



## BOROUGH OF LEONIA

COUNCIL- Regular Meeting  
~ Minutes ~

Trina Lindsey, Borough Clerk

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

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**June 19, 2023**

**7:30 pm**

**Leonia Senior Center**

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A Work Session 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 June 19, 2023. The meeting was called to order at 7:30 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, Councilman Christoph Hesterbrink, and Councilman William Ziegler

**ABSENT:** Councilwoman Joanne Terrell

**ALSO PRESENT:** Borough Attorney Brian Chewcaskie  
Borough Administrator Andrea Wardrop  
Borough Engineer Drew Di Sessa  
Chief Financial Officer Issa Abbasi  
Borough Clerk Trina Lindsey  
Deputy Borough Clerk Jonathan Mandel

### ***Public Comment***

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

## ***Adoption of Ordinances***

### **Ordinance 2023-08 Revising EV Usage Fees**

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

“AN ORDINANCE AMENDING USAGE FEES FOR PUBLICLY-ACCESSIBLE MUNICIPAL ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE)”

Let the record reflect that Councilwoman Terrell joined the meeting and is present.

Borough Attorney Chewcaskie explained that it was determined that the three-tier fee schedule created for the borough-owned public electric vehicle charging stations would not be viable, as the vendor only can allow for two tiers. This ordinance changes the fee schedule accordingly.

Let the record show that no members of the public came forward to speak to ordinance 2023-08 during the public hearing.

Councilwoman Terrell motioned that ordinance 2023-08 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:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye
Councilman Fusco:	aye	Councilman Ziegler:	aye

### **Ordinance 2023-09 Amend Permit Parking Regulations**

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

“AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 223 OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED “RESIDENTIAL PERMIT PARKING”, SECTION 223-1 ENTITLED “PARKING RESTRICTIONS””

Borough Attorney Chewcaskie explained that ordinance 2023-09 provides provisions to allow for parking on Broad Avenue without a permit.

Let the record show that no members of the public came forward to speak to ordinance 2023-09 during the public hearing.

Councilwoman Terrell motioned that ordinance 2023-09 be adopted on second reading. Seconded by Council President Grandelis.

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

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

## ***Introduction of Ordinances***

### **Ordinance 2023-10**

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

“ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF LEONIA IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 290 OF THE MUNICIPAL CODE TO CREATE AFFORDABLE HOUSING OVERLAY ZONE, ALSO KNOWN AS AH-2”

Borough Attorney Chewcaskie explained that per the Borough of Leonia’s Housing Fair Share Plan, it was a recommendation to create an overlay in the area within the ordinance. This ordinance will permit in addition to the office zoning an overlay to permit multi-family dwellings which would require affordable housing set aside.

Motion by Councilman Ziegler, Second by Councilman Fusco that ordinance 2023-10 be introduced and passed on first reading, and setting July 24, 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard for second reading and adoption.

Mayor Zeigler asked the Borough Attorney to confirm that this ordinance does not change the zoning of the area. Borough Attorney Chewcaskie confirmed that the ordinance does not change the existing zoning but adds to it, creating additional zoning regulations in the same zone. An overlay adds but does take away zoning.

Mayor Zeigler also requested confirmation that this ordinance is necessary for the Borough to fully comply with the constitutional requirements of affordable housing. Borough Attorney Chewcaskie confirmed this and brought attention to the fact that a comprehensive vacant land analysis was completed by the Borough Planner to identify sidestep areas suitable for affordable housing, with this area being one such. This study was completed before the introduction and drafting of the introduced ordinance.

Mayor Zeigler read into the record the paragraph 290-113 of the ordinance:

“Purpose. The Purpose of the Affordable Housing Overlay Zone (AH-2) is to create an opportunity for the construction of affordable housing under the New Jersey Fair Housing Act and thereby comply with the Borough’s constitutional obligation to provide such housing affordable to low- and moderate-income households.”

Borough Attorney Chewcaskie stated that he had a conversation with the Borough Clerk and Deputy Clerk over how the requisite notices of change in zoning will be provided to all property owners within 200’ and notice of introduction and adoption will be published as required.

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

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

## ***Non-Consent Resolutions***

**RES. 2023-141 Authorize GZE Remediation Reporting – Ambulance Building**[2023-141 GZA Environmental Ambulance Building](#)

Motion by Councilman Ziegler, second by Council President Grandelis, and all in favor that RES. 2023-141 be removed from the table.

Councilman Ziegler explained the reasoning behind why the resolution was initially tabled and his concerns at the time. Councilman Ziegler had the opportunity to discuss the proposal with the engineer in charge and that the proposal cost would be reduced to an amount of \$4,000 less than the original.

