

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
REGULAR MEETING AGENDA**

October 28, 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): (none)

Ordinance Public Hearing: (none)

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

Mayor Bernstein asks for a motion to open the public hearing on Ordinance # 1149-2024

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)

Consent Agenda:

- Resolution No. 181-24 Authorizing Payment #2 DLS Contracting-Riverside Coop Paving
- Resolution No. 182-24 Soil Moving – 44 Orchard Rd.
- Resolution No. 183-24 Capital Purchase – DPW Chipper
- Resolution No. 184-24 Capital Purchase – DPW Leaf Vacuum
- Resolution No. 185-24 Capital Purchase – DPW Leaf Loader
- Resolution No.186-24 Court Consolidation SSA
- Resolution No.187-24 Capital Purchase – ALPR – PD
- Resolution No.188-24 Authorization of Execution of MOA
- Resolution No.189-24 CY2023 LOSAP Contributions
- Resolution No.190-24 Return of Escrow
- Resolution No.191-24 Payment of Bills
- Resolution No.192-24 Resolution to Supplement Resolution 153-24 Dated 9/9/24

A motion was made by _____ and seconded by _____

Roll Call:

Mayor’s Report

Council Committee Reports

- Finance & Personnel (Slowikowski)
- Ordinance (Fox)
- DPW & Recreation (Marks)
- Economic Development (Jiang)
- Police and OEM (Reiss)
- Fire and EMS (Collins)

Reports of Borough Officials

- Borough Attorney
- Borough Treasurer
- Ambulance
- Police Chief
- Fire Chief

Meeting Open to the Public

Closed Session Resolution 2024-009 (the Council may take action upon return to open session)

- Contract Negotiations
- Property Acquisition

Adjournment

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE 1149-2024

**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: (i) before 8:00 a.m. or after 10:00 p.m. on Sunday through Thursday, or (ii) before 8:00 a.m. or after 11:00 p.m. on Friday and Saturday.

2. The playing in the Community 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 (i) before 8:00 a.m. or after 10:00 p.m. on Sunday through Thursday, or (ii) before 8:00 a.m. or after 11:00 p.m. on Friday and Saturday.

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:
 - (a) 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.
 - (b) Excessive, prolonged and unnecessary noise caused by landscaping, construction, demolition or repair activities performed by any person or entity, at any time.

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 to the owner of the property from which the prohibited noise originated or on which the prohibited activity was conducted. 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. 181-24

October 28, 2024

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

TITLE: APPROVING PAYMENT #2 FOR DLS CONTRACTING, INC. FOR RIVERSIDE COOPERATIVE PAVING

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WHEREAS, a contract was awarded to DLS Contracting through the Borough’s participation in the FY 2024 Riverside Cooperative for paving in the Borough; and

WHEREAS, the Borough Engineer has recommended the payment DLS Contracting in the amount of Seventy thousand, five hundred ninety one dollars and seventy four cents (\$70,591.97), as reasonable and contract compliant; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available to fulfill this proposal in the Capital Account.

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 Seventy thousand, five hundred ninety one dollars and seventy four cents (\$70,591.97) be remitted by the Chief Financial Officer to DLS Contracting.

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 28, 2024

Michael Greco, Deputy 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

Resolution of the Demarest Governing Body

Resolution No. 182-24

October 28, 2024

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 144 ORCHARD RD.

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BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 44 Orchard Rd. Block 71 Lot 5, prepared by 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 \$1,847.88 for inspections services of the Borough Engineer.
8. The applicant shall provide a performance guarantee to the Borough in the amount of \$36,957.60

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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 183-24

October 28, 2024

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

TITLE: AUTHORIZING CAPITAL PURCHASE OF BRUSH CHIPPER

WHEREAS, the DPW is in need of a new Brush Chipper; and

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

WHEREAS, the Public Works Manager has researched vendors that would achieve the Borough's goals and determined that the Vermeer Brush Chipper Model BC1800XL may be procured through Sourcewell, a nationally recognized and accepted cooperative purchasing; and

WHEREAS, the Borough of Demarest is a member (number #27871) with Sourcewell; and

WHEREAS, the Public Works Manager has provided a quote dated September 16, 2024 per Sourcewell Contract #031721-VRM for the Chipper with Vermeer North Atlantic in Lumberton, NJ; and

