodian, the fee should be raised from \$5.00 per day to \$100.00 per day.
- Chapter 220, Rent Control. The rent control ordinance provides for a violation of the chapter of \$1,000.00. I would suggest that same be increased to \$2,000.00.
- Chapter 247, Streets & Sidewalks. The street opening permit fee should be reviewed by the engineer.
 - **(From Drew Di Sessa) Currently, Section 247-32 fees, has the application fee for a street opening permit as \$100. Section 123-20 has the fee for street openings permit as \$200. Section 247-41 has the inspection fee as \$150. The application form that the Borough is currently using has the application fee as \$200, and an inspection fee as \$150. Section 247-32 should be updated to be consistent with the \$200 fee currently being collected. The Borough Engineer is reviewing street opening permits during office hours at the Borough Hall. The permit must also be signed off by the DPW supervisor. Inspection of the street opening is being done by DPW. I think the application fee can remain as-is. I believe the inspection fee has been the same for quite a while. This could be increased based on increased rates for DPW personnel to do the inspections.**
 - **(From John Villareal) Section 247-32 should be updated to be consistent with the \$200 fee currently being collected. The inspection fee from Section 247-41 should be increased to \$200.**
- Chapter 88 regarding vicious dogs should be eliminated as same is covered by statute.
- Chapter 232, Signs. This should be evaluated by the Planning Board.
- Chapter 247. Change to Planning Board. Agree.
- Chapter 290, Historic Preservation. Agreed.
- Chapter A322. Telephone agreement should be eliminated.

			Fees			
PDF Page #	Chapter/Section	Fee	Current	Proposed Raise/Change	Total	Notes
46	80 (in 123-3)	Liquor License (Plenary Retail Distribution)	\$600.00	\$120.00	\$720.00	Maximum 20% raise as pursuant to Statute
87	126-12	Basic Filming Permit	\$75.00	\$25.00	\$100.00	Attorney recommends no increase (stay at \$75.00)
87	126-12	Basic Filming Permit, Expedited	\$125.00	\$40.00	\$165.00	Attorney recommends no increase (stay at \$125.00)
87	126-12	Daily Filming Fee	\$500.00	\$200.00	\$700.00	Attorney recommends no increase (stay at \$500.00)
87	126-12	Daily Filming Fee, Major Motion Picture	\$1,500.00	\$500.00	\$2,000.00	Attorney recommends no increase (stay at \$1,500.00)
87	126-12	Nonprofit	\$25.00	\$15.00	\$40.00	Attorney recommends no increase (stay at \$25.00)
89	132	Fire Insurance Fees	see examples	see examples (Sample Legislation): * Township of Maple Shade * City of Bridgeton * Township of Deerfield * Township of Chesterfield	see examples (Sample Legislation): * Township of Maple Shade * City of Bridgeton * Township of Deerfield * Township of Chesterfield	Council to review and make a decision on whether they wish to align the code similar to one of the samples
119	212-42	Public Officer/Custodian (Property Maintenance)	\$5 per dwelling, or \$30 per week, whichever is lower	\$100 per day, if Public Officer must act as custodian	\$100 per day, if Public Officer must act as custodian	Attorney recommends that the fee be \$100 per day if Public Officer must act custodian of abatement of property
148	244-5	Temporary storage containers	\$125 for initial 60 days, \$75 for 60 day extension. Not to exceed 120 days	Mayor and Council to determine if raise in fees is needed. Discuss potential language for waiving due to natural disaster.	Mayor and Council to determine if raise in fees is needed. Discuss potential language for waiving due to natural disaster.	Mayor and Council to determine if raise in fees is needed. Discuss potential language for waiving due to natural disaster.
169	123-22	Taxicab, Owner	\$250.00	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.
169	123-22	Taxican, Each Vehicle	\$50.00	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.
169	123-22	Taxicab, Driver's License	\$25.00	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.
169	123-22	Limousine, Owner	\$50.00	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.
169	123-22	Limousine, Each Vehicle	\$50.00	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.
169	123-22	Limousine, Diver's License	\$25.00	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.	Mayor and Council to determine if raise in fees is needed.
150-157	247-32, 247-41	Chapter 247, Sidewalks (Street Opening/Inspection Fee)	\$150.00 (Inspection)	\$50.00	\$200.00 (Inspection)	Section 247-32 needs to be updated to be consistent with the \$200 fee already being charged. Section 247-41 is currently \$150 for inspection. Superintendent Villareal advised that the inspection fee be raised to \$200.00

