

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST**

REGULAR MEETING AGENDA

June 26, 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:

Resolution Number 92-23: Waiver of Reading the 2023 Municipal Budget in Full

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall a) be made available in the free public library, and in a public place where public notices are customarily posted, and b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Demarest has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full of the Municipal Budget for the year ending December 31, 2023

A motion was made by _____ and seconded by _____

Roll Call:

Public Hearing on the 2023 Municipal Budget

Mayor Bernstein asks for a motion to open the public hearing on the 2023 Municipal Budget

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone present wishes to comment on the 2023 Municipal Budget

Speaker(s)

Mayor Bernstein asks for a motion to close the public hearing on the 2023 Municipal Budget

A motion was made by _____ and seconded by _____

Roll Call:

Resolution Number 94-23: Resolution to Amend the 2023 Budget

WHEREAS, the local municipal budget for the year 2023 was approved on the 22 day of May, 2023; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Demarest, County of Bergen, that the following amendments to the approved budget of 2023 be made and public hearing on such amendment will be held on July 10, 2023 at 7:30 pm :

Ordinances – Introduction (none)

Ordinances – Public Hearing

Ordinance No. 1120-2023

AN ORDINANCE AMENDING AND MODIFYING CHAPTER 40 POLICE DEPARTMENT, §40-3 DEFINITIONS; WORD USAGE AND §40-37 DEPARTMENT DISCIPLINARY AUTHORITY AND RESPONSIBILITIES OF THE DEMAREST BOROUGH CODE

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 _____

Ordinance No. 1121-23

AN ORDINANCE AMENDING CHAPTER 163 – TREES

Mayor Bernstein asks for a motion to open the public hearing on Ordinance 1121-23.

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 _____

Ordinance No. 1122-23

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF CERTAIN PUBLIC OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF DEMAREST, COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE YEAR 2023.

Mayor Bernstein asks for a motion to open the public hearing on Ordinance 1122-23.

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 _____

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. 95-23 | Liquor License Renewals |
| Resolution No. 96-23 | FY24 Municipal Aid/NJDOT Application |
| Resolution No. 97-23 | Approving Administrative Agent for 127 Hardenburgh |
| Resolution No. 98-23 | Approval of Bills List |

Meeting Open to the Public

Closed Session

A motion was made by _____ and seconded by _____

Roll Call:

Adjournment

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE 1120 -2023

**ORDINANCE AMENDING AND MODIFYING CHAPTER 40 POLICE DEPARTMENT,
§40-3 DEFINITIONS; WORD USAGE AND §40-37 DEPARTMENT DISCIPLINARY
AUTHORITY AND RESPONSIBILITIES OF THE DEMAREST BOROUGH CODE**

Section 1. Purpose & Authority. The purpose of this ordinance is to modify Chapter 40, Article I General Provisions §40-3 Definitions; Word Usage and §40-37 Department Disciplinary Authority and Responsibilities of the Demarest Borough Code pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§40-3 Definitions; word usage

A. Terms defined. The terminology listed in this section has been defined to provide uniformity in usage and to clarify meanings when these terms are used:

ANNUAL VACATION

Vacation period granted to all members annually.

APPROPRIATE AUTHORITY

~~Pursuant to N.J.S.A. 40A:14-118, the Police Committee Chairman is hereby designated for purposes of this chapter as the "appropriate authority."~~ Pursuant to N.J.S.A. 40A:14-118, a Committee Comprised of the Borough Administrator, the Police Committee Chair, and the Management Committee Chair is hereby designated for purposes of this chapter as the "appropriate authority."

[Added 5-16-1988 by Ord. No. 650]

BUREAU

A unit immediately subordinate to a division.

CHAIN OF COMMAND

The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.

COMMANDING OFFICER

Any rank of Lieutenant and above.

DAYS OFF

Those days, determined by the Chief of Police, on which a given member is excused from duty.

DEPARTMENT

The Demarest Police Department.

DETAIL

A temporary assignment of personnel for a specialized activity.

DETECTIVE

A police officer assigned to conduct criminal investigations while in civilian clothing.

DIVISION

A functional unit having jurisdiction-wide coverage, whose commanding officer reports directly to the Chief of Police.

EMPLOYEE

Civilian employee of the Department.

GENERAL ORDERS

Written directives issued by the Chief of Police. "General orders" remain in full force and effect until amended, superseded or canceled by the Chief of Police. Department "general orders" establish policy, procedure or regulations governing matters which affect the entire Department or two or more subordinate units. They are the most authoritative directive issued on the Department and may be used to amend, supersede or cancel any other order.

HEADQUARTERS

The police building that houses the headquarters staff and the members of this Department.

INCOMPETENCE

Incapable of satisfactory performance of police duties.

INSUBORDINATION

Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer, ridiculing a superior officer or his order and disrespectful, mutinous, insolent or abusive language directed toward a supervising officer, whether in or out of his presence.

LAWFUL ORDER

Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance or any Department rule or regulation.

MEMBER

Any duly appointed police officer of the Department.

MEMORANDA

Information bulletins which are primarily designed to inform and secondarily to direct issues at Departmental and divisional level. Such "memoranda" are not official orders but express the thinking of the issuing authority on the subject under consideration.

MILITARY LEAVE

The period of time during which an officer is excused from duty by reason of serving in the Armed Forces of the United States in an active capacity as provided by law.

NEGLECT OF DUTY

Failure to give suitable attention to the performance of duty. Examples include but are not limited to the following: failure to take appropriate action on the occasion of a crime, disorder or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the beat during a tour of duty; failure to perform duties or comply with provisions prescribed in the police manual; or failure to conform to the Department operating procedures.