WHEREAS, pursuant to N.J.S.A. 52: 34-6. 2b. (3) (as amended by P.L. 2011, c. I 39) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, the nature of the described purchase was published on October 15, 2024 with a 10-day comment period as required by LFN 2021-10; and

WHEREAS, also pursuant to N.J.S.A. 52:34-6.2b.(3) (as amended by P.L. 2011, c. 139) and LFN 2012-10, prior to making purchases under nationally recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Borough Purchasing Agent and Public Works Manager have determined that the Borough's use of the Sourcewell cooperative purchasing contract to procure the equipment will result in cost savings to the Borough; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-2150-55-106-5013;
and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase a new Brush Chipper for the DPW for \$113,179.12

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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 184-24

October 28, 2024

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

TITLE: AUTHORIZING CAPITAL PURCHASE OF TRAILER MOUNTED LEAF COLLECTOR

WHEREAS, the DPW is in need of a new Trailer Mounted Self Contained Vacuum Debris Collector; and

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

WHEREAS, the Public Works Manager has researched vendors that would achieve the Borough's goals and determined that the John Deere ODB DCL800TM25 model may be procured through Sourcewell, a nationally recognized and accepted cooperative purchasing; and

WHEREAS, the Borough of Demarest is a member (number #27871) with Sourcewell; and

WHEREAS, the Public Works Manager has provided a quote dated September 3, 2024 per Sourcewell Contract #031121-ODM for the equipment with Timmerman Equipment Company in Whitehouse, NJ; and

WHEREAS, pursuant to N.J.S.A. 52: 34-6. 2b. (3) (as amended by P.L. 2011, c. I 39) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, the nature of the described purchase was published on October 15, 2024 with a 10-day comment period as required by LFN 2021-10; and

WHEREAS, also pursuant to N.J.S.A. 52:34-6.2b.(3) (as amended by P.L. 2011, c. 139) and LFN 2012-10, prior to making purchases under nationally recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Borough Purchasing Agent and Public Works Manager have determined that the Borough's use of the Sourcewell cooperative purchasing contract to procure the equipment will result in cost savings to the Borough; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-2150-55-106-5013; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase a new equipment for the DPW for \$148,606.15

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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 185-24

October 28, 2024

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

TITLE: AUTHORIZING CAPITAL PURCHASE OF LEAF LOADER

WHEREAS, the DPW is in need of a new Trailer Leaf Loader; and

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

WHEREAS, the Public Works Manager has researched vendors that would achieve the Borough's goals and determined that the John Deere ODB LCT650 model may be procured through Sourcewell, a nationally recognized and accepted cooperative purchasing; and

WHEREAS, the Borough of Demarest is a member (number #27871) with Sourcewell; and

WHEREAS, the Public Works Manager has provided a quote dated September 3, 2024 per Sourcewell Contract #031121-ODB for the equipment with Timmerman Equipment Company in Whitehouse, NJ; and

WHEREAS, pursuant to N.J.S.A. 52: 34-6. 2b. (3) (as amended by P.L. 2011, c. I 39) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, the nature of the described purchase was published on October 15, 2024 with a 10-day comment period as required by LFN 2021-10; and

WHEREAS, also pursuant to N.J.S.A. 52:34-6.2b.(3) (as amended by P.L. 2011, c. 139) and LFN 2012-10, prior to making purchases under nationally recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Borough Purchasing Agent and Public Works Manager have determined that the Borough's use of the Sourcewell cooperative purchasing contract to procure the equipment will result in cost savings to the Borough; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-2150-55-106-5013;
and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase a new equipment for the DPW for \$98,691.54

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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No 186-24

October 28, 2024

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

TITLE: RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT FOR MUNICIPAL COURT SERVICES WITH THE BOROUGH OF TENAFLY

=====

WHEREAS, the “Uniformed Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within several jurisdictions or any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, N.J.S.A. 2B:12-1(c) allows two or more municipalities to share courtrooms, chambers, equipment, supplies and employees for their municipal courts without establishing a joint municipal court; and

WHEREAS, Tenafly and Demarest desire to share facilities, equipment and court staff, in accordance with N.J.S.A. 2B:12-1(c), in order to conserve resources and to provide for a more efficient and economically sound municipal court system; and

WHEREAS, Tenafly and Demarest desire to maintain their right to appoint their own judge, prosecutor and public defender at their own expense; and

