AMENDED
MAYOR AND COUNCIL
BOROUGH OF DEMAREST

REGULAR MEETING AGENDA July 25, 2022 7:30 PM

The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was mailed to the Record and Star Ledger and was filed with the Borough Clerk of Demarest on November 22, 2021.

1. Pledge of Allegiance

2. Roll Call

3. Adoption of Agenda

4. Presentation of Environmental Commission

5. PUBLIC HEARING OF BOND ORDINANCE 1106-22: BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING $802,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF $402,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

6. PUBLIC HEARING OF BOND ORDINANCE NO. 1107-22: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A SPORT UTILITY VEHICLE FOR THE FIRE DEPARTMENT IN AND BY THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING $55,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $52,250 BONDS OR NOTES OF THE BORUGH TO FINANCE PART OF THE COST THEREOF.

7. PUBIC HEARING OF ORDINANCE NO. 1108-22: AMENDING CHAPTER 166-VEHICLES AND TRAFFIC, SECTION 6-ALL-NIGHT PARKING, TO: PERMIT AND REGULATE ALL-NIGHT ON-STREET PARKING.

8. PUBLIC HEARING OF ORDINANCE NO. 1109-22: AMENDING PART II – GENERAL LEGISLATION, SO AS TO: ADD CHAPTER 143-SHORT TERM RENTAL OF RESIDENTIAL PROPERTIES.

9. **Review of Consent Agenda Items**: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

Resolutions

10. Resolution approving authorizing claims in the amount of $ 2,238,829.36*
11. Resolution approving the release of escrows*
12. Resolution authorizing the 2021 LOSAP for the Demarest Fire Dept and Ambulance Corps*
13. Resolution approving Colliers Engineering to submit a grant application with the DOT for 2023*
14. Resolution approving construction administration for Colliers in connection with the 2022 DOT grant program*
15. Resolution approving construction administration of Colliers in connection with the 2021 DOT grant program*
16. Resolution approving American Asphalt and Trucking as contractor for the 2020 Riverside Paving project*
17. Resolution approving American Asphalt and Trucking with an interlocal agreement for the 2020 Riverside Cooperative Roadway Paving project*
18. Resolution authorizing the Demarest Fire Department to submit an application for the American Rescue Plan Firefighter Grant*
19. Motion approving Luke Stein as a volunteer fireman*
20. Resolution approving an agreement with the county regarding snowplowing*
21. Resolution approving a chapter 159 for the SAFER grant*
22. Motion approving raffle RA22-71 for the Jewish Community Center*

23. Request to remove items from Consent Agenda
24. Discussion on items removed from Consent Agenda
25. Motion to open the meeting to the Public
26. Motion to close meeting to Public on Consent Agenda items only
27. Motion approving Consent Agenda items 10-22

New Business

Mayor's Report

Council Committee Reports

28. Police, Fire, and Public Events
29. Ambulance and Recreation
30. Management, Administrative & Communication Committee
31. Finance & Insurance Committee
32. DPW, Public Buildings, Public Utilities & Recycling Committee
33. Real Estate & Ordinance Committee

Reports of Borough Officials

34. Borough Administrator
35. Borough Attorney
36. Borough Engineer
37. Borough Treasurer
38. Police Chief
39. Fire Chief
40. Ambulance

Meeting Open to the Public
Closed Session
Adjournment

ORDINANCE NO. 1106-22

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING $802,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF $402,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Demarest, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of $802,500, including grants in the aggregate amount of $400,000 from the New Jersey Department of Transportation (the "State Grants"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for the improvement or purpose referred to in Section 3(a) since the improvement or purpose is being partially funded by the State Grants.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grants, negotiable bonds are hereby authorized to be issued in the principal amount of $402,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various road improvements, including, but not limited to, resurfacing, widening, curbing and drainage improvements to Lenox Avenue (from Knickerbocker Road to Stelfox Street), Prescott Street (from Hardenburgh Avenue to the northern terminus at Northern Valley Regional High School) and Stewart Street (from Hardenburgh Avenue to the northern terminus at Northern Valley Regional High School), including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public

or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $402,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $160,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grants referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed

in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NO. 1107-22

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A SPORT UTILITY VEHICLE FOR THE FIRE DEPARTMENT IN AND BY THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING $55,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $52,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Demarest, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of $55,000, including the sum of $2,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of $52,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a sport utility vehicle for the Fire

