

MAYOR AND COUNCIL

BOROUGH OF DEMAREST

REGULAR MEETING MINUTES

February 28, 2022 7:30 PM

Mayor Iannuzzi opened the meeting at 7:30 pm with the following announcement: 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. Roll Call and Pledge of Allegiance

Mr. Carroll-present	Mrs. Hamilton-present
Mr. Connelly-present	Mrs. LaPira-present
Mrs. Fox-present	Mrs. Slowikowski-absent
Mayor Iannuzzi-present	

2. Mr. Carroll moved to Adopt the Agenda, second Mrs. Hamilton.

Mr. Carroll-yes	Mrs. Hamilton-yes
Mr. Connelly-yes	Mrs. LaPira-yes
Mrs. Fox-yes	

Carried.

3. **The Clerk read the following: 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

4. Resolution approving authorizing claims in the amount of \$4,669,308.29*
5. Resolution appointing Diktas Gillen as Tax Appeal Attorney*
6. Resolution appointing Wendy Rubenstein of DeCotiis Fitzpatrick as affordable housing attorney*
7. Resolution appointing Darlene Green of Colliers as Borough Planner*

8. Resolution approving Colliers to submit 2022 Open Space Municipal Parks grant*
9. Resolution approving Colliers to submit 2022 Open Space Historic Preservation Grant*
10. Resolution approving release of escrow balances*
11. Resolution approving the renewal of membership with Bergen County JIF*
12. Motion approving Ryan J. Kelly as a volunteer firefighter*
13. Motion approving Academy of Holy Angels 50/50 raffle #RA-22-67*
14. Motion approving Bergen County Chiefs Association 50/50 raffle #RA22-68*

There was no request to remove items from Consent Agenda. The Mayor recognized the Fire Chiefs for receiving a grant for recruitment and retention and welcomed Mr. Kelly.

Mr. Carroll moved to open the meeting to the Public, second Mrs. Fox. All in favor. Carried.

Mr. Carroll moved to close the meeting to the Public on Consent Agenda items only, second Mrs. Hamilton. All in favor. Carried.

Mr. Carroll moved to approve Consent Agenda items 4-14, second Mrs. Hamilton.

Mr. Carroll-yes	Mrs. Hamilton-yes
Mr. Connelly-yes	Mrs. LaPira-yes
Mrs. Fox-yes	

Carried

New Business

Mrs. Hamilton moved to approve the minutes of the Mayor and Council meeting of January 31, 2022 (JC, DF, MH, BC, RL, AS), second Mr. Connelly.

Mr. Carroll-yes	Mrs. Hamilton-yes
Mr. Connelly-yes	Mrs. LaPira-yes
Mrs. Fox-yes	

Carried

Mayor's Report

The Mayor expressed happiness that the Mayor and Council are able to meet in person. The COVID case numbers have fallen in February. She encouraged people to become vaccinated. She introduced the New Demarest Nature Center president, Steve Tillack and recognized outgoing president Peter Coy. Mayor Iannuzzi updated the progress on the bridge repair. At 3:00 pm on Saturday, March 12, the Gazebo will be renamed in honor of Nancy Woods. Mayor Schooler will be the featured speaker. Rajiv Krishnamurthy has

been renamed to the Environmental Commission (term to end in December 2024). The Mayor spoke about the appointment of James Powderley III to the position of Borough Administrator as an attempt to improve the operation and efficiency of the Borough, with someone who would have oversight of all departments and department heads, with the exception of the Police, who operate according to New Jersey State statute 40A 14-118. She restated that as time passes she hopes that residents will see the wisdom of their decision.

Council Committee Reports

Police, Fire, and Public Events (Jim Carroll) Police: Some officers are out with the effects of the virus, The department has switched to 12-hour shifts. Fire: Thank you to the Chief for getting the grant. No upcoming public events. There was a conversation about residents' requests for senior transportation. A survey a few years ago revealed no need. A new survey is needed to see if the need has changed. Mr. Carroll spoke about several transportation options.