OFF DUTY

The status of a member during the period he is free from the performance of specified duties. Also may be known as "rest period," "day off" or an "annual leave."

OFFICIAL CHANNELS

Through the hands of the superior officers in the chain of command.

ON DUTY

The status of a member during the period of the day when he is actively engaged in the performance of his duties. Technically, a police officer is subject to call at all times.

ORDER

Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty.

PERSONNEL ORDERS

Appointment, assignment or any other status change of personnel within the Department accomplished by Department personnel order issued by the Chief of Police.

POLICE MANUAL

Reference guide specifying the rules and regulations governing the conduct of personnel and the operation of the Department, as well as specifying Department policies and procedures. Department orders will be incorporated into the "police manual" after a provisional period of

operation. This manual is issued by authority of the Chief of Police and carries the weight of a general order.

PROCEDURE

The official method of dealing with any given situation prescribed by Chief's order or procedural guide.

RULES AND REGULATIONS

Department legislation consisting of detailed directives binding members and employees of all ranks in terms of authority, responsibility and conduct.

SECTION

A functional unit subordinate to a bureau or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.

SENIORITY

"Seniority" in the Department is established first by rank and second by time served in this Department, whether on a regular, assigned or temporary basis. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer.

SHIFT

An eight-hour tour of duty.

SHIFT COMMANDER

A supervisory officer of a shift in the Patrol Division.

SICK LEAVE

The period of time during which an officer is excused from active duty by reason of illness or injury.

SPECIAL DUTY

Police service, the nature of which requires that the member be excused from the performance of his regular duties.

SPECIAL ORDERS

Written directives issued by the Chief of Police which specify instruction governing particular situations. "Special orders" are automatically canceled when their objectives are achieved.

SUPERIOR OFFICER

A person holding a rank higher than patrolman.

SUPERVISORY OFFICER

Member of the Department assigned to a position requiring the exercise of immediate supervision over the activities of other members and employees.

TOUR OF DUTY

The number of days of work on a given shift during which an individual member is on duty.

TRAINING BULLETIN

Bulletins published and designed to keep officers of the Department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official Department policy on the subject matter under consideration in the absence of other instruction to the contrary.

B. Word usage.

(1) Use of the masculine gender herein shall also include, where applicable, the female gender.

(2) As used herein, the words "may" and "should" shall mean that the action indicated is permitted.

(3) The words "shall" and "will," as used herein, shall indicate that the action required is mandatory.

(4) Words used in the present tense include the future.

Article V Disciplinary Regulations

§ 40-37 Department disciplinary authority and responsibilities.

A. Within the limitations set forth in N.J.S.A. 40A:14-147 to 40A:14-151, inclusive, and municipal ordinances, the Department disciplinary authority and responsibility rests with the ~~Police Committee Chairman~~, Appropriate Authority except as provided in § 40-6A(1) of this chapter.

[Amended 5-16-1988 by Ord. No. 650]

B. Emergency suspension. Any command or supervisory officer shall have the authority to impose emergency suspension until the next business day against a member or employee who is in violation of the rules and regulations of the Department.

C. Follow up emergency suspensions. A member or employee receiving an emergency suspension shall be required to report to the Chief of Police within not later than 24 hours after the

imposition of the suspension at the Chief's direction. The commanding or supervising officer imposing the suspension shall also report to the Chief of Police at the same time. The Chief shall report, as soon as possible, to the appropriate authority with his suggestions for disciplinary action.

[Amended 5-16-1988 by Ord. No. 650]

D. Reports of disciplinary action taken or recommended. Whenever disciplinary action is taken or recommended, except for oral reprimand, a written report must be submitted immediately, in triplicate, containing the following information:

- (1) The name, rank, badge number and present assignment of the person being disciplined.
- (2) The date and time of the misconduct and location.
- (3) The section number of the violated rule and common name of the infraction.
- (4) A complete statement of the facts of the misconduct.
- (5) The punishment imposed or recommended.

(6) The written signature, badge number and rank of the preparing officer and his position in relation to the member being disciplined.

E. Distribution of reports of disciplinary action. Reports shall be distributed as follows by the officer imposing or recommending disciplinary action:

[Amended 5-16-1988 by Ord. No. 650]

(1) The original shall go to the Chief through the chain of command; the Chief shall advise the appropriate authority.

(2) A duplicate copy shall go to the subject's commanding officer.

(3) A triplicate copy shall be retained by the officer imposing or recommending the action.

F. Endorsement and forwarding of disciplinary reports. Each level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval or modification. No member or employee shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed but must be reviewed, endorsed and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current Department directive.

G. Informing the person being disciplined. The member or employee being disciplined shall be informed of the charges, in writing, as provided by N.J.S.A. 40A:14-147.

H. Appeals from penalties. Appeals from penalties imposed as disciplinary measures may be taken as provided in the Civil Service Law and N.J.S.A. 40A:14-147 to 40A:14-151, inclusive, and the Borough ordinances. The Appropriate Authority is hereby designated as the hearing officer for any appeal from a penalty imposed. An appeal of the decision rendered by the Appropriate Authority may be filed with the clerk's office with a copy to the Mayor within ten (10) days of the

decision of the Appropriate Authority as hearing officer and said appeal shall then be heard before the Governing Body at a reasonable date set by the Governing Body. A penalty imposed will be deemed to be final on the date of the Appropriate Authority's decision if no appeal is filed with the Governing Body. If an appeal is filed with the Governing Body, a penalty imposed will be deemed to be final on the date of the Governing Body's decision.

