



BOROUGH OF LEONIA

COUNCIL- Work Session Meeting
~ Minutes ~

Trina Lindsey, Borough Clerk

312 Broad Avenue
Leonia, NJ 07605
<http://www.leonianj.gov/>

April 17, 2023

7:30 pm

Leonia Senior Center

A Regular Meeting of the Mayor and Council of the Borough of Leonia was held in person at the Leonia Senior Center at 305 Beechwood Place, Leonia, NJ, and virtually via GoToMeeting on April 17, 2023. The meeting was called to order at 7:30 p.m. by Mayor Zeigler.

Those present were led in the Flag Salute by Council President Grandelis.

Mayor Zeigler read the following statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Notice of this meeting by the January 8, 2023 Sunshine Notice containing the time, date, and access information was published in the Record, Star Ledger and has been posted at Borough Hall and on the Borough website."

PRESENT: Mayor Judah Zeigler, Council President Grandelis, Councilwoman Maureen Davis, Councilman Pasquale Fusco, Councilwoman Joanne Terrell, and Councilman William Ziegler

ABSENT: Councilman Christoph Hesterbrink

ALSO PRESENT: Borough Attorney Brian Chewcaskie
Borough Administrator Andrea Wardrop
Borough Clerk Trina Lindsey
Deputy Borough Clerk Jonathan Mandel

Public Comment

Lydia Maurice, 392 Grand Avenue, wished to inquire as to previous comments stating that the Borough of Leonia is not making as much income as it was prior from its recycling programs. Ms. Maurice wished to know if this was due to Leonian's not doing enough of their share of recycling, or if it is due to the profitability decreasing.

Mike DeGidio, 408 Grand Avenue, asked what a standstill agreement was in relation to the closed session item on the agenda.

Robert Pawlick, 292 Broad Avenue, spoke as to the 125th-anniversary celebration of the Leonia Fire Department event to occur on May 6, 2023. Mr. Pawlick expressed his disappointment with the perceived dismissal of the Fire Chief when he had spoken as to the event prior at a meeting of the Mayor and Council.

Mr. Pawlick also commented on an upcoming Drag Story Hour event to be hosted at the Leonia Library, expressing his disapproval.

Mayor Zeigler replied to Ms. Maurice, stating that the recycling market has bottomed out and there is not as much a return as there used to be.

Borough Attorney Chewcaskie explained the definition of a standstill agreement.

Mayor Zeigler responded to Mr. Pawlick by rebutting his statement that the Fire Chief was dismissed, stating that the Fire Chief was advised that since it was a Fire Company event it should be discussed and proposed by the Fire Company.

Mayor Zeigler also replied that the Leonia Library is an autonomous body and that his comments should be directed to the Library Board. Mayor Zeigler in addition stated that his further comments were spoken in a way that is divisive and does nothing to represent the values of the community.

The record will reflect that no further comments were entered into the chat window accessible through GoToMeeting nor via the United States Postal Service or Email.

Adoption of Ordinances

Ordinance 2023-06

The Borough Clerk read the title of the ordinance into the record:

“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)”

Borough Administrator Wardrop explained the ordinance by explaining that in many municipalities a similar one is passed on an annual basis. Borough Administrator Wardrop provided further explanation as to the specifics of the ordinance.

Let the record show that no members of the public came forward to comment on the adoption of Ordinance 2023-06.

Council President Grandelis motioned that ordinance 2023-06 be adopted on second reading. Seconded by Councilman Fusco.

On a roll call, the vote was recorded as follows:

Council President Grandelis:	aye	Councilman Hesterbrink:	absent
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilman Fusco:	aye	Councilman Ziegler:	aye

Consent Resolutions

RES. 2023-103 Authorize Bill List

[2023-103 Authorize Bill List.pdf](#)

[Bill List Backup.pdf](#)

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.pdf](#)

[Leonía Award Letter.pdf](#)

[Senior Center CDBG Restroom Project.pdf](#)

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

[2023-105 Change Orders #23 and 24.pdf](#)

[Leonía Police – CO #23.pdf](#)

[Leonía Police – CO #24.pdf](#)

RES. 2023-106 Authorization for LOSAP Payment

[2023-106 Authorization for LOSAP Paymeny.pdf](#)

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

[Leonía LOSAP – GN Receipt.pdf](#)

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

[2023-107 Authorization to Terminate Cleaning Services Contact & Rebid.pdf](#)

Motion by Councilwoman Davis, second by Councilwoman Terrell, that the Consent Agenda be approved.

On a roll call, the vote on the Consent Agenda was recorded as follows:

Council President Grandelis:	aye	Councilman Hesterbrink:	absent
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilman Fusco:	aye	Councilman Ziegler:	aye

Unfinished Business

Bulk Trash Pickup – Pat Fusco / Christoph Hesterbrink

As this is an ongoing discussion within the DPW Committee, Councilman Fusco asked that this item be pushed to the May 15, 2023 Work Session Meeting of the Mayor and Council.

Liquor License Sale – Pat Fusco

Councilman Fusco noted that there has been some interest in the purchase of a liquor license in the Borough of Leonia.

