

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
WORK SESSION AGENDA**

October 15, 2024

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 meeting in the annual schedule of meetings of this Governing Body. Such schedule of meetings is posted at Borough Hall, on the Borough website and was published in the Record and Star Ledger and was filed in the office of the Borough Clerk.

Pledge of Allegiance

Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Roll Call:

Present:

Absent:

Also Present:

ORDINANCE (INTRODUCTION):

ORDINANCE 1149 -2024 – AN ORDINANCE AMENDING AND MODIFYING CHAPTER 122 OF THE DEMAREST BOROUGH CODE (NOISE)

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No. 1149 - 24 and it published in the Bergen Record with notice of Public Hearing to be held on October 28, 2024.

A motion was made by _____ and seconded by _____

Roll Call:

ORDINANCE PUBLIC HEARING (ADOPTION): (NONE)

Work Session Discussion Items:

Engineer's Report

LOSAP

Best Practices Survey

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. 163-24	Adopting the Corrective Action Plan for 2023 Audit
Resolution No. 164-24	Governing Body Certification of Audit
Resolution No. 165-24	Authorizing SSA with BC Health Department – Flu Clinic
Resolution No. 166-24	Authorizing Capital Purchase – Phones / Security Cameras
Resolution No. 167-24	Soil Moving Permit – 5 Stratford Ct.
Resolution No. 168-24	Return of Escrow
Resolution No. 169-24	Authorizing Colliers Bidding & Design for Unimproved Roads
Resolution No. 170-24	Authorizing Payment #1 4 Clean-Up Madison Ave. Paving
Resolution No. 171-24	Authorizing Capital Purchase – FD Toughbook
Resolution No. 172-24	Authorizing Capital Purchase – FD Turnout Gear
Resolution No. 173-24	Authorizing Capital Purchase – PD Car Upgrades
Resolution No. 174-24	Authorizing Capital Purchase – PD Equipment
Resolution No. 175-24	Authorizing Capital Purchase – PD Equipment
Resolution No. 176-24	Authorizing Capital Purchase – PD Car Upgrades
Resolution No. 177-24	Authorizing Capital Purchase – FD Car Upgrades
Resolution No. 178-24	Authorizing New Hire – DPW
Resolution No. 179-24	Authorizing the advertisement of RFQs for 2025 Professionals
Resolution No. 180-24	Payment of Bills

Meeting Open to the Public

Closed Session Resolution No. 2024-008

- Negotiations
- Personnel
- Potential Litigation

Adjournment

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE -2024

**ORDINANCE AMENDING AND MODIFYING CHAPTER 122 OF THE
DEMAREST BOROUGH CODE**

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 122 Noise pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. This amendment amends Chapter 122 Noise to read in its entirety as set forth in the attachment to this ordinance.

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:

2nd Reading: _____

Adopted: _____

Chapter 122 NOISE

The Mayor and Council hereby find and declare that:

- A. The character of the Borough of Demarest is such that commercial and residential communities are situated in close proximity to each other.
- B. By reason thereof, the making of loud, unnecessary, prolonged, unusual noises, and noises at times prescribed herein within the limits of the Borough is incompatible with and detrimental to the public comfort, convenience, safety and general welfare of the residents of the Borough.
- C. Certain conduct and/or the use of certain tools, equipment, machinery or devices create loud noise requiring the curtailment or restriction of certain activities under this ordinance.
- D. There is a need to limit excessive noise which unreasonably interferes with the workings of certain institutions or with residents' peaceful use and enjoyment of their property within the Borough, such as noise related to motor vehicles, music or musical devices, loudspeakers, amplifiers, landscaping or construction activities, or animals.
- E. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy.

§ 122-1 Disturbing and unnecessary noises prohibited.

The creation or permitting of any loud and unnecessary noise in the Borough which injures or endangers health or safety or unreasonably disturbs the quiet, comfort or repose of persons within the limits of the Borough is prohibited.

§ 122-2 Enumeration of prohibited noises.