I. Misconduct observed by police personnel. Whenever any command or supervisory officer observes or is informed of the misconduct of another member or employee which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his commanding officer.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:

Acting Municipal Clerk

Mayor Brian Bernstein

Introduced: _____

Adopted: _____

**BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 1121-23
AMENDING CHAPTER 163 – TREES**

Section 1. Purpose & Authority. The purpose of this ordinance is to amend Chapter 163-Article 2 of the Demarest Code.

Section 2. Amendment. Chapter 163-Article 2 is hereby amended to read in its entirety as set forth in the attachment to this ordinance.

Section 3. Repealer. Ordinance No. 1084-20 – Tree Removal and Protection is hereby repealed.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise, this ordinance is amendatory and supplementary to existing provisions of the Demarest Code; provided, however, that this ordinance shall in no way impair or affect any provisions of Chapter 163-Article 1.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:

Lee Campbell
Acting Municipal Clerk

Brian Bernstein
Mayor

Introduced: _____

Adopted: _____

Chapter 163-Article 2 TREE REMOVAL AND PROTECTION

Chapter 163-Section 14 Short Title; Purpose.

a. This Article shall be known as the "*Tree Removal and Protection Regulations of the Borough of Demarest.*"

b. *Findings and Purpose.* The Mayor and Council of the Borough of Demarest finds that the preservation, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; helps to decrease the amount and rate of storm water runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; helps to replenish ground water supplies; acts to moderate extremes of temperature and to provide shade; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; conserves and enhances the Borough's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare.

Chapter 163-Section 15 Definitions. The following definitions shall apply to this Article:

ACCESSORY BUILDING means a building the use of which is incidental to that of the Principal Building and which is located in the same property.

BUFFER AREA means the area along the side yard or rear yard of any lot within ten (10) feet from the property line.

COMMISSION means the Borough of Demarest Shade Tree Commission.

COVERED TREE means any Tree located in the Borough of Demarest with a Diameter of four (4) inches or more, but excluding Public Plantings as defined herein.

DIAMETER means: (a) for an existing tree, the diameter of the trunk measured at four and one-half (4 1/2) feet above ground level on the downhill side; and (b) for a tree to be planted, the diameter of the trunk measured at six (6) inches above the ground for a tree with a diameter of four (4) inches or less and twelve (12) inches above the ground for a tree more than four (4) inches in diameter. The Diameter of a tree with multiple trunks shall be calculated by multiplying the Diameter of the largest trunk by 1.5 times.

DRIP LINE means an imaginary line on the ground beneath a tree, the location determined by extending a vertical line from the outermost branches of a tree to the ground.

LANDMARK TREE means any tree designated as such by the Mayor and Council pursuant to the standards set forth herein.

PRINCIPAL BUILDING means the main building constructed for occupancy or use on the property.

PUBLIC PLANTINGS means any tree or shrubbery upon and in the streets, highways, public places, parks and parkways of the Borough of Demarest with respect to which the Commission

has authority under N.J.S.A. 40:64-1, *et seq.*, and/or Chapter 163-Article 1 of the Demarest Code.

SHADE TREE means a deciduous woody tree with a Diameter of at least two (2) inches and an approximate height of ten (10) to twelve (12) feet when planted, and a height of at least twenty-five (25) feet and a crown spread of at least fifteen (15) feet at maturity.

STRUCTURE means a combination of materials forming a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, including but not limited to a Principal Building (or addition thereto), an Accessory Building or a driveway or walkway.

TREE means any deciduous or evergreen woody perennial and its root system.

Chapter 163-Section 16 Permit Required. No person shall cut down or remove any Covered Tree unless and until a tree removal permit has been obtained pursuant to this Article 2 of Chapter 163.

Chapter 163-Section 17 Application Procedure. Application for a permit to remove a Covered Tree shall be made by completion and submission of the following:

a. An application on forms provided by the Borough containing the following information: name and address of the owner of the property in question and the applicant, if other than the property owner; the street address and tax lot and block of the property in question; the number of Covered Trees to be removed from the property in question; and such other information as may be required; and

b. A tree location plan consisting of a survey or map drawn to scale showing the location of all Covered Trees on the property in question, with the species and Diameter of all such trees, and indicating with an "X" all Covered Trees proposed to be removed; the plan must also show the location of any existing or proposed Structures; and

c. A separate list of all Covered Trees proposed to be removed from the property in question, identifying each such tree by species and Diameter, stating the condition of each tree as "hazardous," "dead," "dying," "poor," or "good," and explaining why removal is justified under the standards of Section 19a hereof; and

d. If tree mitigation is required pursuant to subsection 19c hereof, a tree mitigation plan consisting of a survey or map drawn to scale showing the location of all mitigative trees to be planted, the species of such trees and their Diameter and height as required; and

e. If the proposed removal of a Covered Tree is for site clearing or other purpose pursuant to a development application, the tree removal plan and the tree mitigation plan must be prepared, signed and sealed by a licensed professional engineer, landscape architect or land surveyor; and

f. The applicant shall place a one-inch-wide red ribbon at a height of four and one-half (4 1/2) feet above ground level around the trunk of each Covered Tree proposed to be removed, so that the proposed tree removal may be inspected in the field.

g. In the event that a Covered Tree proposed to be removed has a Drip Line within the Buffer Area, the applicant shall notify the owner of the property adjacent to such Buffer Area of the proposed tree removal by certified mail/return receipt requested or by personal service; proof of service of notice shall be submitted with the tree removal permit application. The owner of adjacent property who receives such notification may submit to the Commission a written objection to removal of the tree within ten (10) days of such notification. The Commission will investigate and give due consideration to such written objection prior to the issuance of a tree removal permit.

h. In the case of any Covered Tree located on a property line, written consent from the adjacent property owner must be submitted with the tree removal permit application.

i. In determining the total number of Covered Trees that an applicant is applying to remove on a particular application, the application fee shall be determined as if the Covered Trees on the current application are incremental to the total number of Covered Trees that an applicant has removed from the same lot within twenty-four (24) months prior to the current application.