Department, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate

and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and

notes provided in this bond ordinance by $52,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $11,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such

undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 1108-22

AMENDING CHAPTER 166-VEHICLES AND TRAFFIC, SECTION 6-ALL-NIGHT PARKING, TO:

PERMIT AND REGULATE ALL-NIGHT ON-STREET PARKING

WHEREAS, the Council of the Borough of Demarest has determined that, in order to afford greater convenience for residents, especially those with narrow driveways, multiple vehicles and/or other on-site parking restrictions, it is appropriate to permit all-night parking in the Borough subject to certain conditions and regulations.

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

1. **Amendment of Code.** Chapter 166-Vehicles and Traffic, Section 6-All-Night Parking of the Municipal Code of the Borough of Demarest shall be amended to read in its entirety as follows:

"§166-6(a) General Prohibition.

No person shall park or leave standing any motor vehicle in or along the following public roads in the Borough of Demarest between the hours of 2:00 a.m. and 6:00 a.m.:

i.. any County road; or

ii. any road which the Police Department of the Borough of Demarest, in its sole and absolute discretion, shall have determined is unsafe or otherwise unsuitable for all-night parking; and the Department shall maintain a list of such roads, shall post it on the Borough website, shall make it otherwise available to residents of the Borough upon request, and shall review such list and update it as appropriate at least annually.

§166-6(b) Conditions Applicable to All-Night Parking.

All-night parking shall be permitted on the public roads in the Borough of Demarest provided that:

i. The vehicle is registered:

A) to a person residing at the address in immediate proximity thereto (i.e., the vehicle is parked directly in front of or directly across the street from the registration address); or

B) to an entity owned by or employing a person residing at the address in immediate proximity thereto; provided, however, that such ownership or employment relationship has theretofore been reported in writing to the Police Department of the Borough of Demarest; or

C) the houseguest of such resident for not more than two (2) consecutive nights, on notice to the Demarest Police Department.

ii. Such parking is not otherwise prohibited under §166-6(a) or any other provision of the Code."

2. Administrative Provisions.

a. *Severability.* If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy with respect to which said judgment shall have been rendered, and all other provisions of this Ordinance shall remain in full force and effect.

b. *Inconsistent Ordinances Repealed.* All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

c. *Effective Date.* This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law, subject to the preparation of a list of prohibited streets for overnight parking by the Demarest Police Department as set forth in Section 6(a)(ii) above, and its provisions shall apply to all rentals of residential properties with a rental inception date on or after the date of adoption and publication hereof as prescribed by law.

BOROUGH OF DEMAREST

By: _____
MELINDA IANNUZZI, Mayor

ATTEST:

_____
Susan Crosman, RMC, Borough Clerk

Introduced: _____, 2022

Adopted: _____, 2022

BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 1109-22

AMENDING PART II – GENERAL LEGISLATION, SO AS TO:

ADD CHAPTER 143-SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

WHEREAS, the Council of the Borough of Demarest has determined that, in order to maintain the peace and ensure residents' quiet enjoyment of residential properties in the Borough, it is necessary and appropriate to regulate short-term rentals of residential properties.

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

1. **Addition to Code.** The following shall be added to Part II of the Municipal Code of the Borough of Demarest, as Chapter 143-Short-Term Rentals of Residential Properties:

"§143-1 Definitions.