WHEREAS, Tenafly has agreed to allow Demarest to utilize Tenafly's courtroom effective on or about December 1, 2024 and has agreed to allow the Demarest to utilize Tenafly's courtroom offices as of the Effective Date of the Agreement; and

WHEREAS, Tenafly has agreed to accept payment of the sum of Forty Three Thousand and Five Hundred (\$43,500.00) Dollars per annum from Demarest for Tenafly's operation of the Demarest Municipal Court in Tenafly's facilities with two percent (2%) increases in the second, third, fourth and fifth years of the Agreement; and

WHEREAS, the Shared Services Agreement shall be subject to approval by the Assignment Judge for Bergen County Vicinage and shall commence on or about December 1, 2024 or as soon thereafter as practical; and

WHEREAS it is in the best interest of the Borough to authorize the execution of the Shared Services Agreement for Municipal Court Services with the Borough of Tenafly.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Mayor or his designee is hereby authorized to execute the Shared Services Agreement for Municipal Court Services.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy 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 28, 2024.

Michael Greco, Deputy Borough Clerk

CERTIFICATION OF CFO

I, Peter Suh, do hereby certify the availability of funds for the expenditure referenced herein.

Peter Suh, CFO

Resolution of the Demarest Governing Body

Resolution No. 187-24

October 28, 2024

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

TITLE: AUTHORIZING CAPITAL PURCHASE OF TECHNOLOGY UPGRADES AND LICENSE PLATE READERS

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WHEREAS, the Police Department is in need of new technology upgrades and automatic license plate readers; and

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

WHEREAS, the Police Department has provided a quote for the technology upgrades and license plate readers, dated October 21, 2024, through NJ State Contract 17-FLEET-00716 with Gold Type Business Machines, Inc in East Rutherford, NJ; and

WHEREAS, the CFO has certified that funds are available in account no. C-04-2150-55-106-5012; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Demarest that the CFO is authorized to purchase technology upgrades and license plate readers for the Police Department for \$73,315.63.

Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy 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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 188-24

October 28, 2024

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

TITLE: RESOLUTION AUTHORIZING BOROUGH ADMINISTRATOR TO EXECUTE MEMORNADUM OF AGREEMENT AND RELEASE BETWEEN OFFICER FERNANDO SAINT-HILAIRE AND THE BOROUGH OF DEMAREST

=====

WHEREAS, Officer Saint-Hilaire was hired on November 27, 2023 as a member of the Demarest Police Department and began working in said capacity on or about December 1, 2023; and

WHEREAS, Officer Saint-Hilaire’s employment was subject to a twelve-month probationary period ending on December 1, 2024; and

WHEREAS, Officer Saint-Hilaire will be resigning effective December 1, 2024 at the conclusion of his probationary period; and

WHEREAS, the parties are desirous of executing a Memorandum of Agreement and Release summarizing the terms and conditions upon which Officer Saint-Hilaire will be resigning including but not limited to the Borough’s agreement to provide Officer Saint-Hilaire with a letter

of recommendation and payout of any accrued but unused compensatory time and Officer Saint-Hilaire's execution of a full release in favor of the Borough; and

WHEREAS, it is in the best interest of the Borough to authorize the Borough Administrator to execute the Memorandum of Agreement and Release.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Borough Administrator is hereby authorized the execution of the Memorandum of Agreement and Release.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy 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 28, 2024.

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 189-24

October 28, 2024

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

TITLE: LOSAP CY 2023

WHEREAS, the Borough of Demarest has adopted a Length of Service Award Program ordinance for their Fire and EMS volunteers: and

WHEREAS, the Borough of Demarest LOSAP provides Annual Contributions to Qualified Members who meet the criteria stated in the Borough ordinance; and

WHEREAS, the Borough of Demarest LOSAP ordinances allows the Governing Body to provide for periodic CPI adjustments; and

WHEREAS, the Governing Body of the Borough of Demarest wishes to allow the CPI maximum increase for CY 2023 LOSAP payments to qualified members per LFN 2024-01 dated January 18, 2024; and

WHEREAS, Qualified Members on the attached list have been certified by their respective departments to have the amounts deposited into their LOSAP Accounts.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Demarest that the individuals on the attached list have been certified by their respective departments to have fulfilled all the requirements and qualifications of a Length of Service Award Program by the Borough of Demarest for the year 2023.

