

Closed Session Resolution

Date 1/22/14

Motion ubiter

Second munichillo

In Favor 415

BE IT RESOLVED by the Council of the Borough of Leonia, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-sections(s) of Section 7 of the Open Public Meeting Act:

- () Sub-section 1 - dealing with material rendered confidential by express provision of Federal or State Law,
- () Sub-section 2 – covering a matter, in which release of information would impair a right to receive funds,
- () Sub-section 3 – involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved,
- () Sub-section 4 – pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof,
- () Sub-section 5 – dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where thereof would adversely affect the public interest,
- () Sub-section 6 – dealing with tactics and techniques used in protecting the softy and property of the public where disclosure could impair such protection or investigation of violation of the law.
- Sub-section 7 – dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney- client privilege,
- Sub-section 8 – concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or person, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof,
- () Sub-section 9 – involving deliberations at the public hearing on a matter which any result in the imposition of a civil penalty or the suspension or loss of a license,

AND BE IT FURTHER RESOLVED THAT, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED THAT, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

4 rice notices were delivered last week

Back ground Check

1. Chief Dave Bohnert (represented by Attorney Norgaard)
2. Lieutenant Arnold Davenport

Borough Attorney Giblin Spoke to Chief Bohnert and explained the situation, has until February 3, 2014 (next meeting) to clean up record, option is to resign or suspend till record can be cleaned up.

Arnold Davenport was given the same option; unfortunately his is out of state which could take a little longer, will need to inform Governing Body also on February 3, 2014.

End result will be a special meeting February 10th if either one wishes to go before the Council for a hearing.

Unbecoming conduct

1. Jack Peter (represented by Attorney Norgaard)
2. John Biondi

Jack Peters was not in attendance; Attorney Norgaard was present for him. Based upon an event that took place Dec 23, 2014, hostile attitude, and unbecoming conduct of a Fire Department Official, notice from Attorney Giblin to Attorney Norgaard suspension 60 days, disciplinary hearing with Fire Committee if protesting suspension.

John Biondi again based upon an event that took place on Dec 23rd, 2014, called in a 911 emergency in for a trouble alarm, suspension 30 days, disciplinary hearing with Fire Committee if protesting suspension.

Leonia FC#1 vs. Leonia –

Council Hawkins recused from this part of the closed session

Case management to date –

Suit #1 - Judge Carver 1/15/14 tried to work out compromise, appointment of officers were discussed, LFC #1 wants elected officers remain in place



BOROUGH OF LEONIA

SPECIAL COUNCIL MEETING

~ Minutes ~

305 Beechwood Pl
Leonia, NJ 07605
www.leonianj.gov

Lynn Hemmer, Acting Borough Clerk

Monday, April 7, 2014

6:00 PM

Borough Annex

A Special Council Meeting of the Mayor & Council of the Borough of Leonia, Bergen County, New Jersey, was held this evening in the Borough Hall Annex, Commencing at 6:00 PM

Mayor John DeSimone called the meeting to order.

1. FLAG SALUTE

2. ROLL CALL

Attendee Name	Title	Status	Arrived
Darryl Whitter	Council President	Present	
Bernadette Flaim	Councilperson	Present	
Gil Hawkins	Councilperson	Absent	
Greg Makroulakis	Councilperson	Present	
Mark Minichiello	Councilperson	Present	
Doug Salmon	Councilperson	Present	
John DeSimone	Mayor	Present	
Jack Terhune	Administrator	Present	
Lynn Hemmer	Acting Borough Clerk	Absent	
Brian T. Giblin	Borough Attorney	Present	

3. OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notice sent to the Official Newspaper.

4. PRESENTATION / DISCUSSION

5. APPOINTMENTS

6. COMMENTS FROM THE PUBLIC

7. APPROVAL OF MINUTES

8. RESOLUTIONS

9. INTRODUCTION OF ORDINANCE

10. ADOPTION OF ORDINANCE

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. COMMENTS FROM THE PUBLIC (Agenda and Non-Agenda items)

14. CORRESPONDENCE

15. CLOSED SESSION

Personnel - Attorney Brian Giblin

16. ADJOURNMENT

Makroulakis

Minichiello



BOROUGH OF LEONIA

REGULAR COUNCIL MEETING

~ Minutes ~

305 Beechwood Pl
Leonia, NJ 07605
www.leonianj.gov

Lynn Hemmer, Acting Borough Clerk

Monday, April 7, 2014

7:30 PM

Borough Annex

A Regular Council Meeting of the Mayor & Council of the Borough of Leonia, Bergen County, New Jersey, was held this evening in the Borough Hall Annex, Commencing at 7:30 PM

Mayor John DeSimone called the meeting to order.