The following noises, among others, are declared to violate this chapter, but this enumeration shall not be deemed to be exclusive:

A. Motor-Vehicle Noise:

1. The sounding of any horn, signal device or alarm on any automobile, motorcycle, bus or other motor vehicle, except as a danger signal or other warning signal.
2. The operation of a motor vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
3. The operation of a motor vehicle without a muffler or other device which effectively dampens engine noise and prevents loud or explosive noises therefrom.
4. The playing of any radio or the use of any loudspeaker or amplifier system in a motor vehicle at a volume louder than necessary for convenient hearing by the persons in the vehicle.

B. Music-Related Noise:

1. The playing at any residential property of any radio, recorded music, or musical instrument, or the use of any loudspeaker or amplifier system, at a volume louder than is necessary for convenient hearing by persons at the property from which the sound originates, particularly between: (i) 10:00 p.m. and 8:00 a.m. during nights preceding weekdays, and (ii) 11:00 p.m. and 8:00 a.m. during nights preceding Saturday and Sunday.

2. The playing in the Business District or the Golf Course District of any radio, recorded music, or musical instrument, or the use of any loudspeaker or amplifier system, at such a volume as to be plainly audible at a distance of 50 feet from the property from which it originates, particularly between: (i) 10:00 p.m. and 8:00 a.m. during nights preceding weekdays, and (ii) 11:00 p.m. and 8:00 a.m. during nights preceding Saturday and Sunday.

C. *Advertising or Commercial Noise:*

The playing to attract the attention of the passing public for advertising or other commercial purpose of any radio, recorded music or musical instrument, or the use of any loudspeaker or amplifier system for such purpose, at any time on Sunday, on any other day between 5:00 p.m. and 10:00 a.m., or at any time such that it unreasonably disturbs the quiet, comfort or repose of persons in a residence in the vicinity.

D. *Landscaping or Construction Activity/Noise:*

1. Activity Prohibited: Commercial contractors, or any person or entity other than the property owner or the authorized occupant of the premises, may not perform landscaping or construction activities, including excavation or the erection, construction, demolition, alteration, repair or maintenance of any building, property or lawn/landscape, including without limitation by the use of tools, equipment, devices or machinery powered by gas, electric or other source, such as jackhammers, nail guns, leaf blowers or lawn mowing equipment: (i) before 8:00 a.m. or after 6:00 p.m. on Monday through Friday, (ii) before 9:00 a.m. or after 6:00 p.m. on Saturday, or (iii) at any time on Sunday or a Federal/State holiday.
2. Noise Prohibited: Excessive noise caused by landscaping, construction demolition or repair activities performed solely by the property owner or authorized occupant of the premises from which the sound originates, particularly before 8:00 a.m. or after 8:00 p.m.

E. *Animal Noise:*

Loud and prolonged noise created by an animal or bird, such as a dog's continued barking outside the house for more than an hour, particularly between 10:00 p.m. and 8:00 a.m.

F. *Noise Near Certain Institutions:*

Excessive noise on any street within 50 feet of a school, institution of learning, place of public worship or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed indicating that excessive noise is prohibited because the area includes such an institution.

§122-3 Presumption of Violation

A complaint made to or filed with the Demarest Police Department, Construction Office or Office of Code Enforcement regarding any noise that is deemed by the Demarest Police Department, Construction Official or Code Enforcement Officer to violate this ordinance shall give rise to a presumption that such noise is prohibited by, and violates, this ordinance, and the person or entity causing or permitting such noise must immediately cause such noise to cease upon the request of the Demarest Police Department, Construction Official, or Code Enforcement Officer.

§122-4 Exemptions

The following shall not be deemed a violation of this ordinance:

- A. Noise created by the operation of a snowplow or snow blower by any person or entity during or within 48 hours after a snowstorm.
- B. Noise created by the operation of a generator during a power outage, or on a short-term test cycle, between 8:00 a.m. and 5:00 p.m.
- C. Noise originating from public property in connection with an event sponsored by the Borough or for which the Borough has issued a permit.
- D. Noise created by the operation of construction machinery or equipment in a case of an emergency or in the interest of public safety, as determined by the Demarest Police Department, or provided that a permit for such work is obtained from the Borough Construction Official no later than the next business day, which permit may be renewed for a period of three days or less while the emergency continues.