Borough Attorney Chewcaskie explained that the next step is to set a price, with the previous restrictions and specifications of the bid being recirculated to the Mayor and Council. Borough Attorney Chewcaskie inquired as to whether the Mayor and Council are satisfied with the conditions set in the previous resolution and if they are what the minimum price of the license should be.

Mayor Zeigler brought up the point that as Governor Murphy is putting heavy emphasis on liquor license reform, it may not be the best time to put out a bid at this point. Potential

bidders may be waiting to see what happens with the value of liquor licenses due to the Governor's proposed potential changes.

Councilman Ziegler wished to state that it is not unreasonable that there may be a need in the future for liquor licenses due to the upcoming redevelopment plan. Councilman Ziegler wished to note that due to this, it may not be the best time to put a license out to bid.

Councilwoman Davis commented that it is up to a business to follow changes in the industry and thinks it is not unreasonable to sell one license now. The business that succeeds in the bid will have great profit potential and the attractiveness of holding a liquor license could raise the value of the others held by the Borough. Councilwoman Davis does not believe that the Borough would lose an opportunity by selling the liquor license now but instead will make the others held by the municipality more attractive to potential future bidders.

Councilman Fusco agreed with the points made by Councilwoman Davis and stated that while it may be prudent to wait for the state to make a move, being proactive is a commitment to those individuals who are willing to take a chance.

Councilman Ziegler inquired as to the interest in the license mentioned by Councilman Fusco, wishing to know if it is by one party or multiple parties. Councilman Ziegler raised the concern the Borough of Leonia could be lowballed. Mayor Zeigler replied that there is a minimum bid so the municipality would not be lowballed by a singular bidder.

Mayor Zeigler asked the Council as to whether or not they agreed with proceeding forward with a bid for a single liquor license.

On a vote the result was,

Council President Grandelis:	aye	Councilman Hesterbrink:	absent
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilman Fusco:	aye	Councilman Ziegler:	aye

Mayor Zeigler questioned whether the Mayor and Council wished to maintain the same provisions as mentioned by the Borough Attorney. There was no disagreement with maintaining the same provisions. After further discussion as to the starting price of the liquor license, it was decided to keep it the same as well.

It was decided to put a resolution authorizing the bid on the May 1, 2023 Regular Meeting Agenda.

Sidewalk Policy – Bill Ziegler / Mayor Zeigler

Councilman Ziegler set forward the three options as to sidewalk policy for the Borough of Leonia, being:

1. The Borough of Leonia becomes responsible for sidewalk maintenance.
2. A hybrid approach where the Borough of Leonia becomes partially responsible for sidewalk maintenance based on circumstances.
3. The homeowner remains responsible for all sidewalk maintenance.

Councilman Ziegler stated that Shade Tree Commission believes that a hybrid approach is the best way to go, as there are Borough-owned trees that lift sidewalks. The Commission

believes that under the circumstance that a borough-owned tree is what causes damage to the sidewalk, the situation should be remedied at the expense of the Borough of Leonia.

Councilman Ziegler feels differently, with him and Mayor Zeigler recommending that the homeowner remains responsible for all sidewalk maintenance. The main concern is that by bringing in a hybrid approach with exceptions based on interpretation, it could open up the possibility of legal remedies being pursued by those that feel the interpretation of the Borough is not appropriate.

Mayor Zeigler wished to add that the homeowner should be encouraged to engage with the Shade Tree Commission before repairing their sidewalk.

Councilwoman Davis questioned the reduction in the canopy for trees in the Borough of Leonia. Councilman Ziegler replied that it was a substantial reduction.

Councilwoman Davis stated that she believes that the Mayor and Council should follow the recommendation of the Shade Tree Commission, as it is an issue that they are more experienced in. Councilwoman Davis also commented that it is unreasonable for homeowners to continue to replace their sidewalk due to a tree that they have no legal right over. It is also a potential issue that homeowners will not be willing to accept free trees from the Borough of Leonia if they could cause issues with the sidewalk that they are expected to repair.

Councilwoman Davis added that if the Borough of Leonia wishes to encourage its residents to plant trees, the recommendation of the Shade Tree Commission should be followed.

Councilman Fusco agreed with the sentiments of Councilwoman Davis over the tree canopy, but cannot support any additional cost to the taxpayers when the Borough of Leonia is struggling to meet its fiscal responsibilities. Councilman Fusco stated that as some homeowners do not have sidewalk issues relating to trees, it would be unreasonable to expect them to share the burden of other people's properties. Councilman Fusco believes that the sidewalk policy should remain as it is, with the homeowner being responsible for sidewalk repairs.

Council President Grandelis stated that he is currently leaning towards the recommendation of the Shade Tree Commission. Council President Grandelis inquired as to who is responsible in other municipalities when they put trees down. Borough Attorney Chewcaskie responded that other municipalities are responsible for sidewalk issues.

Council President Grandelis stated that he is in favor of the hybrid approach suggested by the Shade Tree Commission.

Councilwoman Terrell voted in favor of the Shade Tree Commission's recommendation.