Mr. Lagona from the borough's labor attorney spoke about Demarest's hiring practices. He spoke that he reviewed the borough's ordinance and state's statute and that the borough was allowed to hire the administrator under the advice and consent of the Mayor and Council. The governing body acted accordingly, following the borough's minimum requirements.

Ambulance and Recreation (Rebecca LaPira) The summer concert series starts July 7 for 5 Wednesdays in a row with food trucks. Applicants for the summer rec director are being interviewed. Dates for the summer rec are 6/27-8/5. Demarest Day will be 9/17 (rain date 9/18). The DAA is meeting at the Peddler in Cresskill on Wednesday at 7:00 PM. All invited. Last Wednesday was Demarest's mutual aid day. There were no calls.

Management, Administrative & Communication Committee (Bill Connelly) Wants to get Construction Fee update completed. The CFO is working on improving the way Purchase Orders are handled.

Finance & Insurance Committee (Daryl Fox) First quarter tax collection rate is 94% to date. The 2022 budget preparation is underway as is the 2021 financial statement. The CFO is working on direct deposit for employees. Employees can now voluntarily join insurance for disability leave. She stated that at the last meeting many incorrect statements were made by residents. She stated that she feels that hiring Jim Powderley is one of the best things the Mayor and Council has done and that he has been a godsend. She read a statement concerning his qualifications and her feelings about the need for an administrator. Mrs. Fox stated that she will post her statement on the Borough website.

DPW, Public Buildings, Public Utilities & Recycling Committee (Mary Hamilton) The DPW is doing a great job keeping the roads clear and is now working with the Shade Tree Commission on clearing up the cemetery on Everett. She thanked Mrs. Fox for her statement.

Real Estate & Ordinance Committee (Mrs. Fox for Mrs. Slowikowski) An empty storefront ordinance and the Construction Fee ordinance are in the works.

Reports of Borough Officials

Borough Administrator Mr. Powderley thanked the Mayor and Council for their kind words. He reported that he has improved the Internet speed; Verizon is in the process of installing copper cables; he plans to add a server to the Borough. Mrs. Fox moved to approve 10 hours at \$150 per hour for investigation into phone service issues, second Mr. Carroll for discussion. He suggested coordinating with Mr. Munday.

Mr. Carroll-yes	Mrs. Hamilton-yes
Mr. Connelly-yes	Mrs. LaPira-yes
Mrs. Fox-yes	

Carried.

MEL suggested instituting an SOP for safe treatment of children. Employees, volunteers, and Councilmembers would be trained. This was addressed at the NJLM conference.

The architect submitted a draft proposal for the update to the Borough Hall and Police Chief. The Borough Administrator explained that a sallyport is needed for the Police Department. There are size and ADA compliance issues in the building, as well as an increased need for a locker room for the female officers.

He stated that he learned that 129 Hardenburgh is owned by the Borough; he posted no trespassing signs, changed the locks, and is considering moving some offices (such as the construction department) to the bank. The Management Committee and attorney agree with the idea. The utilities were shut off. Restoring the utilities will cost about \$7,000, which needs to be budgeted. Minor renovations will be needed. The CFO will be notified. Mrs. LaPira asked how long the building would be in use. He responded that short-term use would be for some borough offices and then possibly for all borough offices. Maybe drive-through services could be instituted for paying taxes and picking up permits. Affordable housing could be put elsewhere.

Concerning FEMA, the grants portal now recognized the Administrator and Lt. Foley. Extensive reports are available for public viewing.

The Construction Department received a COAH check from the Woodlands developer. Permits are moving ahead. The street was changed from Woodland Court to Stonebridge Court. Mrs. Fox explained that part of the agreement when the townhouses were approved was that the developer give \$1 million to the affordable housing fund.

He asked the Mayor and Council to consider extending mask mandates until at least April. The Mayor asked him to speak with the Management Committee and take their recommendation.

RE the Electric Vehicle charging station: He has discussed this with the Environmental Commission chair.