Chapter 163-Section 18 Application Fees. The fee for a permit to remove a Covered Tree shall be based on the number of such trees proposed to be removed:

<i>Number of Covered Trees</i>	<i>Application Fee</i>
1 to 3	\$ 25.00
4 to 6	\$100.00
7 to 10	\$ 250.00
11 to 20	\$ 500.00
21 to 30	\$ 1,000.00
31 and over	\$ 2,500.00 plus an additional \$100.00 for each Covered Tree in excess of 50

The permit fee for removal of a dead, dying or hazardous Covered Tree that does not require mitigation pursuant to subsection 19c1 hereof shall be waived if the Commission's inspection confirms the tree's condition, provided that the applicant satisfies all of the other requirements of this Article (i.e., applying for and awaiting issuance of a permit).

Chapter 163-Section 19 Standards for Application Review. The following standards shall apply for review of a permit to remove a Covered Tree:

- a. *Permitted Removal.* No Covered Tree shall be permitted to be removed unless the tree:
1. Is dead, dying or poses a safety hazard (*no mitigation is required unless subsection 19c1 provides otherwise*);
 2. Has a Drip Line which: (i) is not in a Buffer Area; (ii) is in a Buffer Area (provided that the requirements set forth in subsection 17g or 17h hereof, as applicable, are complied with); or (iii) is within ten (10) feet of an existing permitted Principal Building or Accessory Building (*mitigation is required*).

3. Is located within the footprint of a proposed Structure, or within ten (10) feet of a proposed Structure, and its removal is part of the plan for a proposed Structure for which an application for a construction permit or site plan approval has been submitted (*see also* subsection 19b) (*mitigation is required*).

4. If neither subsection 19a1, 2 nor 3 applies with respect to a particular Covered Tree, no tree removal permit for such tree shall be issued as of right. In the event an applicant wishes to remove a Covered Tree notwithstanding that its removal is not permitted as of right, the applicant may seek relief by filing an appeal pursuant to Section 25 hereof.

b. *Tree Requirements in Connection With an Application for a Construction Permit or for Site Plan Approval.* Neither a construction permit nor site plan approval shall be granted unless: (i) the plan provides for the property in question (or for every lot in a multi-lot project) to have, after completion of construction, at least one (1) Shade Tree per 2,500 square feet of lot area (including improved and unimproved area), preferably distributed in different areas around the lot, and (ii) the plan provides for mitigative plantings as required under subsection 19c for all Covered Trees proposed to be removed. If any Covered Trees are to be removed, no construction may commence until a tree removal permit has been issued.

c. *Mitigation.* Mitigation for removal of a Covered Tree shall be required as follows:

1. Mitigation shall not be required in connection with removal of a Covered Tree pursuant to subsection 19a1 hereof (i.e., the tree is dead, dying or hazardous) if the tree has been planted for at least five (5) years, there has been no damage to the tree by construction or otherwise by any person, and there has been no soil moving within fifteen (15) feet of such tree within five (5) years; otherwise, mitigation shall be required.

2. Where mitigation is required, it shall be accomplished by planting mitigative trees on the property in question as follows:

Diameter of Covered Tree Being Removed	Mitigation Required*
Less than 4"	None
4" to less than 6"	1 tree** for every 2 trees being removed
6" to less than 13"	1 tree** for every tree being removed
13" to less than 23"	2 trees* for every tree being removed
23" to less than 33"	3 trees* for every tree being removed
33" or greater	4 trees* for every tree being removed
Landmark Tree	5 trees** for every tree being removed

*No mitigation is required for up to three (3) Covered Trees with a Diameter of less than six (6) inches to be removed in a twenty-four (24) month period, provided that the applicant satisfies all of the other requirements of this Article (i.e., applying for and awaiting issuance of a permit).

**Deciduous trees shall be replaced with Shade Trees. Evergreen trees shall be replaced with trees with a Diameter of two (2) inches; they may be deciduous or evergreen unless another section of this Article specifically requires one or the other.

3. The applicant may elect to plant three (3) deciduous replacement trees with a Diameter of at least two (2) inches for each Shade Tree required in mitigation; provided, however, that this option may not be exercised for more than three (3) Shade Trees.

4. In the event the applicant asserts the prescribed mitigative planting of trees on the property in question would be inappropriate, the applicant may, in lieu of planting trees, pay a fee of \$500 for each tree to have been planted in mitigation; provided, however, that this option shall not be exercised with respect to more than five (5) mitigative trees.

5. In the event that it is unknown or in question in any given instance whether mitigation should be determined on the basis of a deciduous or evergreen tree being removed, mitigation shall be required on the basis of a deciduous tree.

6. In the event that removal of a Covered Tree occurs without a tree removal permit:

(i) mitigation for such tree shall be required at a rate of two (2) times the number of trees that would have been required pursuant to subsection 19c2 above;

(ii) if the type and/or Diameter of such Covered Tree is unknown, it shall be presumed to have been a deciduous tree with a Diameter of six (6) inches.

(iii) if it is unknown how many Covered Trees were removed, the number of Covered Trees presumed to have been removed shall be computed by dividing the total square footage of the property in question by 2,500 and subtracting therefrom the number of healthy Covered Trees with a Diameter of at least six (6) inches remaining on the property.