As used in this subsection, the following terms shall have the meanings indicated:

Advertise or Advertising shall mean any form of solicitation, promotion, and/or communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this subsection, as same may be viewed through various media, including, but not limited to, signs, newspapers, magazines, flyers, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of property, for consideration, which are prohibited by this section.

Consideration shall mean soliciting, charging, demanding, receiving, or accepting any legally recognized form of consideration, including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

Dwelling or Dwelling Unit shall mean a building or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering, and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, single-family home or portions thereof that are offered to be used, made available for use, or are actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s) for consideration.

Hosting Platform shall mean a website or marketplace in whatever form, whether online, electroinc, print or otherwise, which facilitates short-term rentals or the rental of the exterior (e.g., pool, pool area, backyard) of a residential unit through advertising, searching, matchmaking, or any other means, using any medium of facilitation and from which the operator

of the hosting platform derives revenues, including but not limited to booking fees or advertising revenue, from providing or maintaining the website or marketplace.

Housekeeping Unit shall mean a family-type situation, involving one or more persons living together that exhibit the kind of stability, permanency, and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

Occupant shall mean any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

Owner shall mean any person(s) who legally uses, possesses, owns, leases, subleases, or licenses (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more dwelling units, or who has charge, care, control, or who participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

Person shall mean an individual, firm, corporation, association, partnership, limited-liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

Residential Occupancy shall mean the use of a dwelling unit by an occupant(s).

Short-Term Rental shall mean a residential occupancy for a period of less than 90 consecutive days.

§143-2 Short-Term Rentals Prohibited.

a. Notwithstanding anything contrary contained in the Borough Code, it shall be unlawful for a person or owner to receive or obtain actual or anticipated consideration for using, authorizing, permitting, or failing to discontinue the use of any dwelling unit used as a short-term rental, as defined herein.

b. It shall be unlawful for a person or owner to receive or obtain actual or anticipated consideration for using, authorizing, permitting, or failing to discontinue the rental of all or a portion of the exterior of any residential property. This shall include the rental of the pool, pool area, and backyard.

c. Nothing in this section prevents formation of an otherwise lawful residential occupancy of a dwelling unit for a rental period of 90 consecutive days or more.

d. Nothing in this section shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, N.J.S.A. 55:13-1 et seq.

§143-3 Permitted Uses.

a. The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for any number of days by any person who is a member of the housekeeping unit of the owner or a houseguest(s), without consideration, is permitted.

§143-4 Advertising Prohibited; Hosting Platform Regulations.

a. It shall be unlawful for any person to advertise or solicit, by any means that would be in violation of the provisions of this section.

b. It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise any short-term rentals in violation of this section.

c. It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise all or a portion of the exterior of any residential property for rent in violation of this section.

§143-5 Violations, Penalties and Enforcement.

a. A violation of this section is hereby declared to be a public nuisance *per se* and is hereby further found and declared to be offensive to the public health, safety, and welfare.

b. The provisions of this section shall be enforced by the Borough Police Department, Building Code Official, Fire Official, Health Department, other subcode or code official, as their jurisdiction may arise, including legal counsel for the Borough or other person designated by the Borough Council to issue municipal civil infractions directing alleged violators hereof and/or to appear in court or file civil complaints.

c. Any person found to have violated any provision of this section, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding $1,000. Each day of such violation shall be considered a new and separate violation of this section.

d. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/other injunction, reasonable attorney's fees or other fees and costs, in the Borough Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding."

2. Administrative Provisions.

a. *Severability.* If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection,

paragraph, sentence or other part of this Ordinance directly involved in the controversy with respect to which said judgment shall have been rendered, and all other provisions of this Ordinance shall remain in full force and effect.

b. *Inconsistent Ordinances Repealed.* All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

c. *Effective Date.* This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law, and its provisions shall apply to all rentals of residential properties with a rental inception date on or after the date of adoption and publication hereof as prescribed by law.