Mayor Zeigler asked that GZA representatives be present to speak more about the proposal to the entirety of the governing body.

Motion by Council President Grandelis, second by Councilwoman Davis, that Resolution #2023-141 be tabled.

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

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

**Consent Resolutions**~~**RES. 2023-153 Authorize Bill List**~~

~~[2023-153 Authorize Bill List](#)  
[Bill List Backup](#)~~

~~**RES. 2023-154 Authorize 2023-2024 Liquor License Renewals**~~

~~[2023-154 Renewal of ABC Liquor Licenses for 2023-2024](#)~~

**RES. 2023-155 Authorize Application to NJDCA LRIG Grant**

[2023-155 Authorize Application to NJDCA LRIG Grant](#)

**RES. 2023-156 Authorize Refunds of Developers Escrow Reserves**

[2023-156 Developers Escrow Refunds](#)

**RES. 2023-157 Authorize Tax Refunds**

[2023-157 Authorize Tax Refund for Overpayment](#)

**RES. 2023-158 Authorize Information Technology Services Agreement**

[2023-158 Authorize Aton Computing, Inc. IT Agreement](#)

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:	aye
Councilwoman Davis:	aye	Councilwoman Terrell:	aye

Councilman Fusco: aye Councilman Ziegler: aye

**RES. 2023-153 Authorize Bill List**

[2023-153 Authorize Bill List](#)

[Bill List Backup](#)

Pulled by Councilwoman Terrell for a separate vote.

Motion by Councilman Hesterbrink, second by Councilman Fusco, that RES. 2023-153 be approved.

On a roll call, the vote on RES. 2023-153 was recorded as follows:

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

**RES. 2023-154 Authorize 2023-2024 Liquor License Renewals**

[2023-154 Renewal of ABC Liquor Licenses for 2023-2024](#)

Pulled by Councilman Ziegler for further discussion.

Councilman Ziegler made note of a typographical error in the resolution, asking that it be corrected.

Motion by Councilman Ziegler, second by Councilwoman Terrell, to approve the resolution with the proposed amendment.

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

***Unfinished Business***

**Sidewalk Policy – Bill Ziegler / Mayor Zeigler**

Councilman Ziegler gave a summary of the discussion already held on sidewalk policy and the recommendations and considerations that are being proposed. The Shade Tree Commission suggested that the burden of responsibility for sidewalk repairs be shared between the municipality and homeowners, with the municipality covering repair costs in scenarios where borough trees cause damage. After discussion, it was decided to bring it forward for further discussion with the entirety of the Governing Body. Since the prior discussion, Councilman Ziegler learned of the Township of Teaneck's approach. Teaneck's approach is that the homeowner is responsible for the costs of repairs, but when a town tree is involved the township's arborist steps in to guide the contractors to save the tree. Councilman Ziegler wished to make this an additional option to be deliberated on.

Councilwoman Davis reiterated her position that the Governing Body should follow through with the recommendation made by the Shade Tree Commission. Councilwoman Davis believes that if the Borough of Leonia is serious about having residents support its efforts in tree conservation and planting it is the best course of action to follow those recommendations.

Mayor Zeigler expressed his concern that there are not clear enough standards as to when it is the Borough's responsibility. This raises the potential for homeowners to believe the Borough of Leonia is playing favorites. Mayor Zeigler stated his preference for the Teaneck approach, especially if homeowners are allowed to receive a discounted rate from contractors through the Borough.

Councilman Hesterbrink stated his concern that the Borough of Leonia would be undertaking a huge liability by utilizing the suggestions made by the Shade Tree Commission.

Councilman Fusco agreed that he is in favor of the Teaneck approach, as educating homeowners can better prevent future issues from occurring.

Council President Grandelis questioned the liability of someone tripping and falling on a sidewalk that is uprooted by a town tree. Borough Attorney Chewcaskie explained that claims are made against both the homeowner and the municipality, but ultimately the homeowner's insurance will be liable. Borough Attorney Chewcaskie spoke further as to the matter.

Further discussion was held regarding fee negotiation and the amount of trees in the right of way.

Mayor Zeigler asked that the council vote on their preferred course of action between two options:

1. The homeowner pays for the repair of the sidewalk with education from the Shade Tree Commission.
2. The hybrid approach offered by the Shade Tree Commission.

Council President Grandelis:      Option 1  
 Councilwoman Davis:              Option 2  
 Councilman Fusco:                 Option 1

Councilman Hesterbrink: Option 1  
 Councilwoman Terrell:        Option 1  
 Councilman Ziegler:            Option 1

### ***New Business***

#### **Salary Ordinance – Andrea Wardrop / Issa Abbasi**

Borough Administrator Wardrop explained the current issues with the salary ordinance, in particular relating to the Office of Fire Prevention. The Borough Administrator was hoping to receive the input of the Mayor and Council.