BE IT FURTHER RESOLVED that the CFO is authorized to arrange for Qualified Members shall have said amounts deposited into their Length of Service Award Program accounts.

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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 190-24

October 28, 2024

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

TITLE: RESOLUTION AUTHORIZING ACTION TO RELEASE ESCROW

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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>
Sean Breitstein	42 Duane Lane	13-7000-00-7223-01	\$27,054.00
Sean Breitstein	42 Duane Lane	13-8000-00-8222-36	\$95.00
Sean Breitstein	42 Duane Lane	13-8000-00-8223-02	\$262.70

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 28, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 191-24

October 28, 2024

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

TITLE: PAYMENT OF BILLS

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BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest that the following bills in the sum of \$ 277,547.59 on bill list dated October 25, 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 28, 2024

Michael Greco, Deputy Borough Clerk

P.O. Type: All
 Range: First
 Format: Condensed
 Vendors: All
 Rcvd Batch Id Range: First to Last

Include Project Line Items: Yes
 to Last
 Received Date Range: 10/15/24 to 12/31/24
 Include Non-Budgeted: Y

Open: N
 Rcvd: Y
 Bid: Y

Paid: Y
 Held: N
 State: Y

Void: N
 Aprv: N
 Other: Y
 Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
1075E005	10-75 EMERGENCY LIGHTING LLC	24-00364	04/11/24	2024 CHEVY TAHOE	Open	35,450.24	0.00		
4CLEA005	4 CLEAN-UP, INC	24-01500	10/17/24	DEB0055 PAYMENT#1 MADISON AVE	Open	138,638.25	0.00		
AHTRE005	A & H TREE SERVICE LLC	24-01488	10/15/24	emergency removal	Open	4,500.00	0.00		
AMAZO005	AMAZON CAPITAL SERVICES	24-01483	10/15/24	borough supplies	Open	65.88	0.00		
		24-01492	10/16/24	stamps	Open	49.98	0.00		
		24-01501	10/18/24	laminating sheets	Open	19.38	0.00		
		24-01508	10/18/24	custom desk name plate	Open	34.98	0.00		
		24-01521	10/22/24	rec supplies halloween	Open	162.85	0.00		
						333.07			
AMCHA005	AMCHAR WHOLESALE, INC	24-00613	05/30/24	GUN/AMMUNITION	Open	8,658.20	0.00		
AMERI065	AMERICAN NURSERY	24-01494	10/16/24	forest pansy (10)	Open	1,650.00	0.00		
APPPA005	APPRAISAL SYSTEMS, INC	24-01507	10/18/24	reassessment voucher 2	Open	24,000.00	0.00		
BERGE040	BERGEN CNTY SOIL CONSERVATION	24-01541	10/25/24	application fee	Open	1,025.00	0.00		
BERNA010	BERN & ASSOCIATES LLC	24-01526	10/22/24	9/4/24 legal services	Open	475.00	0.00		
BOROU105	BOROUGH OF RAMSEY	24-01523	10/22/24	RAMSEY PD WORK ANDERSON/PINE	Open	905.52	0.00		
CHATH005	CHATHAM IRRIGATION	24-01513	10/21/24	winterize irrigation system	Open	850.00	0.00		
COLLI010	COLLIERS ENGINEERING & DESIGN	24-01516	10/21/24	DEB001A GENERAL PLANNING	Open	1,797.50	0.00		
		24-01517	10/21/24	DEB0065 VACANT LAND ADJ	Open	231.25	0.00		
		24-01518	10/21/24	DEB005A VACANT LAND ASSESSMENT	Open	957.50	0.00		
						2,986.25			
CORPO010	CORPORATE TRANSLATION SERVICES	24-01504	10/18/24	COURT INTERPRETING	Open	4.85	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DEMAR080	DEMAREST DELI	24-01503	10/18/24	BOROUGH OFFICE GROCERIES	Open	162.56	0.00		