				Fines			
PDF Page #	Chapter/Section	Fine	Current	Proposed Raise	Total	Notes	
110	194-3	Alternate Side of Street	Not less than \$25, no set maximum	\$25.00	\$50.00	Borough Attorney recommends raising the fine to \$50.00. Police Chief believes that the \$25.00 fine requires no change as it is only for 194-3(D). The fine for alternate side parking is \$44.00, the \$25.00 being used after a warning and before the \$44.00	
122	220-8	Chapter 220 Rent Control	\$1000 for violation provisions of chapter	\$1,000.00	\$2,000.00	Borough Attorney recommends raising the fine to \$2,000.00	
146	243-29	Chapter 243, Solid Waste	Maximum of \$25 for first offense, \$250 Second, \$500 for third offense and all subsequent. Violations of 243-25 and 243-26B incur a maximum of \$1,000 or imprisonment in county jail for a period not to exceed 90 days, or both	Mayor and Council to determine if raise in fines is needed	Mayor and Council to determine if raise in fines is needed	Mayor and Council to determine if raise in fines is needed	
150	247, Article I	Chapter 247, Article I	Penalty of \$100 for first offense, \$250 for second or subsequent within calendar year	Mayor and Council to determine if raise in fines is needed	Mayor and Council to determine if raise in fines is needed	Article I of Chapter 247 sets forth guidelines as to the use and maintenance of streets and sidewalks	

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-108

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

CLOSED SESSION

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. Negotiations
- B. Negotiations
- C. Litigation

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

Date: April 17, 2023

RESOLUTION NO. 2023-109

Council	Motion	Second	Yes	No	Abstain	Absent
Grandelis						
Davis						
Fusco						
Hesterbrink						
Terrell						
Ziegler						
Mayor Zeigler	---	---				

**AUTHORIZE A STANDSTILL AGREEMENT BETWEEN BOROUGH OF LEONIA AND
“KULITE PARTIES”**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Leonia County of Bergen, State of New Jersey that authorization is given to the mayor to sign and accept the attached standstill agreement between the Borough of Leonia and “Kulite Parties.”

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Leonia at a meeting of said Borough Council on April 17, 2023.

Trina Lindsey, RMC
Borough Clerk

BRIAN M. CHEWCASKIE, Partner
bchewcaskie@cgajlaw.com

Reply to: Oakland Office

April 3, 2023

**PRIVILEGED AND CONFIDENTIAL
NOT FOR PUBLIC DISTRIBUTION**

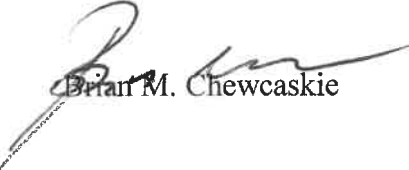
Mayor and Council
Borough of Leonia
312 Broad Avenue
Leonia, NJ 07605

Re: Designation of Redevelopment Area / Kulite

Dear Mayor Zeigler and Honorable Council Members:

As I discussed at the last meeting of the Mayor & Council, Kulite wanted to preserve its rights with respect to the redevelopment designation. In accordance with applicable statute, a challenge would have to be filed within 45 days after the Resolution is adopted by the Governing Body. The 45 days expired on March 31, 2023. In order to avoid litigation, I have negotiated a stand-still agreement with Kulite's attorney in the form attached hereto. This matter should be listed for executive session with a Resolution authorizing execution thereafter.

Very truly yours,


Brian M. Chewcaskie

BMC:cg
Enclosure

Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601
Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 908 524-0096
Haddonfield Office: 255 Kings Highway East, Haddonfield, NJ 08033 Tel 732 583-7474 Fax 732 290-0753
Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753

STANDSTILL AGREEMENT

THIS AGREEMENT made this day of March 2023 by and between the Borough of Leonia, a municipality of the State of New Jersey, whose address is 312 Broad Avenue, Leonia, NJ 07605 (“Leonia”) and Anthony D. Kurtz and Nora Kurtz III LLC (“Kurtz III”), Anthony D. Kurtz and Nora Kurtz II LLC (“Kurtz II”), 400 Willow Tree Rd LLC (“400 Willow Owner”), Anthony D. Kurtz and Nora Kurtz LLC (“Schor Ave”), 380 Grand Ave LLC (“380 Grand Owner”), and 388 Grand Avenue LLC, all of whom have an address of c/o Kulite, 1 Willow Tree Rd., Leonia. NJ 07605 (Kurtz III, Kurtz II, 400 Willow Owner, Schor Ave, 380 Grand Owner and 388 Grand Owner are, collectively, the “Kulite Parties” and individually, sometimes referred to as a “Kulite Party”).