Mayor Zeigler voted against the Shade Tree Commission's recommendation, stating that it is not a tenable solution.

It was decided to wait for Councilman Hesterbrink to return to give his thoughts as to the options.

Councilman Fusco commented that in the past there were issues relating to the replacement of sidewalks and that it is not something the Borough of Leonia should get into again.

Charge Point Fee Structure – Andrea Wardrop / Brian Chewcaskie

Borough Administrator Wardrop explained that currently, ChargePoint is charging \$5 for the first hour and \$8 for each subsequent hour a vehicle uses the Borough of Leonia's electric vehicle charging station.

Motion by Councilman Fusco, Second by Councilwoman Davis that the fee structure remain as is.

Fees and Penalties Discussion – Codification – Joanne Terrell / Brian Chewcaskie

Borough Attorney Chewcaskie explained as to the various recommendations of fees and penalties that are recommended to be changed as part of the codification process.

Mayor Zeigler inquired as to the taxicab and limousine regulations, asking if they applied to services such as Uber and Lyft. Borough Attorney Chewcaskie confirmed that it does not.

Councilman Ziegler questioned the \$2,000 proposed fine for violations of the rent control ordinance, stating that it may not be substantial enough to deter bad behavior. Councilman Ziegler stated that there should be some type of clawback to further prevent unscrupulous behavior.

Mayor Zeigler stated that he does not believe there to be any form of clawback clause in the ordinance as it stands.

Borough Attorney Chewcaskie explained that as there is no rent control board in the Borough of Leonia, any complaints made would be brought before the governing body. If a determination is made by the Governing Body finding a violation, it is possible that a refund could be required.

On a question from Councilwoman Davis, Borough Attorney Chewcaskie explained that a process would need to be set in place but as part of it, a refund could be required of a violator.

Councilman Ziegler stated that he is in favor of the \$2,000 penalty but wished to ensure that violators do not still profit from their violations.

Councilman Ziegler questioned the limousine fees, asking how the Borough of Leonia compares to other municipalities. Borough Attorney Chewcaskie explained that the current fee is the statutory limit.

Further discussion was held as to the filming fees.

Mayor Zeigler stated that he is in agreement with increasing the alternate side penalty to \$50.00 but should be higher for repeat offenders.

There were no objections to the fees and penalties changes presented to the Mayor and Council.

Ordinance Chapter 232 Signs – Codification – Joanne Terrell / Brian Chewcaskie

Deputy Clerk Mandel explained that the Planning Board is looking for an official directive from the Mayor and Council before a review of Chapter 232 Signs of the Borough Code, as part of the codification process.

Planning Board Chair DeGidio explained that they were unaware if there was a formal discussion by the Mayor and Council before the recommendation of review.

Borough Attorney Chewcaskie stated that it would be appropriate to have the Planning Board review and comment on the chapter.

Chapter 53 Department of Public Works – Codification – Joanne Terrell / Brian Chewcaskie

Councilman Fusco requested that this item be tabled until the May 15, 2023 Work Session.

OEM Liaison – Bill Ziegler

Councilman Ziegler provided an explanation as to prior discussions relating to the OEM coordinator desires for additional resources. A major topic of the discussions was the perceived lack of communication between the Office of Emergency Management and the Mayor and Council. Councilman Ziegler suggested that this be brought to the Mayor and Council as an item of discussion to determine if the Governing Body would be willing to appoint an official liaison to OEM.

Councilwoman Davis explained as to discussions held at the Police Committee letter and that there is a recommendation that there be a member of the Mayor and Council that meets with and serves as a liaison to the OEM.

Mayor Zeigler placed a nomination in the name of Councilwoman Maureen Davis as the liaison to the Office of Emergency Management. Motion by Council President Grandelis, Second by Councilman Fusco

New Business**Trolley Historical Concept – Pat Fusco**

Councilman Fusco stated that he has had conversations with Borough Historian David Braun about the need to beautify the downtown area of Leonia. One such idea was the creation of a historical marker on top of where the trolley tracks are still under the concrete road. Councilman Fusco gave some information as to the history of the trolley and his desire to create the marker and a little museum in the area.

Mayor Zeigler requested to know if Councilman Fusco's recommendation is contingent on it being a cost-neutral item, to which Councilman Fusco confirmed.

Mayor Zeigler requested that Councilman Fusco come back to the Mayor and Council with detailed plans and costs of the project before it being approved.

Councilman Fusco requested that the discussion be brought to the August Work Session.

Closed Session**RES. 2023-108 Authorize Closed Session**[Session](#)**RES. 2023-109 Authorize a Standstill Agreement between the Borough of Leonia and Kulite Parties**[2023-109 Authorize a Standstill Agreement.pdf](#)[SKM.pdf](#)[Standstill Agreement.pdf](#)

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

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene to adjourn this meeting.

There being no further business to come before the Council, on a motion from Council President Grandelis, seconded by Councilwoman Davis, and all present voting in favor, the meeting was adjourned to the Closed Executive Session at 8:42 p.m.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Davis, second by Councilwoman Terrell, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Jonathan Mandel,
