

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST**

**MEETING AGENDA
February 27, 2023
7:30 PM**

The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the inclusion of the date, time and place of this regular meeting in the amended annual schedule of meetings of this Governing Body. Such amended schedule of meetings is posted at Borough Hall, on the Borough website and was published in the Record and Star Ledger on February 16, 2023 and was filed in the office of the Borough Clerk.

Pledge of Allegiance

Mayor Bernstein, Council President Slowikowski, Councilmember Fox, Councilmember Hamilton, Councilmember LaPira, Councilmember Marks, Councilmember Jiang

Roll Call:

Present:

Absent:

Also Present:

Ordinances – Introduction (none)

Ordinances – Public Hearing

ORDINANCE #1117-23: AN ORDINANCE GOVERNING THE REGISTRATION AND MAINTENANCE OF VACANT PROPERTY

Mayor Bernstein asks for a motion to open the public hearing on Ordinance 1117-23.

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

ORDINANCE #1118-23: AN ORDINANCE AMENDING AND MODIFYING ARTICLE II ESTABLISHMENT OF DIVISION; RESPONSIBILITIES OF PERSONNEL, § 40-5 A DEPARTMENT POSITIONS; RANK AND SENIORITY OF THE DEMAREST BOROUGH CODE

Mayor Bernstein asks for a motion to open the public hearing on Ordinance 1118-23.

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

Resolutions:

Resolution No. 40-23 **Appointment Certified Recycling Professional-Eric Shuck**

A motion was made by _____ and seconded by _____

Roll Call:

Resolution No. 41-23 **Appointment of OEM Coordinator -John McLaughlin**

A motion was made by _____ and seconded by _____

Roll Call:

Consent Agenda

Mayor Bernstein asks if any member would like to have any resolution removed from the consent agenda and voted on separately.

Mayor Bernstein asks if any member would like to abstain from voting on any resolution on the consent agenda.

Mayor Bernstein asks for a motion to accept the consent agenda (with any abstentions noted)

A motion was made by _____ and seconded by _____

Roll Call:

Consent Agenda:

- Resolution No. 39-23 Adopting Form of Tort Claim Form
- Resolution No. 42-23 Authorizing Soil Moving Permit – 146 Woodland
- Resolution No. 43-23 Authorizing Soil Moving Permit – 30 Van Horn
- Resolution No. 44-23 Escrow Release -218 County Rd., 84 Orchard Rd.
- Resolution No. 45-23 Memorializing Appointment of the Borough Administrator
- Resolution No. 46-23 Payment of Bills

Approval of Minutes

Mayor Bernstein asks for a motion to approve the following minutes:

- Regular Public Meeting Minutes Dated January 30, 2023
- Closed Session Minutes Dated January 30, 2023
- Work Session Minutes Dated February 13, 2023
- Closed Session Minutes Dated February 13, 2023

A motion was made by _____ and seconded by _____

Roll Call:

Council Committee Reports

- Police, Fire, and Public Events
- Ambulance and Recreation
- Management, Administrative & Communication Committee
- Finance & Insurance Committee
- DPW, Public Buildings, Public Utilities & Recycling Committee
- Real Estate & Ordinance Committee

Reports of Borough Officials

- Borough Administrator
- Borough Attorney
- Borough Engineer
- Borough Treasurer
- Police Chief

Fire Chief
Ambulance

Meeting Open to the Public

Closed Session

Adjournment

Resolution of the Demarest Governing Body

Resolution No. 39-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: A RESOLUTION OF THE BOROUGH OF DEMAREST ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT CLAIMS AGAINST THE BOROUGH IN ACCORDANCE THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6.

WHEREAS, the New Jersey Tort Claims Act, N.J.S.A.. 59:8-6, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity; and

WHEREAS, the _____ is a public entity covered by the provisions of the New Jersey Tort Claims Act; and,

WHEREAS, the _____ deems it advisable, necessary, and in the public interests to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, by the _____ of the _____ assembled in public session the _____ day of _____, 202_, that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the _____; and,

BE IT FURTHER RESOLVED, that all persons making claims against the _____, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et. seq., be required to complete the form herein adopted as a condition of compliance with the notice requirement of the New Jersey Tort Claims Act.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 13, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 40-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: RESOLUTION APPOINTING CERTIFIED RECYCLING PROFESSIONAL

WHEREAS the Borough of Demarest requires the services of a Certified Recycling Professional (CRP) to prepare and submit a Mandated Annual Recycling Tonnage report as required by the New Jersey Recycling Enhancement Act P.L. 2008, Chapter 6; and

WHEREAS, such report is to be submitted via email to the NJDEP on or before April 30 of each year; and

WHEREAS, it has been determined that Eric Schuck is a licensed CRP and has the skills and capacity to serve the Borough of Demarest; and

WHEREAS, it is the recommendation of the Borough Administrator that Erick Shuck be appointed as the CRP to prepare and submit the Annual Recycling Tonnage Report for the Borough of Demarest; and