BOROUGH OF DEMAREST

By: _____
MELINDA IANNUZZI, Mayor

ATTEST:

_____
Susan Crosman, RMC, Borough Clerk

Introduced: _____, 2022

Adopted: _____, 2022

INTRODUCED: SECONDED:

RESOLUTION

WHEREAS, the following applicant has posted escrow monies with the Borough for payment to Borough professionals in conjunction with said development; and

Applicant	Address	Block and Lot	Amount
Charles Yuk	108 Serpentine Road	23, 22.01	$ 202.50
Tandor Development	59 Highland Avenue	127, 39	$ 1,500.00
New Luxury Homes	38 Sunset Road	53, 4.01	$11,092.50
Arthur Kheyman	38 Anderson Avenue	79, 28	$18,665.00
Arthur Kheyman	24 Liberty Road	83.03, 7.01	$ 937.25
Arthur Kheyman	9 Wellwood Road	83.03, 1	$18,056.00

WHEREAS, Borough professionals have determined that all required improvements have been satisfactorily completed and all fees due for services rendered have been received;

NOW THEREFORE, BE IT RESOLVED that the Chief Financial Officer is and hereby authorized to return the balance of escrow monies to the applicant.

I, Susan Crosman, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council at a meeting held July 25, 2022.

_____

Susan Crosman
Borough Clerk

BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY

RESOLUTION AUTHORIZING THE 2021
LENGTH OF SERVICE AWARD PROGRAM (LOSAP) CONTRIBUTION
FOR THE DEMAREST FIRE DEPARTMENT

WHEREAS, each year, emergency service organizations participating in LOSAP must certify to the sponsoring agency an annual list of all volunteer members who have qualified for credit under the LOSAP for the prior year; and

WHEREAS, upon receipt of the certification, the sponsoring agency must review it and approve the final certification; and

WHEREAS, the Demarest Fire Department and Ambulance Corps. has provided a list of members who are eligible to receive LOSAP awards for the 2021 calendar year;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Demarest that the attached list of Demarest Fire Department and Demarest Ambulance Corps. members for the year 2021 be and is hereby approved, and

Introduced by: _____

Seconded by: _____ Approved _____, 2021

ATTEST:

_____ _____

Borough Clerk Mayor

INTRODUCED:

APPROVAL TO SUBMIT A GRANT APPLICA
WITH THE NEW JERSEY DEPARTM
RECONSTRUCTION OF MADISON AVE
STELFO

WHEREAS, the Borough of Demarest desires t
Jersey Department of Transportation Highway
safety improvements and traffic calming measu
Road to Stelfox Street; and

WHEREAS, the Borough Engineer has develop
Madison Avenue and key intersections through
physical complementary safety improvements;

WHEREAS, the project will approve safety to th
leveraging the requested funds;

NOW THEREFORE BE IT RESOLVED that th
approves the grant application for the above st

BE IT FURTHER RESOLVED that the Mayor a
electronic grant application identified as New J
Aid (MA) for the Fiscal Year (FY) 2023-MA-004
Roadway Project to the New Jersey Departmer
Demarest.

BE IT FURTHER RESOLVED that the Mayor a
agreement on behalf of the Borough of Demare
of the terms and conditions of the grant agreem
agreement.

	YES	NO	ABSTAI
Carroll:	☐	☐	
Connelly:	☐	☐	
Fox:	☐	☐	
Hamilton:	☐	☐	
LaPira:	☐	☐	
Slowikowski:	☐	☐	

I, Susan Crosman, Borough Clerk, do hereb
resolution adopted by the Mayor and council at

Susan Crosman, RMC
Borough Clerk

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough of Demarest Council at a meeting held on May 23, 2022.