§122-5 Enforcement; Violations and Penalty

- A. Violation of any provision of this ordinance shall be cause for the Demarest Police Department to order the immediate cessation of the violation and to issue a Notice of Violation. Upon conviction of a violation of this ordinance, the following penalty schedule shall apply:
 - First Offense: a fine not to exceed \$200.
 - Second Offense: a fine not to exceed \$500; except such fine may be up to \$1,000 if such offense occurs within 24 hours of the first offense.
 - Third Offense: a fine not to exceed \$1,250; except such fine shall be not less than \$2,500 nor more than \$4,000 if such offense occurs within 24 hours of the second offense.
 - Fourth Offense: shall be deemed a nuisance pursuant to N.J.S.A. 2C:33-12 and N.J.S.A. 2C:33-12.1 whereby the court, in addition to any fine the court may impose, may also order the immediate abatement of the nuisance, including but not limited to an order in the case of a nuisance originating on premises other than a residence that such premises be closed and not used for a period not exceeding one year from the date of conviction.
- B. Each instance of a violation shall constitute an additional, separate and distinct offense for all purposes. However, no subsequent offense penalty shall apply unless it has occurred within 365 calendar days of the previous offense. The first offense occurring more than 365 calendar days after the previous offense shall be considered a First Offense for purposes of this ordinance.

Resolution of the Demarest Governing Body

Resolution No. 163-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: ADOPTION OF CORRECTIVE ACTION PLAN FOR ANNUAL AUDIT

WHEREAS, the Annual Report of Audit for the year 2023 was filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5 on 2024; and

WHEREAS, the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Recommendations," have signed the group affidavit form, and adopted the resolution of certification; and

WHEREAS, the CFO has filed the attached Corrective Action Plan pursuant to N.J.S.A 40A: 5; and

WHEREAS, N.J.S.A. 40A:5 requires the Governing Body to adopt by resolution the Corrective Action Plan within 60 days of receipt of audit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Demarest that the Corrective Action Plan is hereby approved

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 164-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk, pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Demarest, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF BERGEN

We, members of the governing body of the Borough of Demarest, in the County of Bergen, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Mayor and Council* of the Borough of Demarest in the county of *Bergen*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2023
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

Resolution of the Demarest Governing Body

Resolution No. 165-24

October 11, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION APPROVING SHARED SERVICE AGREEMENT WITH COUNTY OF BERGEN FOR THE PROVISION OF PUBLIC HEALTH FLU VACCINE ADMINISTRATION

=====

WHEREAS, the County of Bergen, through the Department of Health Services, offers a program whereby municipalities may contract with the County for the purpose of providing flu vaccine and/or vaccination services/clinics to its residents; and

WHEREAS, the Borough of Demarest wishes to participate in this program to offer a flu clinic to its residents; and

WHEREAS, the Bergen County the Board of County Commissioners adopted resolution No. 104-24, dated 9/18/24 to authorize entering into a Shared Services Agreement to assist to administer the program for the period of September 1, 2024 through June 30, 2025 through an agreement with the Borough of Demarest;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Demarest that the Borough Administrator is authorized to execute this agreement with the County of Bergen to provide Flu Vaccine Clinic services; and

APPROVED:

Mayor Brian Bernstein

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 166-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING PURCHASE OF TELEPHONE/SECURITY CAMERAS EQUIPMENT AND INSTALLATION

=====

WHEREAS, the Borough of Demarest is in need of an updated telephone system/security cameras equipment and installation; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Borough Administrator has solicited quotes and recommended the purchase per proposal from AACOM Solutions in Barnegat, NJ, dated 3/13/2024; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-2150-55-106-5011; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized effect the purchase of equipment and install for the Borough not to exceed \$42,000.00.

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 167 -24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 5 STRATFORD CT.

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 5 Stratford Ct. Block 76, Lot 3.04, prepared Sean McClellan, P.E., 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 \$889.12 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$17,798.40

APPROVED:

Mayor Brian Bernstein

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 168-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION AUTHORIZING ACTION 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>
Rachel Liberman	605 Piermont Rd.	13-7000-00-7223-02	\$14,208.40
Deborah Senese	45 Hardenburgh Ave.	13-6000-00-6224-09	\$400.00
Louise Gasparro	375 Hillside Ave.	13-6000-11-6221-06	\$9,771.23
Lumaj Homes LLC	30 Van Horn St.	13-8000-00-8223-01	\$770.00
Lumaj Homes LLC	30 Van Horn St.	13-7000-00-7223-03	\$15,307.20
Lumaj Homes LLC	30 Van Horn St.	13-8000-00-8223-13	\$765.36

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).