He is getting three quotes for the heating in the railroad depot.

The Borough Administrator is going to work with the officer in charge on the Police budget.

He plans to institute time clocks and has reached out to a vendor.

Borough Clerk- no report

The following reports were not heard.

Borough Attorney
Borough Engineer
Borough Treasurer
Police Chief
Fire Chief
Ambulance

Mr. Carroll moved to Open to the Public, second Mrs. Fox. All in favor. Carried.

John Cuomo (Brookside Ave) asked about projected revenue from the townhomes. The attorney stated that they were fully taxable. He asked that meetings go back to twice a month and stated that several local towns do that. He also asked for a special meeting on construction and affordable housing. He asked for the current surplus. Several people offered to get that information to him. He asked for expenses. He was told to ask the CFO. He asked for an update on the speeding issue. The Borough Administrator and Officer in Charge explained that this is being looked into. Radar details are now being done in three locations.

Noelle Tutunjian (8 John Street) thanked the Mayor and Council for volunteering their time for the town. She stated that what happened last meeting was an effort to understand and to clear up a lack of communication. Concerning Mrs. Fox's statement, she asked why not conduct a search if it was in fact so important. She restated that it wasn't personal; it was about process. She asked about the requests in the petition and asked when they might be addressed. The Mayor read the requests and said that she would get back to the residents about them. She stated that the Administrator would not be suspended but that perhaps a meeting could be set up. Mrs. LaPira stated that there are very few full-time employees. The Mayor and Mrs. LaPira spoke about how difficult it was to hire a new CFO and Tax Collector. Mr. Carroll stated that Mr. Powderley can also serve as

OEM. Mrs. Tutunjian asked for a timeline on a decision for a townhall meeting. The attorney asserted that many of the statements made by residents were false.

Marvin Chudnoff (Pine Terrace) stated that he bears no ill will toward Mr. Powderley. He stated that he could be the most perfect person for the job but asked that the Council be more sensitive to process and that there is something wrong if so many people went out of their way to complain. He reminded the Council that every November electors make their voices heard. He stated that Mrs. Fox was both judge and jury in her statement and that it was unfair. He spoke about the attorney's statement about not being able to take the word of a "bunch of residents." He reminded the attorney that this is a business, a corporation, a service business. The Mayor and Council are here to serve the town. He stated that most of the electorate do not know what is happening but that the Mayor and Council has opened up a can of worms. He wondered whether the town's budget has increased commensurate with the increase in population. He spoke about how much he loved Demarest and that it is also very high in taxes. He spoke about the beauty of a small town and that it has now gotten too big administratively. He stated that the process was unfair to Mr. Powderley and unfair to the residents.

Mark Ratish (Prescott Street) stated that he loved the town when he moved in and has great respect for Mr. Powderley but felt that because the money being used to make decisions comes out of people's pockets the people should be consulted. He asked when Mr. Powderley was hired (appointed in August, started in September). He stated that he did not know anything about this hiring. Mrs. Fox told him that if he came to meetings or read the minutes he would know what was going on in the town.

Barbara Johnson (Woodland Rd) spoke about the speeding on her street and that it was a disaster waiting to happen. Lt. Foley spoke about the ongoing work.

Dimitri Gatanas thanked the Mayor and council for volunteering their time. He spoke about the fact that the hiring of Mr. Powderley, which would cost the taxpayers money, was put in the midst of several non-controversial agenda items on a date that many of the residents were away. He did not feel that this matter was done in a transparent manner. He again asked that a 90-day suspension be put in place to give the public a chance to agree.

Wendy Schneider (Ross Ave) asked at what point the Council felt that the position was necessary in the town. The Mayor stated that the decision came over the course of months or years. She said that the decision was made earlier this year. She said that she would like to see the payback that this position will yield. She spoke about the fact that transparency is a very sensitive issue because nepotism, favoritism, and other -isms have been spoken about in different facets of town over the year. She voiced surprise that a brand-new position with a 6-figure salary was suddenly announced. She spoke about the fact that hiring Mr. Powderley, optically, would have been worth a conversation.