1. FLAG SALUTE

Mayor DeSimone requested Council President Whitter to lead with the Pledge of Allegiance

2. ROLL CALL

Attendee Name	Title	Status	Arrived
Darryl Whitter	Council President	Present	
Bernadette Flaim	Councilperson	Present	
Gil Hawkins	Councilperson	Present	
Greg Makroulakis	Councilperson	Present	
Mark Minichiello	Councilperson	Present	
Doug Salmon	Councilperson	Present	
John DeSimone	Mayor	Present	
Jack Terhune	Administrator	Present	
Lynn Hemmer	Acting Borough Clerk	Absent	
Brian T. Giblin	Borough Attorney	Present	
Doreen Kern	Administrative Asst.	Present	

3. OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notice sent to the Official Newspaper.

4. PRESENTATIONS

Presentation by the Economic Development Committee - By Co-Chairs James Bach and Peter Knott and Consultants Jessica Giorgianni of H2M and Mark Gordon of Urbana Consulting

Opening Statement from Co-Chair Peter Knott which he read and his report can be annexed to these minutes.

Presentation by Mark Gordon of Urbana Consulting on the status of the Northern Branch Light Rail Project

Presentation by Jessica Giorgianni - she has a power point that will be sent via pdf and can then be attached to minutes

Comments from Co-Chair Jim Bach regarding the two Resolutions that will be presented to the Mayor and Council for consideration

Question from Mrs. Flaim regarding timeline-response from Ms. Giorgianni several months

Steve Hutnick - asked about visual compatibility of parking deck. Mr. Gordon responded, Combination of houses and shops - what is impact on Broad Avenue businesses? Ms. Giorgianni responded yet to be determined. Mr. Gordon added that EDC also looking at ways to strengthen Broad Avenue shops.

Ken Kramer - 102 Oak Tree Place - has long supported light rail but is asking if station is to be elevated, as traffic is bad in morning and afternoon rush hours at the RR crossing. Mr. Gordon responded that crossing will be at grade level and yes there will be road improvements to address traffic; he also added that train moves very quickly and only takes short time to get through the roadway crossing.

Mr. Knott added that the grade separation was considered but NJT responded that it was too expensive and would take too great a distance to get to necessary elevation to achieve crossing.

Arthur Zayat - pleased that M&C are following the Master Plan but disagrees with parking deck in the park. He also favors light rail for Leonia. Critical of tax abatements and asked where that money would come from.

Maureen Havlusch - 180 Crescent Ave. - Good idea - has a question with the EDC and asked if anyone from PD or DPW is on Committee who can provide input on impact on those departments.

Mr. Whitter responded that not yet but will be going forward. That started tonight's.

Leah Roland - Commented on great presentation and reminded Council focus is on development and light rail secondary.

Ingrid Brennan - 53 Palmer Place - TY for presentation - proponent of light rail and transit villages, asked for clarification as to process as to EDC members and Council Members and Planning Board Members participating at what stages.

Karl Norgaard - 144 Prospect - Are we paying for another study? We've paid for many in past. Use what we have rather than keep paying again.

John Biondi - Grand Avenue - will study include area east of Grand.

Jessica responded that no - was included for statistical evaluation only.

Arthur Zayat - For Mr. Giblin - how can a member of the EDC make a recommendation that is a Councilmember and then vote on very same recommendation?

Mr. Giblin responded that he does not view it as a conflict.

Maureen Havlusch - in recent months I have not necessarily been in agreement on some topics but what I am hearing tonight on the EDC topic is that I agree with the process going forward tonight but would suggest that the Council members on the EDC remove themselves so that it does not appear incorrect.

Robert Pawlick - 111 Highwood Avenue - Thought that hill development was a mistake but this should be a Referendum and not a vote of the M & C. We should go to the County and ask for the property back and use it for development.

5. APPOINTMENTS

Replacing Councilperson Flaim with Councilperson Makroulakis to the DPW Committee

Mayor DeSimone's Appointment of Arthur Aranda to the Economic Development Committee

Mayor DeSimone's Appoinmtent of Larry Cherchi to the Transportation Advisory Committee

6. COMMENTS FROM THE PUBLIC

Agenda Items Only (2 minutes per speaker for the duration of 20 minutes)

7. APPROVAL OF MINUTES

8. RESOLUTIONS

2014 - 106 Resolution to remove Chief Bohnert, Norgaard asked to be heard in Closed Session. Motion to add by Makroulakis and 2nd by Whitter

Mr. Giblin read the Resolution. Hawkins abstained.