ATTEST:

_____
Susan Crosman, R.M.C.- Borough Clerk

BOROUGH OF DEMAREST

BY: _____
MELINDA J. IANNUZZI, Mayor

Dated:

* * * * * *

Moved by:
Second by:

	Aye	Nay	Abstain
Carroll:	☐	☐	☐
Connelly:	☐	☐	☐
Fox:	☐	☐	☐
Hamilton:	☐	☐	☐
LaPira:	☐	☐	☐
Slowikowski:	☐	☐	☐

Mayor Iannuzzi:

I certify that funds are available to appropriate
Under this resolution from the Capital account,
#04-2150-55-1106-001.

_____
Francis J. Elenio, CFO

RESOLUTION OF THE BOROUGH OF DEMAREST
COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, a proposal has been received from Colliers Engineering & Design, the Borough Engineer, for Stewart and Prescott Streets Construction Administration by the Borough of Demarest Municipal Clerk on or about April 27, 2022 in connection with the Fiscal Year 2021 New Jersey Department of Transportation Local Aid grant program; and

WHEREAS, the Borough Engineer has proposed engineering construction administration services on connection with the Stewart and Prescott Streets paving project, from Hardenburgh Avenue to the Northern terminus at Northern Valley Regional High School; and

WHEREAS, the Council of the Borough of Demarest has considered the proposal, and the requirement for such services for efficient and effective construction administration services; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available to fulfill this proposal in the Capital Account or such other account as may be necessary and proper, in the amount not to exceed Forty Four Thousand Five Hundred ($44,500.00) Dollars, as set forth in the proposal, and as evidenced by the Finance Officer's Certification; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest, County of Bergen, State of New Jersey that the proposal for Stewart and Prescott Streets Construction Administration Services, be and the same is hereby authorized to be performed by Colliers Engineering & Design, in an amount not to exceed Forty Five Thousand Five Hundred ($44,500.00) Dollars, without further expressed authorization by the Borough Council in the form of a duly adopted resolution of the Borough Council; and

BE IT FURTHER RESOLVED, that the Mayor, Administrator and Clerk are hereby authorized and directed to execute any required contract for same; and

BE IT FURTHER RESOLVED, that the Borough Administrator and Clerk are hereby directed to publish the project for bids consistent with the engineer's specifications.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough of Demarest Council at a meeting held on May 23, 2022.

ATTEST:

_____
Susan Crosman, R.M.C.- Borough Clerk

BOROUGH OF DEMAREST

_____
BY: MELINDA J. IANNUZZI, Mayor

Dated:

* * * * * *

Moved by:
Second by:

	Aye	Nay	Abstain
Carroll:	☐	☐	☐
Connelly:	☐	☐	☐
Fox:	☐	☐	☐
Hamilton:	☐	☐	☐
LaPira:	☐	☐	☐
Slowikowski:	☐	☐	☐

Mayor Iannuzzi:

I certify that funds are available to appropriate
Under this resolution from the Capital account,
#04-2150-55-11006-002.

_____
Francis J. Elenio, CFO

RESOLUTION OF THE BOROUGH OF DEMAREST
COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, bids were received from qualified contractors by the Borough of Northvale Municipal Clerk on Tuesday, April 19, 2022 at 11am, the Borough of Northvale being the lead agency for RIVERSIDE COOPERATIVE 2020 ROADWAY PAVING PROJECT; and

WHEREAS, the Borough Engineer has reviewed and tabulated the nine (9) bids received and opened at the appointed time, and compiled a spreadsheet and recommendation that is hereby incorporated and made a part hereof by reference; and

WHEREAS, the apparent low bidder, American Asphalt & Trucking, LLC, 118 Summer Avenue, Newark, New Jersey 07104, submitted a responsive and complete bid, complying with all the terms and requirements for such bids pursuant to N.J.S.A. 40A:11-23 and other provisions of the Local Public Contract Law; and