By way of illustration, if the property is 10,000 square feet and 1 healthy Covered Tree with a 6-inch Diameter remains, it is presumed that 3 Covered Trees with a Diameter of six (6) inches were removed, and the mitigation requirement is 6 Shade Trees:

- Calculation of Trees Removed: $10,000 \text{ sq.ft.} \div 2,500 = 4$, minus 1 = 3 deciduous Covered Trees with a 6-inch Diameter
- Mitigation Requirement: 1 Shade Tree for each Covered Tree removed (3), times 2 for removal without a permit = 6 Shade Trees required

7. In the event that a tree planted in mitigation dies within twenty-four (24) months after planting, it shall be replaced by the applicant or property owner within six (6) months thereafter.

8. Mitigation in any instance is to be considered implementation of the purposes of this Article, and not a penalty. Mitigation shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this Article.

Chapter 163-Section 20 Performance Bond.

a. As a precondition to the issuance of a tree removal permit where mitigation is required pursuant to section 19c hereof, the applicant shall post a cash performance bond, in addition to any construction-related bond, to assure satisfactory completion of the tree removal mitigation. The amount of the bond shall be \$500.00 for each tree required to be planted in mitigation.

b. If the applicant fails to complete mitigative planting within the time of completion set forth in Section 21 hereof, including any extensions granted thereunder, the Commission may cause the mitigative trees to be planted at the property owner's expense by claiming against the performance bond for the Commission's cost of planting the required trees.

c. If the applicant or property owner fails to timely replace a mitigative tree that has died in accordance with subsection 19c8, the Commission may cause the mitigative tree to be planted at the property owner's expense by claiming against the performance bond for the Commission's cost of planting the replacement tree.

d. Eighty (80%) percent of the performance bond shall be returned to the applicant upon submission of the applicant's written request, provided that all required initial mitigative planting has been satisfactorily completed. The remainder of the performance bond shall be returned to the applicant upon the applicant's written request not less than twenty-four (24) months after the date on which the initial mitigative planting was satisfactorily completed, provided that all requirements of this Article have been satisfied.

Chapter 163-Section 21 Time of Completion.

a. The trees required to be planted in mitigation pursuant to subsection 19c shall be planted within six (6) months after the issuance of the tree removal permit if the tree removal was not in conjunction with building construction; or if the tree removal was in conjunction with building construction, within six (6) months after completion of the building, the issuance of a certificate of occupancy or the issuance of a certificate of approval, whichever shall be sooner.

b. The applicant may submit a written request to the Commission for an extension of up to three (3) months of the time within which trees must be planted or replanted, due to unforeseen circumstances or weather conditions, which request shall not be unreasonably denied. Any request for an extension of time greater than three (3) months must be submitted in writing to the Mayor and Council for consideration.

c. The applicant shall contact the Commission within fourteen (14) calendar days after the completion of required planting to schedule a date and time for an inspection by the Commission to determine whether the required planting has been completed satisfactorily.

Chapter 163-Section 22 Protection of Existing Trees. In connection with any building construction:

a. Subsequent to permitted tree clearing but prior to the start of construction, snow fencing or other protective barrier acceptable to the municipal official authorized to issue the building permit shall be placed around all Covered Trees that are not to be removed. The

protection barriers shall remain in place until all construction activity on the property has terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area protected by barriers or within fifteen (15) feet from any tree. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

b. No person shall cause or allow any willful damage, injury or disfigurement of any tree growing within the Borough of Demarest. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result of any of the following: cutting, gashing or slitting on any tree; pouring any toxic liquid or other material on any tree, or on the nearby ground; constructing or placing any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placing or removing any soil within fifteen (15) feet from any tree.

c. No person shall store or pile building materials or debris or place construction equipment within fifteen (15) feet of any tree.

d. In the event that any tree to be saved in connection with construction as set forth above shall die within twenty-four (24) months after completion of construction, it shall be replaced by the applicant or property owner planting a replacement tree within three (3) months, plus any extensions permitted under Section 20 hereof. If the applicant or property owner fails to timely replace such tree, the Borough may cause the replacement tree to be planted at the property owner's expense by claiming against the construction escrow for the cost of planting the replacement tree.

Chapter 163-Section 23 Protection of Landmark Trees.

a. Notwithstanding any other provision of this Article, no person shall remove any Landmark Tree without the prior approval of the Mayor and Council.

b. Upon the recommendation of the Committee, the Mayor and Council shall determine whether to designate a tree as a Landmark Tree using the following criteria: (i) the tree species is rare; (ii) the tree is more than one hundred (100) years old; (iii) the tree is of an abnormal height or has an abnormal trunk Diameter or Drip Line for a tree of its species; or (iv) the location, shade value, fragrance, erosion control, aesthetic features, or scenic enhancement of such tree is of special importance to the Borough of Demarest.

c. Trees designated as Landmark Trees by the Mayor and Council shall be shown on an official Borough Map with appropriate code marks signifying each tree's designation, number, species, age, size and other distinguishing characteristics for ready reference and periodic monitoring.

d. If the owner of the property on which a Landmark Tree is located consents thereto, the Borough may identify such tree as a Landmark Tree by the placement of a suitable marker thereon.

e. Mitigation shall be required for each Landmark Tree permitted to be removed under subsection 23e above, by the applicant planting on the property five (5) Shade Trees of a species determined by the Commission considering the species and location of the Landmark Tree being

removed. In the event the applicant asserts the planting of one or more Shade Trees on the property would be inappropriate, and the Commission and the Mayor and Council agree, the applicant may, in lieu of planting trees, pay the sum of five hundred (\$500.00) dollars for each Shade Tree required but not being planted; provided, however, no permit fee, mitigation or payment shall be required for the removal of a dead, dying or hazardous Landmark Tree unless subsection 19c1 requires mitigation, and further provided that the applicant satisfies all of the other requirements of this Article (i.e., applying for and awaiting issuance of a permit).

f. If and when any Landmark Tree is removed, the Commission shall arrange for the necessary changes to be made to the official Landmark Tree inventory records and Borough Map.

