

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST**

WORK SESSION MEETING AGENDA

April 10, 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:

Mayor's Appointment to the Zoning Board

Ted Adelman Regular Member to fulfill the unexpired term of Alan Press *exp.* 12/31/2025

Mayor Bernstein asks for a motion to approve the appointment.

A motion was made by _____ and seconded by _____

Roll Call:

Ordinances – Introduction

**BOROUGH OF DEMAREST
ORDINANCE NO. 1119-23**

AN ORDINANCE CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Mayor Bernstein asks for a motion to introduce on first reading Ordinance No. 1119-23, Calendar year 2023 ordinance to exceed the municipal budget appropriation limits and to establish a cap bank.

A motion was made by _____ and seconded by _____

Roll Call:

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

Speaker:

Mayor Bernstein asks for a motion to pass this Ordinance on the first reading by title and it published in the Bergen Record with notice of Public Hearing to be held on April 24, 2023.

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)

Consent Agenda:

Resolution No. 60-23	Refund for Tax Exempt Veteran
Resolution No. 61-23	Award of contract - ADA Borough Hall CDBG Funded FY20
Resolution No. 62-23	Appoint Fund Commissioner
Resolution No. 63-23	Municipal Alliance Grant Acceptance
Resolution No. 64-23	Street Sweeper Shared Service -Bergen County
Resolution No. 65-23	Vehicles Shared Service – Bergen County
Resolution No. 66-23	Various Equip Shared Service- Bergen County

Minutes for approval:

May 23, 2022 Regular Meeting
June 27, 2022 Regular Meeting
July 7, 2022 Special Meeting
July 25, 2022 Special Meeting
March 27, 2023 Regular Meeting

Items for Discussion:

Borough Engineer's Report
Policies/Procedures for issuance of Blue Light Permits

Meeting Open to the Public

Closed Session

Adjournment

**BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 1119-23
CALENDAR YEAR 2023 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Demarest in the County of Bergen finds its advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1% increase in the budget for said year, amounting to \$87,371 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Demarest, in the County of Bergen, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Demarest shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$305,798, and that the CY 2023 municipal budget for the Borough of Demarest be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced by _____

Approved , _____, 2023

Seconded by _____

ATTEST:

Acting Borough Clerk

Mayor

Resolution of the Demarest Governing Body

Resolution No. 60-23

April 10, 2023

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

TITLE: A RESOLUTION APPROVING REFUND OF FIRST QUARTER TAXES FOR 100% DISABLED VETERAN

WHEREAS, the Department of Veterans Affairs has determined Jerry L. Gray, owner of property at Block 77, Lot 2, 24 Eastview Terrace, is 100% totally disabled; and

WHEREAS, the Tax Assessor granted this exemption effective February 17, 2023, and that Mr. Gray is to be exempt from stated day forward in accordance with N.J.S.A. 54:4-3.30 et seq. as amended by P.L. 2019, c.413; N.J.A.C. 18:28-1.1 et seq.; and

WHEREAS, the 1st Quarter 2023 property taxes have been paid in full and resulted in an overpayment of taxes due to the veteran tax-exempt status; and

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to refund a prorated 1st Quarter 2023 property tax amount to the homeowner and the Tax Collector adjust her records accordingly; and

BE IT FURTHER RESOLVED, that all subsequent property taxes on said property are hereby cancelled.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Cancelled Taxes</u>	<u>Refunded Taxes</u>
77/2	Gray, Jerry L. & Patricia 24 Eastview Terrace Demarest, NJ 07627	\$5,151.00	\$2,518.27

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 April 10, 2023.

**_____
Lee Campbell, Acting Borough Clerk**

Resolution of the Demarest Governing Body

Resolution No. 61-23

April 10, 2023

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

TITLE: A RESOLUTION AWARDING CONTRACT FOR ADA IMPROVEMENTS TO BOROUGH HALL

WHEREAS, a Community Development Block Grant in the amount of \$88,521.00 was allocated to the Borough of Demarest for ADA Improvements to Borough Hall; and

WHEREAS, the Borough has determined to utilize the Middlesex Cooperative Purchasing Agreement of which the Borough is a member ; and

WHEREAS, Murray Paving and Concrete LLC has provided a quote under such purchasing agreement ESCNJ State Approved Coop #65MCESCCPS totaling \$31,671.43; and

NOW THEREFORE BE IT RESOLVED that the Borough of Demarest has awarded a contract to Murray Paving and Concrete LLC for the ADA Improvements at Borough Hall; and

BE IT FURTHER RESOLVED that Murray Paving and Concrete LLC will be reimbursed with Community Development Block Grant funds.