WHEREAS, the base bid by American Asphalt & Trucking, LLC, for the Demarest portion of the contract, to wit, for paving or all or portions of Laurel Road, Heatherhill Road, Palisade Boulevard, John Street, Woodland Road and Broad Street, was in the amount of Three Hundred Fifty Thousand One Hundred Seventy Two and 93/100 ($350,172.93) Dollars, is recommended as reasonable and compliant by the Borough Engineer; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available to fulfill this proposal in the Capital Account in the amount of not less than Two Hundred Forty Nine Thousand Six Hundred Fifty Five and 84/100 ($249,655.84) Dollars as evidenced by Finance Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest, County of Bergen, State of New Jersey that the contract for construction of the RIVERSIDE COOPERATIVE 2022 ROADWAY PAVING PROJECT be and the same is hereby awarded to, American Asphalt & Trucking, LLC, 118 Summer Avenue, Newark, New Jersey 07104, in an amount not to exceed Two Hundred Forty Nine Thousand Six Hundred Fifty Five and 84/100 ($249,655.84) Dollars, without further expressed authorization by the Borough Council in the form of a duly adopted change order resolution of the Borough Council.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute any required contract for same in a form and substance acceptable to the Borough Attorney, upon presentation by the successful bidder of an executed original of the contract within twenty one (21) days or as required by the Riverside Cooperative, and all required financial and performance guarantees.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough of Demarest Council at a meeting held on July 25, 2022.

ATTEST:

_____
Susan Crosman, R.M.C.- Borough Clerk

BOROUGH OF DEMAREST

_____
BY: MELINDA J. IANNUZZI, Mayor

Dated:

* * * * * *

Moved by:
Second by:

	Aye	Nay	Abstain
Carroll:			
Connelly:			
Fox:			
Hamilton:			
LaPira:			
Slowikowski:			

Mayor Iannuzzi:

I certify that funds are available to appropriate
Under this resolution from the _____ account,
#_____.

_____
Francis J. Elenio, CFO

CONFIRMATION OF BIDDER'S ACCEPTANCE

Resolution of Award Adopted: JULY 25, 2022

Amount: Two Hundred Forty Nine Thousand Six Hundred Fifty Five and 84/100 ($249,655.84) Dollars

CONTRACT ACCEPTANCE

_____, of American Asphalt & Trucking, LLC, 118 Summer Avenue, Newark, New Jersey 07104, in his/her official capacity as _____ _____, authorized to execute the Contract for installation of 2022 RIVERSIDE COOP ROADWAY IMPROVEMENTS as set forth in the bid specifications, HEREBY ACCEPTS the Contract for RIVERSIDE COOPERATIVE ROADWAY IMPROVEMENTS-DEMAREST SECTION and AGREES to conform to all the terms and conditions as set forth in the bid, a copy of which is attached hereto and made a part hereof.

CONTRACTOR:

_____
Principal

ATTEST:

_____
Susan Crosman, R.M.C.- Borough Clerk

BOROUGH OF DEMAREST

BY: _____
MELINDA J. IANNUZZI, Mayor

RESOLUTION OF THE BOROUGH OF DEMAREST
COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, bids were received from qualified contractors by the Borough of Northvale Municipal Clerk on Tuesday, April 19, 2022 at 11am, the Borough of Northvale being the lead agency for RIVERSIDE COOPERATIVE 2020 ROADWAY PAVING PROJECT; and

WHEREAS, the Borough has entered into a certain Interlocal Service Agreement (Agreement) with the Northern Valley Regional Board of Education (NVRBOE) to provide paving services under the Riverside Cooperative program dated January 24, 2022, and revised on June 27, 2022, both incorporated herein by reference and made a part hereof; and

WHEREAS, the Borough Engineer has reviewed and tabulated the nine (9) bids received and opened at the appointed time, and compiled a spreadsheet and recommendation that is hereby incorporated and made a part hereof by reference; and

WHEREAS, the apparent low bidder, American Asphalt & Trucking, LLC, 118 Summer Avenue, Newark, New Jersey 07104, submitted a responsive and complete bid, complying with all the terms and requirements for such bids pursuant to N.J.S.A. 40A:11-23 and other provisions of the Local Public Contract Law; and