Chapter 163-Section 24 Administration and Enforcement. This Article shall be administered by the Commission, the Mayor and Council, or their respective designee(s), in their respective capacities as provided in this Article. This ordinance shall be enforced by the Borough of Demarest Police Department, the Demarest Construction Official and/or the Demarest Code Enforcement Official during the course of ordinary enforcement duties.

Chapter 163-Section 25 Appeal to Mayor and Council. In the event an applicant believes the strict application of this Article constitutes a hardship which prohibits reasonable use of the applicant's property, such person shall have the right, within thirty (30) days of the issuance of an adverse decision by the Commission or a municipal official charged with administration of enforcement of this ordinance, to appeal to the Mayor and Borough Council, which shall take action as it deems appropriate in the matter. Such appeal shall be commenced by submitting to the Borough Clerk a digital copy or an additional ten (10) paper copies of the documents required to be submitted for the tree removal permit, together with a digital copy or ten (10) paper copies of a statement as to the reasons for the claimed hardship. In addition, the applicant shall submit a fee for the hearing of the matter in the amount of five hundred (\$500.00) dollars, which fee shall be refunded to the applicant if the hardship permit is granted. Upon submission of a complete appeal application, the Borough Clerk shall schedule a public hearing before the Mayor and Council in connection with the requested relief. The applicant shall cause to be published in an official newspaper of the Borough a notice setting forth the time, date and place of the hearing to be so held, together with a brief statement of the relief requested. Such notice must be published at least ten (10) days prior to the date of the hearing. Additionally, the applicant shall cause a similar notice to be served upon all property owners within two hundred (200) feet of the property in question, by certified mail/return receipt requested or by personal service. Proof of publication and service of notice shall be required to be submitted to the Borough Clerk prior to the hearing. At the hearing, the applicant may present witnesses under oath and any other interested parties may do the same. All witnesses shall be subject to cross-examination. The decision of the Mayor and Council shall be binding upon the Commission and any other municipal official in charge of enforcement of this Article.

Chapter 163-Section 26 Violations and Penalties. Any person who violates any provision of this Article shall, upon conviction thereof, be punished by a fine of one thousand (\$1,000.00) dollars for the violation, plus an additional five hundred (\$500.00) dollars for each tree that would have been required to be planted for mitigation. The removal of a Covered Tree is not subject to a fine limit. The aforementioned penalties may, upon a written plea of "guilty," be paid

and satisfied through the Violations Bureau of the Municipal Court without the requirement of a court appearance.

Chapter 163-Section 27 Commission Trust Account. All fees for tree removal permit applications, all fees and payments in lieu of required tree mitigation, all forfeited cash performance bonds, all fines and penalties imposed for violations, and all funds otherwise payable pursuant to Article 1 or Article 2 of Chapter 163 of the Demarest Code (excluding cash performance bonds) shall be deposited to the Commission Trust Account, to be applied for use in the administration of the said articles (for example, without limitation, to engage an arborist to advise the Commission concerning a certain proposed tree removal or mitigation), or for the planting, care, preservation, maintenance, control or removal of trees in the Borough of Demarest. Cash performance bonds required under the said articles shall be maintained in a separate escrow account maintained by the Borough.

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

**ORDINANCE NO. 1122-23
June 12, 2023**

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF CERTAIN PUBLIC OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF DEMAREST, COUNTY OF BERGEN AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Mayor and Council of the Borough of Demarest as follows:

SECTION 1. That the minimum and maximum range of salary, wage or compensation to be paid to officials, appointees and employees or servants of the Borough of Demarest, who are not otherwise covered through a Collective Bargaining Agreement ("CBA") Bergen County, New Jersey is hereby fixed as follows:

Position	Minimum	Maximum	Basis
Borough Administrator/QPA	75,000.00	135,000.00	Per Annum
Borough Clerk	30,000.00	95,000.00	Per Annum
Deputy Borough Clerk	25,000.00	85,000.00	Per Annum
CFO/Treasurer	25,000.00	95,000.00	Per Annum
Deputy CFO	25,000.00	85,000.00	Per Annum
Deputy Treasurer	10,000.00	65,000.00	Per Annum
Tax Collector	20,000.00	60,000.00	Per Annum
Assistant Tax Collector	15,000.00	45,000.00	Per Annum
Finance Clerk	25,000.00	75,000.00	Per Annum
Technical Assistant	35,000.00	85,000.00	Per Annum
Administrative Assistant	35,000.00	75,000.00	Per Annum
Admin/Maintenance	20,000.00	40,000.00	Per Annum
Public Works Manager	75,000.00	120,000.00	Per Annum
Tax Clerk	15,000.00	55,000.00	Per Annum
Tax Assessor -PT	15,000.00	35,000.00	Per Annum
Construction Official -PT	3,000.00	10,000.00	Per Annum
Building Sub Code Official -PT	10,000.00	35,000.00	Per Annum
Zoning Officer -PT	3,000.00	10,000.00	Per Annum
Plumbing Sub Code Official - PT	12,000.00	30,000.00	Per Annum
Electrical Sub Code Official -PT	12,000.00	30,000.00	Per Annum
Fire Marshall -PT	7,500.00	15,000.00	Per Annum
Fire Sub Code Official -PT	7,500.00	15,000.00	Per Annum
Superintendent of Sewers - PT	1,000.00	5,000.00	Per Annum
Judge of the Municipal Court -PT	7,000.00	25,000.00	Per Annum
Municipal Recycling Coordinator -PT	1,000.00	5,000.00	Annual Stipend
Assessment Search Officer -PT	200.00	400.00	Per Annum
Tax Search Officer -PT	200.00	400.00	Per Annum