Dimitri Findanis (Woodland Rd) spoke about the traffic issues on his street. He begged the Mayor and Council to do something more than laugh at people. Mr. Carroll and Mr.

Connelly said that no one laughs at people. Mr. Findanis said that he heard someone on the Council say at the last meeting that the “meeting we just had was like a bad acid trip from the '70s.” Councilmembers voiced surprise. The Mayor said that the traffic situation was being worked on.

Jean Nonenmacher (48 Meadow St) stated that she has lived in the Borough for 38 years. She spoke about the fact that residents have no recourse for decisions that are made on Zoning, Planning, and construction levels. The Mayor explained rehabilitation zones and other affordable housing issues. Mrs. Fox explained that the Mayor and Council does listen and creates ordinances in response.

Len Vadala (70 Woodland Ave) spoke about the speeding being a hard problem to solve. He suggested that the School Resource Officer took an hour a day and watch the cars at different trouble spots. He also said that verbal warnings will not work. He said that giving tickets is necessary. He also said that there is a huge tree on the corner of Woodland and Madison that creates a blind spot. Mr. Carroll stated that he had asked Lt. Foley to look at the tree.

Lynn Paulison (Lois Ave) stated that she does not have anything against Mr. Powderley but that there were a significant number of residents at the last meeting who voiced legitimate concerns; she said that she did not feel that they were taken seriously and did feel that the response from several members of the council were somewhat condescending. She said that would have been a good moment to pause and have a special meeting. She stated that she did not feel served or heard. She felt that the way this was conducted was a disgrace.

Stacey Findanis (Woodland Rd) spoke again about the traffic issues on her street and that someone pulled into her driveway and hit the pole on her property with enough force she thought it was construction noise. She voiced concern for her children’s safety. She begged the Mayor and Council to try to find some solution. She thanked the DPW for their work.

Steve Abramson (Prescott St) voiced his frustration about the speeding. He asked about a camera and was told it was illegal. The Mayor stated that in Leonia signs were put up asking people not to cut through and that the signs were fought and had to be taken down.

Jill Stern (88 Orchard Rd) stated that she was impressed with the Borough Administrator’s report and felt that Mrs. Fox was very condescending in her report. She stated that the only problem she has is with the process. Mrs. Fox apologized for the way she came across.

Mr. Zachariah (85 Orchard Rd) stated that he had come with reservations about the role. He stated that living in a premium town, the residents deserved a premium experience. He asked about the 3 to 5-year projection of expenses. The Mayor offered to have the CFO respond to Mr. Zacharia and gave a general overview.

Mr. Cuomo asked whether speed bumps are allowed in Demarest. The Administrator explained.

Jill Besnoy (17 John St) spoke about feeling that at the last meeting residents were talked over and bull dozed. She asked whether a Police Chief was being sought and what Mr. Powderley's position in relation to the Police Department. The Mayor said that Mr. Powderley had no authority over the Police Department and that there was no statutory requirement to have a Police Chief. Mrs. Besnoy requested more transparency.

Michael Ferrin (8 John St) asked how the Borough Attorney is selected. The Mayor explained that every year professionals are hired for the year. He asked for the salary (\$175 per hour). He stated that the people in the DAA give their time because they are fine people. Mr. Ferrin stated that the person the Borough Attorney yelled at was his wife. He requested that Mr. Paster be removed as Borough Attorney if his tactic was to yell at the people who hire him.

Mr. Carroll moved to go into Closed Session for a personnel matter, second Mrs. Hamilton. All in favor. Meeting adjourned to Closed Session at 10:30 pm.

Mr. Carroll moved to go into Open Session, second Mrs. Hamilton. All in favor. Carried.

Mr. Carroll moved to adjourn, second Mrs. Hamilton. All in favor. Meeting adjourned at 10:55 pm.

Respectfully submitted,

Susan Crosman
Borough Clerk