WHEREAS, the base bid by American Asphalt & Trucking, LLC, for the NVRBOE portion of the contract consistent with the Agreement, to wit, for paving or all or portions of the parking lots at Northern Valley Regional High School at Demarest, was in the amount of One Hundred Eighty Two Thousand Forty Nine and 23/100 ($182,049.23) Dollars, is recommended as reasonable and compliant by the Borough Engineer; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available to fulfill this proposal in the Capital Account in the amount of not less than One Hundred Eighty Two Thousand Forty Nine and 23/100 ($182,049.23) Dollars as evidenced by Finance Officer's Certification.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest, County of Bergen, State of New Jersey that the contract for construction of the RIVERSIDE COOPERATIVE 2022 ROADWAY PAVING PROJECT NVRBOE portion, be and the same is hereby awarded to, American Asphalt & Trucking, LLC, 118 Summer Avenue, Newark, New Jersey 07104, in an amount not to exceed One Hundred Eighty Two Thousand Forty Nine and 23/100 ($182,049.23) Dollars, without further expressed authorization by the Borough Council in the form of a duly adopted change order resolution of the Borough Council.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute any required contract for same in a form and substance acceptable to the Borough Attorney, upon presentation by the successful bidder of an executed original of the contract within twenty one (21) days or as required by the Riverside Cooperative, and all required financial and performance guarantees.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough of Demarest Council at a meeting held on July 25, 2022.

ATTEST:

_____
Susan Crosman, R.M.C.- Borough Clerk

BOROUGH OF DEMAREST

_____
BY: MELINDA J. IANNUZZI, Mayor

Dated:

* * * * * *

Moved by:
Second by:

	Aye	Nay	Abstain
Carroll:			
Connelly:			
Fox:			
Hamilton:			
LaPira:			
Slowikowski:			

Mayor Iannuzzi:

I certify that funds are available to appropriate
Under this resolution from the _____ account,
#_____.

_____
Francis J. Elenio, CFO

CONFIRMATION OF BIDDER'S ACCEPTANCE

Resolution of Award Adopted: JULY 25, 2022

Amount: One Hundred Eighty Two Thousand Forty Nine and 23/100 ($182,049.23) Dollars

CONTRACT ACCEPTANCE

_____, of American Asphalt & Trucking, LLC, 118 Summer Avenue, Newark, New Jersey 07104, in his/her official capacity as _____, authorized to execute the Contract for installation of NVRBOE PARKING LOT IMPROVEMENTS as set forth in the bid specifications, HEREBY ACCEPTS the Contract for RIVERSIDE COOPERATIVE ROADWAY IMPROVEMENTS-NVROBE SECTION and AGREES to conform to all the terms and conditions as set forth in the bid, a copy of which is attached hereto and made a part hereof.

CONTRACTOR:

_____
Principal

ATTEST:

_____
Susan Crosman, R.M.C.- Borough Clerk

BOROUGH OF DEMAREST

BY: _____
MELINDA J. IANNUZZI, Mayor

BOROUGH OF DEMAREST RESOLUTION ACCEPTING AMERICAN RESCUE PLAN FIREFIGHTING GRANT FROM THE STATE OF NEW JERSEY

WHEREAS, the Borough of Demarest Volunteer Fire Department intends to submit an application for the American Rescue Plan Firefighter Grant from the State of New Jersey in an amount not to exceed $75,000 to fund personal protective equipment upgrades; and

WHEREAS, funds are available through the referenced project/program, administered by the New Jersey Division of Local Government Services in the said amount; and

WHEREAS, the Borough of Demarest now wishes to accept and approve such a grant that will enhance firefighter safety and effectiveness; and

WHEREAS, the Borough has been advised that a match of 5% of the grant amount will increase the likelihood of a favorable outcome.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Demarest do hereby formally endorse and ratify the grant application for the American Rescue Plan Firefighter Grant, and agrees to match any award with 5% of the grant awarded to the Demarest Fire Department an amount not to exceed Three Thousand Seven Hundred Fifty ($3,750) Dollars; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk or other delegated personnel are authorized to execute any documents in the name of the Borough as necessary to effectuate the intent and purpose hereof; and

BE IT FURTHER RESOLVED that copies of the Resolution shall be forwarded to the Demarest Fire Chief for further processing, upon execution hereof.