Administrative Assistant -PT	15.00	25.00	Per Hour
Court Administrator -PT	20.00	35.00	Per Hour
Court Clerk -PT	17.50	30.00	Per Hour
Deputy Court Clerk -PT	17.50	30.00	Per Hour
Court Sound Recorder -PT	10.00	20.00	Per Hour
Position	Minimum	Maximum	Basis
Violations Clerk -PT	15.00	25.00	Per Hour
Public Health Nurse - PT	25.00	35.00	Per Hour
Road Dept. Extra Help	15.00	25.00	Per Hour
Code Enforcement Officer	17.00	25.00	Per Hour
Public Defender	70.00	100.00	Per Hour
Planning & Zoning Board Secretary	4,000.00	10,000.00	Per Annum
Alternate Land Use Secretary		200.00	Per Meeting
Mayor		1,000.00	Annual Stipend
OEM Coordinator	4,000.00	8,000.00	Annual Stipend

A. The following fringe benefits shall be granted to full time employees:

1. Hospitalization for full family coverage as required.
2. All full time employees shall be entitled to receive vacation time and legal holidays as set forth in "Employee Policies."
3. All full time employees hired after January 1, 1971 and before January 1, 1995 will be paid longevity at the rate of one (1%) percent for every three (3) years of service after the later of January 1, 1971 or the date of employment.
4. All full time employees hired after December 31, 1994 shall not be eligible to receive longevity pay.
5. All full time employees shall be entitled to participate in the Delta Dental Plan Fund for dental coverage on an employee-only basis.

SECTION 2. Annual stipends shall be payable quarterly.

SECTION 3. Summer Program. The rate of pay shall be as follows for the following Summer Program positions:

Position	Minimum	Maximum	Basis
Director	39.00	45.00	Hourly
Arts & Crafts Supervisor	23.00	30.00	Hourly
Sports Supervisor	22.00	30.00	Hourly
Director Special Events/Enrichment	19.00	25.00	Hourly
Counselor	8.25	12.00	Hourly
Lunch/Field Trip Supervisor	20.00	35.00	Hourly
Enrichment Stipend		1,500.00	Annual Stipend

SECTION 4. Construction Official for Resale CO's. The compensation of the Construction Official for each resale certificate of occupancy inspection shall be \$35 and will be paid monthly upon presentation of a duly executed voucher.

SECTION 5. Special Police. The hourly rate of pay shall be as follows for the following positions:

Position	Low	High
Special Police (Class 1)	17.50	32.50
Special Police (Class 2)	20.00	37.50

SECTION 6. Crossing Guards. The hourly rate of pay shall be as follows for the following position:

Position	Low	High
Crossing Guard	17.50	32.50

In addition, all Crossing Guards, with the exception of those on a substitute basis, shall be paid for three (3) legal holidays: Good Friday, Thanksgiving and Christmas, plus one (1) snow day for each storm up to a maximum of four (4) snow days, and vacation time as set forth in "Employee Policies".

SECTION 7. The aforementioned officers, appointments, positions, employment and policies are hereby created, confirmed and ratified. All other employees not specifically mentioned herein shall receive such hourly-yearly wages as the Mayor and Council deem fair and reasonable for services rendered.

SECTION 8. This ordinance shall repeal all ordinances or parts thereof, inconsistent herewith, shall take effect after public hearing and passage as required by law and shall be retroactive to January 1.

Attest:

Approved:

Acting Municipal Clerk

Mayor Brian Bernstein

Introduced: _____

Adopted: _____

Resolution of the Demarest Governing Body

Resolution No. 92-23

June 26, 2023

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

TITLE: Waiver of Reading the 2023 Municipal Budget in Full

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall a) be made available in the free public library, and in a public place where public notices are customarily posted, and b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Demarest has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full of the Municipal Budget for the year ending December 31, 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 June 26, 2023.

Lee Campbell, Acting Borough Clerk

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 June 26, 2023.

Lee Campbell, Acting Borough Clerk

**BOROUGH OF DEMAREST
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 94-23**

Resolution Re: Amendment to 2023 Budget

WHEREAS, the local municipal budget for the year 2023 was approved on the 22nd day of May, 2023, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Demarest, County of Bergen, that the following amendments to the approved budget of 2023 be made:

Recorded Vote

Ayes ((((((((

Nayes ((((((((

Abstained ((((((((

Absent ((((((((

	<u>From</u>	<u>To</u>
REVENUES		
Surplus Anticipated		\$ 100,000
Total Surplus Anticipated		100,000
Miscellaneous Revenues - Section C: Dedicated Uniform Construction Code Fees		
Uniform Construction Code Fees	\$ 325,000	425,000
Total Section C: Dedicated Uniform Construction Code Fees	325,000	425,000
Total Miscellaneous Revenues	2,726,539	2,826,539
Subtotal General Revenues	2,876,539	3,076,539
Amount to be Raised by Taxes for Support of Municipal Budget		
Local Tax for Municipal Purposes	8,722,799	8,622,799
Total Amount to be Raised by Taxes for Support of Municipal Budget	9,310,851	9,210,851
Total General Revenues	<u>\$ 12,187,390</u>	<u>\$ 12,287,390</u>

GENERAL APPROPRIATIONS
Operations Within "CAPS"