EQUIT005	EQUITABLE	24-01533	10/24/24	I#1627246 Nov2024 dtd 10/11/24	Open	1,719.56	0.00		
ESSIN005	ESS, INC / PINNACLE WIRELESS	24-01290	09/17/24	Radio Mobile Programming	Open	307.50	0.00		
		24-01340	09/24/24	Radio repair	Open	740.00	0.00		
		24-01341	09/24/24	2 Microphones Car 2	Open	136.56	0.00		
						<u>1,184.06</u>			
FOVE005	FOVEONICS	24-01520	10/22/24	august-october 2024 service	Open	1,200.00	0.00		
IDMME005	I.D.M. MEDICAL GAS CO.	24-01531	10/24/24	Inv#16524 HydroTest&OxygenRef	Open	1,268.99	0.00		
INDUS005	INDUSTRIAL CHEM LABS	24-01512	10/21/24	weed killer 6 gallons	Open	469.83	0.00		
INTER035	INTER CITY TIRE	24-01515	10/21/24	new tire for fire chiefs truck	Open	152.00	0.00		
JBLOC005	J & B LOCK & ALARM INC	24-01487	10/15/24	keypad combo change	Open	307.50	0.00		
LOUIS005	LOUIS TOMASI	24-01532	10/24/24	december health reimbursement	Open	2,143.63	0.00		
METRO030	METROPOLITAN PLANT & FLOWER EX	24-01540	10/25/24	plants + starter fertilizer	Open	105.63	0.00		
NJDIV025	NJ DIV OF ALCOHOLIC BEVERAGE	24-01524	10/22/24	2024-2025 LIQUOR LICENSE RENEW	Open	6.00	0.00		
NJLM0005	NJLM	24-01529	10/23/24	NJ MUNICIPAL MAGAZINE 24-25	Open	75.00	0.00		
NJSAC005	NJSACOP	24-01484	10/15/24	registrations (2)	Open	390.00	0.00		
		24-01485	10/15/24	course fee	Open	299.00	0.00		
		24-01486	10/15/24	registration	Open	250.00	0.00		
						<u>939.00</u>			
NJSHB005	NJSHBP	24-01482	10/15/24	august health charge	Open	22,233.88	0.00		
OPTIM005	OPTIMUM	24-01536	10/24/24	A#0780208874801 Sept&Oct 2024	Open	136.08	0.00		
PRECIO15	PRECISION MOWER & EQUIPMENT	24-01514	10/21/24	forward balance	Open	470.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PUBLI005 PUBLIC SERVICE GAS & ELECTRIC									
		24-01497	10/17/24	V#M00D02 Serv 8/15/24-9/13/24	Open	159.66	0.00		
		24-01537	10/24/24	A#6532685801 09/14/24-10/14/24	Open	25.58	0.00		
						<u>185.24</u>			
PYRAM005 PYRAMID IMPRINTS									
		24-01528	10/23/24	demarest day 2024 w sponsors	Open	1,033.00	0.00		
READY005 READYREFRESH BY NESTLE									
		24-01538	10/24/24	I#04I0444045116 8/15-9/24/24	Open	189.46	0.00		
		24-01539	10/24/24	I#04J0444045116 09/15-10/14/24	Open	150.01	0.00		
						<u>339.47</u>			
ROCKL005 ROCKLAND ELECTRIC CO.									
		24-01498	10/17/24	A#46060500009 129Hardenburgh	Open	388.68	0.00		
		24-01499	10/17/24	A#08263-54000-0 October 2024	Open	18,648.26	0.00		
						<u>19,036.94</u>			
SPECT005 SPECTROTEL									
		24-01496	10/17/24	I#12558698 Serv 10/08-11/07/24	Open	1,910.99	0.00		
THEST005 THE STANDARD INSURANCE CO									
		24-01535	10/24/24	P#001481980001 Nov2024 23lives	Open	367.66	0.00		
TRAFF015 TRAFFIC SAFETY & EQUIPMENT									
		24-01448	10/07/24	HIDDEN DRIVEWAY SIGN	Open	35.00	0.00		
TREAS070 TREASURER, STATE OF NEW JERSEY									
		24-01493	10/16/24	ID#131860 NJ Compost AnnualFee	Open	1,015.00	0.00		
TURN0010 TURNOUT-UNIFORMS									
		24-01502	10/18/24	uniforms, etc	Open	519.19	0.00		
VALLE025 VALLEY PHYSICAN SERVICES									
		24-01525	10/22/24	DOT PHYSICAL EXAM RENEWAL	Open	600.00	0.00		
VERIZ040 VERIZON (E911 2ND LINE)									
		24-01534	10/24/24	A#655938805000188 10/10-11/09	Open	226.34	0.00		
VERIZ025 VERIZON WIRELESS (FIRE)									
		24-01519	10/21/24	Verizon Cell sept11-oct10	Open	228.66	0.00		