_____ _____

Attest: Susan Crosman, RMC
Borough Clerk

Melinda J. Iannuzzi-Mayor

I CERTIFY this to be a true copy of the resolution of the Demarest Borough Council, adopted according to law, on July 25, 2022.

_____
Susan Crosman, RMC
Borough Clerk

Moved by: _____
2nd by: _____

	Aye	Nay	Abstain/Absent
Carroll:	☐	☐	☐
Connelly:	☐	☐	☐
Fox:	☐	☐	☐
Hamilton:	☐	☐	☐
LaPira:	☐	☐	☐
Slowikowski:	☐	☐	☐
Mayor Iannuzzi:	___	___	_____

I certify that funds are available to appropriate
Under this resolution from the _____ account,
01-2010-25-2652-056.

_____
Francis J. Elenio, CFO

BOROUGH OF DEMAREST
Bergen County, New Jersey

INTRODUCED: SECONDED:

WHEREAS, the County of Bergen wishes to contract with the Borough of Demarest to have the Borough plow certain county roads during times of snow fall; and

WHEREAS, the Borough has previously participated in the same arrangements for prior years; and

WHEREAS, the agreement is for a two-year duration, commencing the snow season for 2022 - 2024; and

WHEREAS, it is in the best interests of the Borough to enter into the agreement with the County in the form annexed hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Demarest as follows:

1. The Mayor and Council do hereby approve the attached agreement with the County of Bergen for snowplowing services.

2. The Mayor and Borough Clerk be, and they hereby are, authorized and directed to execute the agreement on behalf of the Borough of Demarest.

3. The Borough Clerk be, and she hereby is, authorized and directed to forward the agreement to the appropriate county official for signature once it has been signed by the Mayor.

	YES	NO	ABSTAIN/ABSENT
Carroll:	☐	☐	☐
Connelly:	☐	☐	☐
Fox:	☐	☐	☐
Hamilton:	☐	☐	☐
LaPira:	☐	☐	☐
Slowikowski:	☐	☐	☐

I, Susan Crosman, Borough Clerk, do hereby certify that the foregoing is true copy of a resolution adopted by the Mayor and council at a meeting held on

_____
Susan Crosman, RMC
Borough Clerk

INTRODUCED: SECONDED:

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount; and

WHEREAS, the Borough of Demarest has been awarded grants, and wishes to amend its 2022 Calendar Year Budget to include this amount as an item of revenue; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest that the Mayor and Council hereby requests the Director of Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2022 in the sum of $62,000.00 which is now available as a revenue item from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenue Off-set with Appropriations:

2022 Staffing for Adequate Fire and Emergency Response Grant (SAFER)	$62,000.00

BE IT FURTHER RESOLVED that a like sum of $62,000.00 be and the same is hereby appropriated under the caption:

General Appropriations
Operations excluded from CAPS
Public and Private Revenues Off-set by Appropriations:

2022 Staffing for Adequate Fire and Emergency Response Grant (SAFER)	$62,000.00

BE IT FURTHER RESOLVED that the Chief Financial Officer file an electronic copy of this resolution with the Director of Local Government Services for approval.

	YES	NO	ABSTAIN/ABSENT
Carroll:	☐	☐	☐
Connelly:	☐	☐	☐
Fox:	☐	☐	☐
Hamilton:	☐	☐	☐
LaPira:	☐	☐	☐
Slowikowski:	☐	☐	☐

I, Susan Crosman, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and council at a meeting held on July 25, 2022.

_____
Susan Crosman, RMC
Borough Clerk