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 169 -24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR 2024 UNIMPROVED ROADS – PRESCOTT ST. & FOREST RD.

=====

WHEREAS, the Borough of Demarest has a need for engineering design and bidding services related to FY2024 Paving of Unimproved Roads; and

WHEREAS, the Borough received a proposal dated August 9, 2024 from Colliers Engineering & Design to provide those services, attached, for the sum of \$59,750.00; and

WHEREAS, the appointment and the contract are exempted from the competitive bidding requirements of the Local Public Contracts Law, (NJSA 40A:11-1 et. Seq.) as "Professional Services", pursuant to NJSA 40A:11-5(1)(a); and

WHEREAS, the vendor is the currently appointed 2024 Borough Engineer for the Borough of Demarest and the Mayor and Council awarded said 2024 contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-04-2150-55-106-5007; and

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Borough Administrator is authorized to execute the agreement to authorize Colliers Engineering & Design to perform the work described herein not to exceed \$59,750.00 a copy of which is annexed to this Resolution.

APPROVED:

Mayor Brian Bernstein

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 170 -24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: APPROVING PAYMENT #1 FOR 4 Clean Up, INC. FOR NJDOT FY2023 MADISON AVE ROADWAY PROJECT

WHEREAS, a contract was awarded to 4 Clean Up, Inc. by Resolution Number 123-24 on June 24, 2024; and

WHEREAS, Borough Engineer has recommended the payment to 4 Clean Up, Inc. in the amount of one hundred thirty-eight thousand, six hundred and thirty-eight dollars and twenty-five cents (\$138,638.25), as reasonable and contract compliant; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available to fulfill this proposal in the Account No. C-04-2150-55-106-5005.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest, County of Bergen, State of New Jersey that the payment in the amount of one hundred thirty-eight thousand, six hundred and thirty-eight dollars and twenty-five cents (\$138,638.25), be remitted by the Chief Financial Officer to 4 Clean Up, Inc.

APPROVED:

Mayor Brian Bernstein

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 171-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF TOUGHBOOK TOUCHPAD

WHEREAS, the Fire Chief is in need of a new Toughbook touchpad; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Fire Chief has solicited quotes and recommended purchasing per proposal from Computer Systems Methods in Iselin, NJ ; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5012; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase a new Toughbook touchpad for the Fire Department for \$18,609.00

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 172-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF FIRE TURNOUT GEAR

WHEREAS, the Fire Chief is in need of new turn out gear; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Fire Chief has solicited quotes and recommended the purchase per proposal from Skylands Area Fire Equipment & Training LLC in Riverdale, NJ, dated 10/1/24; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5014; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase new turn out gear for the Fire Department for \$18,513.24

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 173-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF POLICE SUV UPGRADES

WHEREAS, the Police department is in need of upgrading their 2024 Tahoe; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Police Chief has solicited quotes and recommended the purchase per a proposal from Patrol PC in North Attleboro, MA, dated 8/11/24; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5015; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase SUV upgrades for the Police Department for \$7,393.31

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 174-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF POLICE EQUIPMENT

WHEREAS, the Police department is in need of equipment; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Acting Police Chief has solicited quotes and recommended the purchase per a proposal from Amchar Wholesale Inc in Rochester, NY, dated 9/4/24; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5013; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase equipment for the Police Department for \$16,372.00

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 175-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF POLICE EQUIPMENT

WHEREAS, the Police department is in need of equipment; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Acting Police Chief has solicited quotes and recommended the purchase per a proposal from Amchar Wholesale Inc in Rochester, NY, dated 5/23/24; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5013; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase equipment for the Police Department for \$8,658.20

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 176-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF POLICE SUV UPGRADES