After some discussion, it was agreed to bring the Salary Ordinance forward at the next meeting of the Mayor and Council.

#### **2023 Multi-Purpose Capital Ordinance Discussion – Andrea Wardrop / Issa Abbasi**

Borough Administrator Wardrop provided an update as to the 2023 Multi-Purpose Capital Ordinance, allowing the Mayor and Council to ask questions.

Mayor Zeigler expressed his concern over the fact that there was no money allocated for road repairs and curb maintenance programs, expressing concern that it may become habitual.

Borough Administrator Wardrop replied that after review with the Borough Engineer, four roads were determined as being able to be waited on until the 2024 Capital Budget. Mayor Zeigler responded with further concern.

Borough Administrator Wardrop explained that there is a need for an updated assessment of road conditions, which is a project being proposed in the amount of \$18,000. Borough Engineer Di Sessa further provided information as to how the assessment would work and how it would be beneficial.

Councilman Hesterbrink stated that he would be appreciative to receive a report showcasing budget information from years past. Borough Administrator Wardrop stated she would reshare the prior year's reports.

Further discussion was held as to municipal obligations and amounts to be raised by taxation.

Mayor Zeigler reiterated his concern over eliminating infrastructure funding.

### **Level 3 Charging Station Grant – Bill Ziegler / Andrea Wardrop**

Borough Administrator Wardrop received an email that there was a grant opportunity for a level 3 supercharger. An estimated cost for the supercharger is \$1,900,000. Borough Administrator Wardrop wished to see if there was any interest amongst the Governing Body.

It was decided that there was no interest in applying.

### **Leaf Blower Ordinance Update – Joanne Terrell**

Borough Attorney Chewcaskie explained there was a request by the Police Chief to change the sections of the Leaf Blower Ordinance so that there is no issue with enforcement.

### **Public Comment**

Lydia Maurice, 392 Grand Avenue, inquired as to whether the two houses across from Leonia High School are within the redevelopment area. Ms. Maurice expressed concern over losing the trees that are part of the property.

Vito Mazza, Grandview Terrace, had a few questions to ask of the Mayor and Council. First, Mr. Mazza questioned the introduced ordinance and statements the mayor had made about the Borough of Leonia complying with its affordable housing obligations. Mr. Mazza wished to know if the Borough was being compelled to include the overlay zone and if there was a further risk of another lawsuit.

Mr. Mazza also inquired as to whether closed session items discussed could be released under the Open Public Meetings Act or if there were any further pending shared service agreements with Teaneck, including those that are rumored.

Mr. Mazza questioned whether there was a closed session item to be discussed tonight and as a point of curiosity asked by Councilwoman Terrell abstained from voting on the Bill List.

Mayor Zeigler replied to Ms. Maurice that the Borough cannot opine on the trees she is referring to.

Mayor Zeigler explained that the Borough of Leonia is not changing zoning, as Mr. Mazza alluded to, but is creating an overlay zone to be added to the existing zoning. Mayor Zeigler also confirmed that it is true that the Borough of Leonia has been recertified on affordable housing. The Borough Attorney provided further explanation and information as to the borough's compliance and prior certifications.

Mayor Zeigler further added that it is indeed prudent to introduce this rezoning ordinance at this time as it is part of the master plan and was planned to be introduced before the lawsuit.

Mayor Zeigler and Borough Attorney Chewcaskie explained the Closed Session requirements and release of information.

As of now, the Borough of Leonia is awaiting any form of proposal from Teaneck.

Councilwoman Terrell explained that she abstains from voting on some bill lists as her husband works with the Recreation Center.

Mayor Zeigler explained there is no closed session item tonight.

Robin Barbosa provided her thoughts on the sidewalk policy discussion and asked that something be tacked on to encourage homeowners to be proactive in preventing issues.

Mayor Zeigler re-explained the intent of the policy and its provisions.

Joe Riley, 201 Moore Avenue, questioned whether sewer pipes and waterlines will be included in the Sidewalk Policy.

Mayor Zeigler responded that the Borough of Leonia is not responsible for particular portions of the sewer line. Borough Attorney Chewcaskie explained that the lateral that connects from the sewer line to the home is the homeowner's responsibility.

***Adjournment:***

There being no further business to come before the Mayor and Council, on a motion by Councilman Ziegler, second by Councilwoman Davis, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Jonathan Mandel,  
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