WHEREAS Eric Schuck shall be compensated \$2500.00 for to prepare and submit to the NJDEP by April 30, 2023 the Annual Recycling Tonnage Report and prepare any necessary revisions that may be required after such submission date; and

NOW, THEREFORE, BE IT RESOLVED that Eric Schuck is hereby appointed CRP for the Borough of Demarest

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

**Lee Campbell
Acting Borough Clerk**

Resolution of the Demarest Governing Body

Resolution No. 41-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: RESOLUTION APPOINTING OEM COORDINATOR

WHEREAS, pursuant to N.J.S.A. App. A:9-140.1, each municipality is required to have a municipal emergency management coordinator (“OEM Coordinator”), duly appointed by the governing body, for a term of three years; and

WHEREAS, there is currently a vacancy in the position of OEM Coordinator in the Borough of Demarest; and

WHEREAS, John McLoughlin possesses the qualifications, ability and desire to serve in such role, including but not limited to residency requirements, character and work experience requirements and will complete the necessary training within one year of his appointment as required ; and

WHEREAS, it is in the best interest to appoint John McLoughlin as OEM Coordinator and to compensate him by way of a annual stipend of \$6,000.00 prorated on a quarterly basis.

NOW, THEREFORE, BE IT RESOLVED that John McLoughlin is hereby appointed OEM Coordinator for the Borough of Demarest with an annual stipend of \$6,000.00 pro-rated on a quarterly basis effectively immediately with such appointment expiring December 31, 2025

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 42-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 146 WOODLAND ROAD

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 146 Woodland Rd., Block 57, Lot 138 prepared by Thomas F. Graham, PE., is hereby approved subject to the following conditions:

1. No topsoil shall be removed from the site.
2. The applicant shall indicate the location to which excess soil will be exported.
3. The applicant shall indicate the route of travel within the Borough.
4. The applicant shall provide for the cleaning of the streets used in the route of travel within the Borough.
5. The applicant shall provide the name of the person responsible for the soil movement.
6. The applicant shall be responsible for any damage done to Borough streets during the soil removal process.
7. The applicant shall deposit, with the Borough, escrow in the amount of \$2026.20 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guaranty to the Borough in the amount of \$40,524.00.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 43-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 30 VAN HORN

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

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, Lee Campbell, Acting 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 February 27, 2023.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original

resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

Lee Campbell, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 44-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: RESOLUTION TO RELEASE ESCROW

WHEREAS, the following applicant(s) posted escrow monies with the Borough for payment to Borough professionals in conjunction with development; and

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

<u>Applicant</u>	<u>Address</u>	<u>Account</u>	<u>Amount</u>
Debra Glassman	218 County Rd.	13-5000-00-5221-11	\$272.50
Debra Glassman	218 County Rd.	13-8000-00-8214-01	\$550.00
Alex Parlamis Hermes Holdings	65 Orchard Rd.	13-6000-00-6217-11	\$3,000.00
Fadi Chartouni	2 Frick Dr.	13-8000-00-8219-20	\$943.00
Fadi Chartouni	2 Frick Dr.	13-7000-00-7219-04	\$7,089.89
Fadi Chartouni	2 Frick Dr.	13-8000-00-8219-33	\$3,542.00
3 Mountainview LLC	3 Mountainview Ct.	13-8000-00-8221-44	\$98.75
3 Mountainview LLC	3 Mountainview Ct.	13-7000-00-7221-13	\$20,152.79
3 Mountainview LLC	3 Mountainview Ct.	13-8000-00-8221-50	\$656.80

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

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 45-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

**TITLE: RESOLUTION OF THE BOROUGH OF DEMAREST
MEMORIALIZING THE APPOINTMENT OF THE BOROUGH ADMINISTRATOR**

WHEREAS, there exists a vacancy in the position of Borough Administrator; and

WHEREAS, in accordance with Borough Code an Administrator may be appointed by the Mayor with the advice and consent of the Borough Council; and

WHEREAS, the qualifications of various candidates have been received and reviewed by the Governing Body; and

WHEREAS, the Mayor wishes to appoint Julie Falkenstern as the fulltime Borough Administrator to fulfill all the duties and responsibilities appurtenant to such office; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest, County of Bergen, State of New Jersey that Julie Falkenstern, having all the necessary qualifications to fulfill such position, be and hereby is appointed to the position of full time Borough Administrator of the Borough of Demarest, effective February 6, 2023, at an annual salary of \$115,000.00

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 46-23

February 27, 2023

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

TITLE: PAYMENT OF BILLS

BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest that the following bills in the sum of \$_____ (bill list dated February __, 2023) have been approved and authorized for payment and the that the Mayor, Borough Clerk, Borough Administrator and Borough Treasurer are hereby authorized to issue warrants in payment of same.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Lee Campbell, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 27, 2023.

Lee Campbell
Acting Borough Clerk