WHEREAS, the Police department is in need of upgrading their SUV; and

WHEREAS, the purchase was funded through the capital improvement fund via the sale of an older SUV; and

WHEREAS, the Acting Police Chief has solicited quotes and recommended the purchase per a proposal from Patrol PC in North Attleboro, MA, dated 8/22/24; and

WHEREAS, the CFO has certified that funds are available in account no. 4-04-2250-00-0000-000; and

NOW THERFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase SUV upgrades for the Police Department for \$11,062.32

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 177-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: AUTHORIZING CAPITAL PURCHASE OF FIRE CHIEF SUV UPGRADES

WHEREAS, the Fire Chief is in need of upgrading their 2024 Tahoe; and

WHEREAS, the purchase was included in the 2024 Capital Budget pursuant to ordinance no. 1148-24; and

WHEREAS, the Fire Chief has solicited quotes and recommended the purchase per a proposal from 10-75 Emergency Lighting LLC in Haskell, NJ, dated 4/8/24; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-02150-55-106-5015; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase SUV upgrades for the Fire Chief for \$35,450.24

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 178-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: A RESOLUTION OF THE BOROUGH OF DEMAREST HIRING KEITH MITCHELL FOR THE POSITION OF DEPARTMENT OF PUBLIC WORKS LABORER GRADE 2

=====

WHEREAS, there exists a vacancy of a Laborer in the Borough of Demarest Department of Public Works; and

WHEREAS, the Borough Council is the Governing Body of the Borough of Demarest, and is responsible for the regulation of the Borough's Department of Public Works and its employees; and

WHEREAS, Kieth Mitchell has been recommended for employment by Public Works Manager Jason Gangi, and possesses the qualifications to be hired as a grade 2 Laborer;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Demarest that Keith Mitchell, residing at 4 McKinnon Pl, Wallington, NJ 07645, is hereby hired for the position of Department of Public Works Laborer Grade 2 effective October 1, 2024, at a salary of \$53,020.80, with all other terms of employment to be governed by the Collective Bargaining Agreement entered into Between the Borough of Demarest and Teamsters Union Local 125 effective January 1, 2020 through the present.

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 179-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

TITLE: RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR VARIOUS PROFESSIONAL SERVICES FOR THE 2025 CALENDAR YEAR

WHEREAS, pursuant to N.J.S.A. 40A:1 1-5(l)(a) contracts for the provision of professional services are not subject to the bidding requirements of the Local Public Contracts Law, however, they are subject to the requirements of the New Jersey Local Unit Pay to Play Law, N.J.S.A. 19:44A-20.1 et seq., for contracts in excess of \$17,500.00; and

WHEREAS, pursuant to the Pay to Play Law a municipality may not award a contract with a value in excess of \$17,500.00 to a business entity that has made any contribution within one year of the date the contract is to be awarded that is reportable by the recipient under N.J.S.A. 19:44A-1 et seq. to a municipal political party or candidate unless the contract is awarded under a "fair and open process" as defined pursuant to said statute; and

WHEREAS, the Borough wishes to award contracts for various professionals pursuant to the fair and open process defined by the aforementioned statute and explained in procedures issued by the New Jersey Department of Community Affairs; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest that Requests for Qualifications be issued for the following Borough Professional positions:

Borough Attorney, Auditor, Affordable Housing Planner, Affordable Housing Counsel, Bond Counsel, Conflict Attorney, Borough Engineer, Environmental Engineer, Financial Advisor, Grant Consultant, Labor Attorney, Special Projects Engineer, Risk Manager, Borough Planner,

Tax Appeal Attorney, Zoning Board Engineer, Zoning Board Planner, Zoning Board Attorney, Planning Board Engineer, Planning Board Planner, and Planning Board Attorney;

BE IT FURTHER RESOLVED that said notice shall indicate that responses to the Request for Qualifications shall be provided on or before November 25, 2024

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 180-24

October 15, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Reiss						
Collins						

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 \$ 529,800.89 on bill list dated October 10, 2024 have been approved and authorized for payment and the that the Mayor, Borough Clerk and Borough Treasurer are hereby authorized to issue warrants in payment of same.

Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, 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 October 15, 2024

Julie Falkenstern, Acting Borough Clerk