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 April 10, 2023.

**Lee Campbell
Acting Borough Clerk**

Resolution of the Demarest Governing Body

Resolution No. 62-23

April 10, 2023

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

TITLE: A RESOLUTION APPOINTING FUND COMMISSIONER FOR THE BERGEN COUNTY JIF FOR 2023

BE IT RESOLVED that the Governing Body of the Borough Demarest does hereby appoint the following fund commissioners for the year 2023: Bergen County Municipal Joint Insurance Fund:

Borough Administrator Julie Falkenstern as Fund Commissioner
Finance Assistant Peter Suh as Alternate Fund Commissioner

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 April 10, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 63-23

April 10, 2023

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

TITLE: A RESOLUTION AUTHORIZING ACCEPTING THE TERMS AND CONDITIONS OF THE MUNICIPAL ALLIANCE GRANT FOR FY2024

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Demarest, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Demarest, County of Bergen , State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Demarest Municipal Alliance grant for fiscal year 2024 in the amount of:
 - DEDR \$ 3836.33
 - Cash Match \$ 959.08
 - In-Kind \$ 2877.25

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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 April 10, 2023.

Lee Campbell, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 64-23

April 10, 2023

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

TITLE: A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN FOR THE SHORT-TERM RENTAL AND UTILIZATION OF A STREET SWEEPER

WHEREAS, N.J.S.A. 40A:65-1, et. seq., known as the “Uniform Shared Services and Consolidation Act,” authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement (the “Agreement”) for the provision of any municipal services each participating local unit is empowered to provide or receive within its own jurisdiction as set forth under N.J.S.A. 40A:65-7(4); and

WHEREAS, the Borough of Demarest (the Borough”), provides street sweeping services to the Borough’s roads throughout the year to maintain clean roads within the Borough; and

WHEREAS, the County of Bergen owns certain equipment, including a 2006 Elgin/Pelican 3-wheel broom street sweeper that is used to sweep streets, which it makes available to municipalities within Bergen County for short-term rental use; and

WHEREAS, the Parties wish to enter into a Shared Services Agreement which governs the terms of rental for the County’s Street Sweeper in advance of the Borough’s need to utilize the equipment for use to clean the Borough’s roads, when needed; and

WHEREAS, the Parties have a pre-existing Agreement for these services that has been a success, which is set to expire; and

WHEREAS, the Borough has reviewed the proposed Agreement, a copy of which is attached hereto, and finds it to be in the financial best interest of the Borough to pursue; and

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

1. The Borough endorses the undertaking of a Shared Services Agreement with the County of Bergen for the rental and utilization of the County's Street Sweeper pursuant to the terms of the Agreement.
2. The Mayor, Borough Administrator and or their designee(s) shall hereby be authorized to take all legal and necessary actions to facilitate the Borough's participation in this Agreement.
3. The within Resolution and subject Agreement shall be maintained on file and available for public inspection in the office of the Borough Clerk.
4. A copy of this resolution shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).
5. This Resolution shall take effect immediately upon passage and publication in accordance with the law, if required.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION OF CFO

I, Cameron Kang, do hereby certify the availability of funds for the salary referenced herein.

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 April 10, 2023.