Resolution 100-105, Councilperson Makroulakis made the motion, second by Councilperson Whitter, resolutions 100-105, vote was unanimous

RES-2014-100 Painting of Leonia Municipal Pool

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Greg Makroulakis, Councilperson
SECONDER:	Darryl Whitter, Council President
AYES:	Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

RES-2014-101 Supporting Northern Branch Corridor Project

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Greg Makroulakis, Councilperson
SECONDER:	Darryl Whitter, Council President
AYES:	Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

RES-2014-102 Redemption of Tax Sale Certificate-345 Grand Ave.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Greg Makroulakis, Councilperson
SECONDER: Darryl Whitter, Council President
AYES: Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

RES-2014-103 Redemption of Tax Sale Certificate-131 Fort Lee Road

RESULT: ADOPTED [UNANIMOUS]
MOVER: Greg Makroulakis, Councilperson
SECONDER: Darryl Whitter, Council President
AYES: Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

RES-2014-104 Opening & Closing Leonia Swim Pool

RESULT: ADOPTED [UNANIMOUS]
MOVER: Greg Makroulakis, Councilperson
SECONDER: Darryl Whitter, Council President
AYES: Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

RES-2014-105 Bingo Raffle License for Leonia HS Home & School Association

RESULT: ADOPTED [UNANIMOUS]
MOVER: Greg Makroulakis, Councilperson
SECONDER: Darryl Whitter, Council President
AYES: Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

RES-2014-106 LFD Fire Chief Deemed Ineligible

RESULT: ADOPTED [5 TO 0]
MOVER: Greg Makroulakis, Councilperson
SECONDER: Darryl Whitter, Council President
AYES: Whitter, Flaim, Makroulakis, Minichiello, Salmon
ABSTAIN: Gil Hawkins

9. INTRODUCTION OF ORDINANCE

ORD-2014-2 Ordinance to Amend Chapter 290 of the Borough Code-Zoning

RESULT: INTRODUCED [UNANIMOUS] **Next: 5/5/2014 7:30 PM**
MOVER: Greg Makroulakis, Councilperson
SECONDER: Darryl Whitter, Council President
AYES: Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

10. ADOPTION OF ORDINANCE

ORD-2014-1 Ordinance to Exceed the Municipal Budget Appropriation Limits

A motion was made by Councilperson Hawkins, second by Councilperson Flaim

Question by Pawlick, Arthur Zayat

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gil Hawkins, Councilperson
SECONDER:	Bernadette Flaim, Councilperson
AYES:	Whitter, Flaim, Hawkins, Makroulakis, Minichiello, Salmon

11. UNFINISHED BUSINESS

Laws & Ordinances - Council President Whitter - Amendment to Snow Parking Ordinance -194-35

List to be published on line as reported by Councilperson Whitter.

NJDOT Safe Routes to Schools Grant - Administrator Terhune

May 15 deadline

12. NEW BUSINESS

13. COMMENTS FROM THE PUBLIC (Agenda and Non-Agenda items)

Arnold Davenport - 324 Allaire - objecting to process, he then read a letter from Mr. Giblin that he received via Chief Bohnert. He says he never received the letter and he also stated that he was not sure of what the Fire Committee did that night. He says he sent a letter asking for a hearing, even if it was after the 14 days. Claims Council is harassing the fire department. Did the Council vote on the dismissal?

Mr. Giblin responded that it's not necessary as Fire Committee voted and he did not appeal.

Arthur Zayat - 125 Reldyes - questioning how the width of roads was measured. Indicates the Right-of-way on Reldyes is 40 feet.

Karl Norgaard 144 Prospect - Objects to adding of Resolution 2104-106 to agenda, acknowledges he had discussed with Fire Committee and Mr. Giblin and asked that he have the opportunity to speak about it. Leonia has the most restrictive Ordinance pertaining to Fire Departments. He proceeded to highlight certain sections of other town ordinances.

Ken Kramer - Oak Tree Place - why if matter in Litigation can you pass the Mr. Makroulakis

Karen Peter - 142 Park Avenue, questioned why six (6) peoples comments from the public were left off of the February 19, 2014 meeting minutes?