Total Purchase Orders: 54 Total P.O. Line Items: 0 Total List Amount: 277,547.59 Total Void Amount: 0.00

Totals by Year-Fund
Fund Description

Fund	Budget Total	Revenue Total	G/L Total	Total
4-01	89,756.65	0.00	0.00	89,756.65
4-06	0.00	0.00	1,033.00	1,033.00
4-12	0.00	0.00	1,188.75	1,188.75
Year Total:	89,756.65	0.00	2,221.75	91,978.40
C-04	185,569.19	0.00	0.00	185,569.19
Total of All Funds:	275,325.84	0.00	2,221.75	277,547.59

Resolution of the Demarest Governing Body

Resolution No 192-24

October 28, 2024

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

TITLE: RESOLUTION SUPPLEMENTING RESOLUTION 153-24 DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 49.01, LOT 43.02, ON THE TAX MAP OF THE BOROUGH OF DEMAREST BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A ET SEQ.

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WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board of the Borough of Demarest (“Planning Board”) was asked to consider whether the property located at Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest and generally described as the “Study Area”, could be determined to be an Area in Need of Redevelopment as summarized in a study prepared by Colliers Engineering & Design, dated June 24, 2024; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its preliminary investigation, the Planning Board directed Colliers Engineering & Design to prepare an Area In Need of Redevelopment Investigation Study (“Area in Need Study”) for the Planning Board to consider in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, Colliers Engineering & Design, licensed Professional Planner Darlene A. Green, P.P., A.I.C.P., prepared a report entitled, “Redevelopment Area without Condemnation: Determination of Need Study,” dated June 24, 2024, showing the boundaries of the proposed redevelopment area and location of the parcel of property included therein, along with a statement setting forth the basis for the investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Planning Board on July 30, 2024, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board recommended that the Borough of Demarest Council designate Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest as a Non-Condemnation Redevelopment Area; and

WHEREAS, on September 4, 2024, the Planning Board memorialized its determination by adopting an approving Resolution which inadvertently omitted Block 49.01, Lot 43.02 from its approving Resolution; and

WHEREAS, by Resolution No. [153-24] the Council accepted the recommendation of the Planning Board and designated Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest as a Non-Condemnation Redevelopment Area; and

WHEREAS, subsequent to the adoption of Resolution No. 153-24[insert], it appeared that the Planning Board approving Resolution adopted September 4, 2024 inadvertently failed to review the criteria applicable to Block 49.01, Lot 43.02; and

WHEREAS, by Resolution of the Borough of Demarest Planning Board number PB-2024-07, the Demarest Planning Board supplemented its prior Resolution and memorialized its determination that Block 49.01, Lot 43.02 qualifies as an Area in Need of Re-development pursuant to Criteria “H” of the Local Re-development and Housing Law (N.J.S.A. 40A: 12A-1 et. seq); and

WHEREAS, the Mayor and Borough of Demarest Council has determined to accept the recommendation of the Planning Board to include Block 49.01, Lot 43.02 as a Non-Condemnation Redevelopment Area and is desirous of amending Resolution No. 153-24 accordingly

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

1. The Borough of Demarest Council hereby accepts the recommendation from the Planning Board and finds that the Block 49.01, Lot 43.02, on the Tax Map of the Borough of Demarest be and is hereby deemed, a Non- Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

2. The designation of Block 49.01, Lot 43.02 on the Tax Map of the Borough of Demarest as a Non-Condernation Redevelopment Area shall not authorize the Borough to exercise the power of eminent domain to acquire the Study Area property.
3. The Borough of Demarest hereby reserves all other authority and powers granted to it under the Redevelopment Law.
4. This designation of Block 49.01, Lot 43.02 on the Tax Map of the Borough of Demarest as a Non-Condernation Redevelopment Area shall supplement and not replace the Borough of Demarest's prior Resolution Number 153-24 adopted September 9, 2024.
5. The Acting Borough Clerk shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.
6. Within ten (10) days of the Borough of Demarest Council's adoption of the within resolution, the Acting Borough Clerk shall serve notice of the Borough of Demarest Council's determination and the within Resolution upon all record owners of property within the Non-Condernation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs.

This Resolution shall take effect immediately. Adopted: October 28, 2024.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy 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 28, 2024.

Michael Greco, Deputy Borough Clerk