Lee Campbell, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 65-23

April 10, 2023

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

TITLE: A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN FOR MAINTENANCE AND REPAIR SERVICES FOR ITS VEHICLES ON AS-NEEDED BASIS

WHEREAS, N.J.S.A. 40A:65-1, et. seq., known as the “Uniform Shared Services and Consolidation Act,” authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement for the provision of municipal services (the “Agreement”), to provide or receive any services that each local participating in the Agreement is empowered to provide or receive within its own jurisdiction, as set forth in N.J.S.A. 40A:65-7(4); and

WHEREAS, the governing body of the Borough of Demarest (the “Borough”) owns certain vehicles which may require maintenance and repair services that the Borough does not have the personnel and/or equipment necessary to effectuate the necessary repair; and

WHEREAS, the County of Bergen has the personnel and equipment necessary to provide vehicle maintenance and repair services for the Borough’s vehicles on an as-needed basis which would supplement the services provided by the Borough’s personnel and/or vendor(s); and

WHEREAS, the Parties wish to enter into a Shared Services Agreement which governs the terms of the maintenance and repair services provided by the County of Bergen on an as-needed basis, to supplement services provided by the Borough’s personnel and/or vendor(s) at the rate(s) provided within the terms of the Agreement; and

WHEREAS, the Parties have a pre-existing Agreement for these services that has been a success, which is set to expire; and

WHEREAS, the Borough has reviewed the proposed Agreement, a copy of which is attached hereto, and finds it to be in the financial best interest of the Borough to pursue; and

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

1. The Borough endorses the undertaking of a Shared Services Agreement with the County of Bergen for the maintenance and repair of Borough vehicles, on an as-needed basis, pursuant to the terms of the Agreement.
2. The Mayor, Borough Administrator and or their designee(s) shall hereby be authorized to take all legal and necessary actions to facilitate the Borough's participation in this Agreement.
3. The within Resolution and subject Agreement shall be maintained on file and available for public inspection in the office of the Borough Clerk.
4. A copy of this resolution shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).
5. This Resolution shall take effect immediately upon passage and publication in accordance with the law, if required.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION OF CFO

I, Cameron Kang, do hereby certify the availability of funds for the salary referenced herein.

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 April 10, 2023.

Lee Campbell, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 66-23

April 10, 2023

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

TITLE: A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN FOR THE USE AND UTILIZATION OF CERTAIN EMERGENCY AND NON-EMERGENCY VEHICLES AND EQUIPMENT

WHEREAS, N.J.S.A. 40A:65-1, et. seq., known as the “Uniform Shared Services and Consolidation Act,” authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement (the “Agreement”) for the provision of any municipal services each participating local unit is empowered to provide or receive within its own jurisdiction as set forth under N.J.S.A. 40A:65-7(4); and

WHEREAS, the County of Bergen owns certain vehicles and equipment, some of which was acquired by the County’s Office of Emergency Management pursuant to State and Federal grants for the express purpose of making such equipment available to the municipalities within the County, and some equipment which is controlled by the Department of Public Works and the Parks Department, which it makes available to municipalities within Bergen County for use and utilization on an as-needed basis; and

WHEREAS, the Borough of Demarest (the Borough”), occasionally needs to utilize vehicles and equipment which it does not possess or does possess but is unable to utilize due to the need for repair, in both emergent and non-emergent situations, for which the County of Bergen owns the vehicle or equipment required by the Borough; and

WHEREAS, the Parties wish to enter into a Shared Services Agreement which governs the terms of the use and utilization of the County’s vehicles and equipment in advance of the Borough’s need to utilize the equipment for emergent and/or non-emergent uses, on an as-needed basis; and

WHEREAS, the Parties have a pre-existing Agreement for these services that has been a success, which is set to expire; and

WHEREAS, the Borough has reviewed the proposed Agreement, a copy of which is attached hereto, and finds it to be in the financial best interest of the Borough to pursue; and

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

1. The Borough endorses the undertaking of a Shared Services Agreement with the County of Bergen for the use and utilization of certain emergency and non-emergency vehicles and equipment pursuant to the terms of the Agreement.
2. The Mayor, Borough Administrator and or their designee(s) shall hereby be authorized to take all legal and necessary actions to facilitate the Borough's participation in this Agreement.
3. The within Resolution and subject Agreement shall be maintained on file and available for public inspection in the office of the Borough Clerk.
4. A copy of this resolution shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).
5. This Resolution shall take effect immediately upon passage and publication in accordance with the law, if required.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION OF CFO

I, Cameron Kang, do hereby certify the availability of funds for the salary referenced herein.

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 April 10, 2023.

Lee Campbell, Acting Borough Clerk