WITNESSETH

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq (the “LRHL”), Leonia adopted Resolutions 2018-201 on September 5, 2018 and 2021-87 on August 16, 2021 (collectively, the “Resolutions”) authorizing the Leonia Planning Board to investigate whether certain properties specified in the Resolutions satisfied the criteria to be designated as non- condemnation areas in need of redevelopment pursuant to the LRHL; and

WHEREAS, pursuant to the Resolutions, the Planning Board engaged H2M Associates Inc (“H2M”) to prepare the area in need study; and

WHEREAS, H2M prepared the Preliminary Investigation for a Determination of Area in Need of Redevelopment Designation for the Grand Avenue and Willow Tree Road Study Area dated October 27, 2022 (the “Area In Need Study”); and

WHEREAS, following a public hearing, the Planning Board recommend to Leonia that the properties specified in the Resolutions be designated as non-condemnation areas in need of redevelopment; and

WHEREAS, by Resolution 2023-71 adopted February 6, 2023 (the "AINR Resolution"), Leonia accepted the recommendation of the Planning Board based upon the Area In Need Study and designated the properties specified in the AINR Resolution as non-condemnation areas in need of redevelopment: and

WHEREAS, Kurtz III is the owner of 1 Willow Tree Road designated as Block 801 Lot 2 on the Tax Map of the Borough of Leonia ("1 Willow") and included in the AINR Resolution as a non-condemnation area in need of redevelopment; and

WHEREAS, Kurtz II is the owner of 2 Willow Tree Road designated as Block 802 Lot 20 on the Tax Map of the Borough of Leonia ("2 Willow") and included in the AINR Resolution as a non-condemnation area in need of redevelopment; and

WHEREAS, 400 Willow Owner is the owner of 400 Willow Tree Road designated as Block 802 Lot 21 on the Tax Map of the Borough of Leonia (the "400 Willow") and included in the AINR Resolution as a non-condemnation area in need of redevelopment; and

WHEREAS, Schor Ave is the owner of property on Schor Ave designated as Block 503 Lots 24, 25 & 26 on the Tax Map of the Borough of Leonia (the "Schor Ave Lots") and included in the AINR Resolution as a non-condemnation area in need of redevelopment; and

WHEREAS, 388 Grand Owner is the owner 388 Grand Avenue designated as Block 802 Lot 7 on the Tax Map of the Borough of Leonia (“388 Grand”) and included in the AINR Resolution as a non-condemnation area in need of redevelopment; and

WHEREAS, 380 Grand Owner is the owner 380 Grand Avenue designated as Block 802 Lot 8 on the Tax Map of the Borough of Leonia (“380 Grand”) and included in the AINR Resolution as a non-condemnation area in need of redevelopment; and

WHEREAS, 1 Willow, 2 Willow, 400 Willow, Schor Ave Lots, 388 Grand and 380 Grand are, collectively, the “Kulite Properties; and

WHEREAS, the Kulite Parties have the right, at this time, to appeal the AINR Resolution and the non-condemnation designation of the Kulite Properties; and

WHEREAS, the AINR authorized the preparation of a redevelopment plan (the “Redevelopment Plan”) for the Grand Avenue and Willow Tree Road Study Area, which has not been prepared as of this date; and

WHEREAS, Leonia and the Kulite Parties wish to avoid potentially unnecessary and costly litigation over issues that do not present a hardened, intractable dispute at the moment but rather may or may not develop into such a dispute depending on the course future events, as to which Leonia and the Kulite Parties will continue to engage in open communication, with a view toward avoiding future litigation if possible (but protecting and reserving both sides’ rights in the meantime); and

WHEREAS, Leonia and the Kulite Parties have mutually agreed that it is in the interests of both Leonia and the Kulite Parties that the Kulite Parties to forbear from the filing and pursuit of such an appeal upon the terms and conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and promises set forth herein and for other good and valuable consideration, the sufficiency of which is acknowledged, the parties agree as follows:

1. Subject to the terms and conditions of this Agreement, the Kulite Parties shall Forbear from the filing of an appeal of the AINR Resolution except as set forth elsewhere herein.

2. Leonia and Kurtz III acknowledge that 1 Willow is presently zoned LI (Light Industrial Zone) and that the current use of 1 Willow, is a permitted use. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of 1 Willow, then in Kurtz III's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and Kurtz III may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

3. Leonia and Kurtz II acknowledge that 2 Willow is presently zoned LI (Light Industrial Zone) and that the current use of 2 Willow, is a permitted use. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of 2 Willow, then in Kurtz II's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and Kurtz II may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

4. Leonia and 400 Willow Owner acknowledge that 400 Willow is presently

zoned LI (Light Industrial Zone) and that the current use of 400 Willow, is a permitted use. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of 400 Willow, then in 400 Willow Owner's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and 400 Willow Owner may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