14. CORRESPONDENCE

15. CLOSED SESSION

Litigation - LFC #1 vs. Leonia - Borough Attorney Giblin

16. ADJOURNMENT

A motion was made by Councilperson Hawkins, second by Councilperson Whitter
Respectfully submitted,
Lynn Hemmer
Acting Borough Clerk

Closed Session Resolution

Date 7/7/14

Motion unbilled

Second motion/10/10/13

In Favor 4/3

BE IT RESOLVED by the Council of the Borough of Leonia, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

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BE IT FURTHER RESOLVED THAT, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

Borough of Leonia
Special Meeting Minutes
Monday April 7, 2014

A special meeting of the Mayor and Council of the Borough of Leonia, Bergen County, New Jersey, was held on April 7, 2014 beginning at 6:00 pm. The following were present Mayor Desimone, Council President Whitter, Council Members Makroulakis, Salmon, Minichiello and Flaim.

There was a motion by Councilman Whitter to go into closed session to discuss personnel, seconded by Councilman Makroulakis, all present voted in favor. The first matter on the agenda was the appeal of Mr. Bohnert from the decision of the Fire Committee designating him as ineligible to serve as a firefighter. There was no appearance by Mr. Bohnert or his attorney.

The Mayor and Council then discussed the report issued by Attorney Brian Giblin regarding allegation of harassment communicated to the Mayor and Council by Mr. Nicholas.

Motion made by Mr. Whitter, seconded by Mr. Makroulakis, to adjourn the special council meeting, all members present voted in favor.

LAW OFFICES
GIBLIN & GIBLIN

PAUL J. GIBLIN*
PAUL J. GIBLIN, JR.*
BRIAN T. GIBLIN**
MICHAEL A. GANNAIO+

* MEMBER N.J. & N.Y. BAR
** MEMBER N.J. & FLA. BAR
+ MEMBER N.J. & WI BAR

2 FOREST AVENUE
SUITE 200
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(201) 262-9500
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170 DUANE STREET #2C
NEW YORK, NY 10013
(212) 226-8841

REPLY TO: ORADELL

March 25, 2014

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

RE: Mediation

Honorable Mayor and Members of the Council:

As you know, I attended mediation last Friday with Councilman Salmon. The culmination of that meeting was a proposed settlement that was proposed by Judge Carver. The terms of the settlement would be as follows:

- 1) The Borough of Leonia would acknowledge Leonia Volunteer Fire Company No. 1 in Ordinance 29.
- 2) An Ad Hoc Committee would be formed consisting of 3 members. One member would be a firefighter to be chosen by the Fire Company, one member would be the Fire Commissioner or a member of the Fire Committee, to be chosen by it and the third member would be a member of the public who was agreeable to both parties. The purpose of the committee would be, essentially, to act on all matters of discipline, eligibility, etc. that the Fire Committee is now responsible for. In addition, the Judge suggested that there needed to be an appeal process from the Ad Hoc Committee's determination, either to court or to an arbitrator.
- 3) Fire Company No. 1 would be given copies of any applications to become a firefighter that are received by the Borough.
- 4) With regard to the life insurance, the Borough would provide \$25,000.00 in life insurance for all active members of the Leonia Volunteer Fire Department regardless of their age.

- 5) Firefighters would be able to have physicals performed by their own doctor as well as by the health care provider chosen by the Borough. In the event that the Borough or the Fire Committee had a disagreement with either the health care provider chosen or with the results of the physical, any disputes would be sent to the Ad Hoc Committee referenced above. Further, the cost of the physical would be borne by the firefighter in the event they went to their own doctor.
- 6) The Fire Company would move up its elections of officers to early November and would advise the Mayor and Council of the results as soon as they are available. Thereafter, the Mayor and Council would appoint the officers elected by the Fire Company unless there was "cause" for rejecting any of their officers. In that event, any dispute would be sent to the Ad Hoc Committee referenced above.
7. Any pending discipline or other issues (other than the ineligibility of Chief Bohnert) would be sent to the Committee referenced above for its determination.

By copy of this letter to Lynn Hemmer, I am requesting that this matter be placed on the closed session agenda for the next Mayor and Council meeting which is schedule for April 7, 2014. However, if any member of the governing body desires to discuss this matter prior to that meeting, please do not hesitate to contact me.

Very truly yours,
GIBLIN & GIBLIN, ESQS.

Brian T. Giblin

Brian T. Giblin