Financial Administration Salaries and Wages	\$ 137,000	\$ 187,000
Police Department Salaries and Wages	2,248,876	2,298,876

	<u>From</u>	<u>To</u>
Total Operations Within "CAPS"	\$ 7,756,452	\$ 7,856,452
Detail: Salaries and Wages	4,270,344	4,370,344
Total General Appropriations for Municipal Purposes Within "CAPS"	9,004,802	9,104,802
Subtotal General Appropriations	11,657,390	11,757,390
Total General Appropriations	<u>\$ 12,187,390</u>	<u>\$ 12,287,390</u>

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2023 local municipal budget so amended, and this complete amendment, in accordance with NJSA 40:4-9 be published in The Record in the issue of July 3, 2023, and that said publication contain notice of a public hearing on said amendment to be held at Borough Hall on July 10, 2023 at 7:30 PM.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Borough Council on the 26th day of June, 2023.

Introduced by: _____

Seconded by: _____

Approved: June 26, 2023

ATTEST:

Certified by me

Acting Borough
Lee Campbell

Mayor
Brian Bernstein

It is hereby certified that the approved budget amendment annexed hereto and hereby made a part is an exact copy of the original on file with the Municipal Clerk of the Governing Body, that all additions are correct. All statements contained herein are in proof and the total of anticipated revenues equal the total of appropriations.

Certified by me, this 26th day of June, 2023

Gary J. Vinci

Registered Municipal Accountant

Resolution of the Demarest Governing Body

Resolution No. 95-23

June 12, 2023

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

TITLE: 2023-2024 ALCOHOLIC BEVERAGE LICENSE RENEWALS

BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest, that the following alcoholic beverage licenses be renewed, subject to the rules and regulations of the Department of Alcoholic Beverage Control of the State of New Jersey and the Mayor and Council of the Borough of Demarest heretofore or hereafter adopted:

PLENARY RETAIL CONSUMPTION LICENSES
0209-33-001-002 Alpine Country Club
PLENARY RETAIL DISTRIBUTION LICENSE
0209-44-002-007 Kadie Ventures, Inc.

BE IT FURTHER RESOLVED that said licenses be renewed for the period of one year, commencing July 1, 2023 and ending June 30, 2024, and that the Acting Borough Clerk is hereby authorized and directed to issue and sign such license renewals in the name of 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 June 12, 2023.

Lee Campbell, Acting Borough Clerk

**Resolution of the Demarest Governing Body
Resolution No. 96-23
June 26, 2023**

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

TITLE: RESOLUTION AUTHORIZING THE SUBMISSION OF A FY24 MUNICIPAL AID GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROAD IMPROVEMENTS FOR STEWART AND STELFOX

WHEREAS, the New Jersey Department of Transportation has funds available for transportation infrastructure projects through its FY24 Municipal Aid Program; and

WHEREAS, this application would provide funding for the final surfacing of Stewart St. and Stelfox St.; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council formally approves the grant application for the above-stated project.

BE IT FURTHER RESOLVED, that the Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2024-Road Improvements for Stewart St. an-00560 to the New Jersey Department of Transportation on behalf of the Borough of Demarest.

BE IT FURTHER RESOLVED, that the Mayor and Council are hereby authorized to sign the grant agreement on behalf of the Borough of Demarest, and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 June 26, 2023.

Lee Campbell
Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 97-23

June 26, 2023

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

**TITLE: A RESOLUTION OF THE AUTHORIZING THE RETENTION OF
Ervin Oross of Rehabco AS QUALIFIED ADMINISTRATIVE AGENT OF
BCUW/Madeline Housing Partners, LLC ("United Way")**

WHEREAS, BCUW/Madeline Housing Partners, LLC ("United Way") (the "Developer") is the owner and developer of certain real property commonly known as 127 Hardenburgh Ave. Block 23, Lots 12 & 13 on the official tax map of the Borough of Demarest, County of Bergen, State of New Jersey (the "Property"); and

WHEREAS, Developer obtained from the Demarest Land Use Planning Board (the "Board") Preliminary and Final site plan approval for (i) the construction of a 17-unit affordable housing with common amenities, and site improvements; any relief from the Demarest Borough Code as specifically set forth in Board Resolution of approval, adopted on April 11, 2023 (the "Resolution"), which Resolution, including all conditions set forth therein, and including all correspondence and review letters issued by Borough Planner Darlene A. Green of Colliers Engineering & Design and any other correspondence issued by the Borough Planner detailing the conditions of approval; all correspondence and review letters issued by the Borough Engineer Nick Chelius of Colliers Engineering & Design and any other correspondence issued by the Borough Engineer detailing the conditions of approval; and any correspondence issued by the Demarest Fire Chief and the Demarest Chief of Police, is incorporated herein as if same were set forth at length herein. All of the foregoing shall hereinafter be referred to as the "Project"; and

WHEREAS, in accordance with condition No. 7 of the Resolution, the Developer is required to retain a qualified administrative agent for the project.; and

WHEREAS, the Developer wishes to retain the services of Ervin Oross of Rehabco. as a qualified administrative agent and has requested that the Borough approve said retention; and

WHEREAS, the Mayor and the Borough Council have determined that the appointment of Ervin Oross of Rehabco. would be satisfactory for the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council hereby approve the retention of Ervin Oross of Rehabco. by the Developer as the qualified administrative agent for the Project.

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 June 26, 2023.

**Lee Campbell
Acting Borough Clerk**

Resolution of the Demarest Governing Body

Resolution No. 98-23

June 26, 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 \$4,059,374.39 (bills list dated June 26, 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 June 26 2023.

**Lee Campbell
Acting Borough Clerk**