5. Leonia and Schor Ave acknowledge that the Schor Ave Lots are presently zoned LI (Light Industrial Zone) and is currently vacant. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of the Schor Ave Lots, then in Schor Ave's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and Schor Ave may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

6. Leonia and 380 Grand Owner acknowledge that 380 Grand is presently zoned B-Multifamily Zone and that the current use of 380 Grand, is a permitted use. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of 380 Grand, then in 380 Grand Owner's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and 380 Grand Owner may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

7. Leonia and 380 Grand Owner acknowledge that 380 Grand is presently zoned B-Multifamily Zone and that the current use of 380 Grand, is a permitted use. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of 380 Grand, then in 380 Grand Owner's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and 380 Grand Owner may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

8. Leonia and 388 Grand Owner acknowledge that 388 Grand is presently zoned B-Multifamily Zone and that the current use of 388 Grand, is a permitted use. In the event Leonia adopts a Redevelopment Plan that adversely affects the legal use of 388 Grand, then in 388 Grand Owner's sole judgment, the forbearance set forth in Section 1 above shall no longer be in effect and 388 Grand Owner may file an appeal challenging the validity of the Redevelopment Plan and the AINR Resolution.

9. In the event Leonia adopts a Redevelopment Plan that, in the judgment of the applicable Kulite Party, adversely affects the use of any of the Kulite Properties, the affected Kulite Party shall have the right to file the appropriate legal action appealing the AINR Resolution and challenging the validity of the Redevelopment Plan. In such event, Leonia shall not raise any defense of statute of limitations or failure to file within the requisite time period, including, but not limited to, the 45 day period that generally applies to actions in lieu of prerogative writ (see R. 4:69-6,, all of which shall have been deemed to have been tolled and all of which shall not commence until the passage and publication of the ordinance adopting the Redevelopment Plan. All rights that the Kulite Parties presently have to challenge the Redevelopment Plan and AINR Resolution are recognized and agreed to be reserved, subject to the terms of this Agreement.

10. Any notice required to be given pursuant to this Agreement shall be served by personal service or by overnight courier to the parties at their respective addresses first above written. A copy of any notice intended for Leonia shall be provided to Cleary Giacobbe Alfieri Jacobs LLC, 169 Ramapo Valley Road, UL 105169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 attention: Brian Chewcaskie, Esq. A copy of any notice intended for any of the Kulite Parties shall be provided to DeCotiis, Fitzpatrick, Cole & Giblin LLP, 61 S. Paramus Rd., Suite 250, Paramus, NJ 07652 attention: Paul

Kaufman, Esq. The Parties may change their address for service at any time on 10 day notice to the other party.

11. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey and any litigation arising under this Agreement shall be brought in the Superior Court of New Jersey, Bergen County vicinage. All Parties to this Agreement acknowledge the in personam and subject matter jurisdiction of the Superior Court of New Jersey.

12. Leonia and the Kulite Parties shall (without additional cost or liability) cooperate with one another at reasonable times and on reasonable conditions and shall execute and deliver such instruments and documents as may be necessary in order fully to carry out the purposes and intent of the Parties as contemplated in this Agreement. Provided, however, this Agreement shall be and is recognized and agreed by all Parties to be a full and binding Agreement, enforceable in its own right according to its express terms.

13. All understandings and agreements heretofore had between Leonia the Kulite Parties are merged in this Agreement, which alone fully and completely expresses their agreement and understanding with respect to the subject matter of this Agreement and neither Leonia or the Kulite Parties relying upon any statement or representation not embodied in this Agreement, made by the other.

14. This Agreement may be signed in counterpart, which shall be effective and binding upon the Parties.

SIGNATURES ARE ON THE FOLLOWING PAGE


IN WITNESS WHEREOF, the parties have executed and delivered this Standstill Agreement on the date first above written.

ATTEST


BOROUGH OF LEONIA

By: _____
Judah Zeigler, Mayor

ANTHONY D. KURTZ AND NORA
KURTZ III LLC




STEPHEN MASCIALE, Controller



Abraham Morcos, Manager

ANTHONY D. KURTZ AND NORA
KURTZ II LLC




STEPHEN MASCIALE, Controller



Abraham Morcos, Manager

400 WILLOW TREE RD LLC




STEPHEN MASCIALE, Controller




Abraham Morcos, Manager

ANTHONY D. KURTZ AND NORA
KURTZ LLC




STEPHEN MASCIACE, Controller



Abraham Morcos, Manager

380 GRAND AVE LLC




STEPHEN MASCIACE, Controller



Abraham Morcos, Manager

388 GRAND AVE LLC



STEPHEN MASCIACE, Controller



Abraham Morcos, Manager