

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

April 7, 2025

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:

Ordinances (Introduction):

ORDINANCE 1159-25 AN ORDINANCE TO ESTABLISH A REDEVELOPMENT AGENCY

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No. 1159-25 and it published in the Bergen Record with notice of Public Hearing to be held on April 28, 2025.

A motion was made by _____ and seconded by _____

Roll Call:

Ordinance Public Hearing (Adoption):

ORDINANCE 1156-25 AN ORDINANCE AMENDING AND MODIFYING CHAPTER 166 VEHICLES AND TRAFFIC OF THE DEMAREST BOROUGH CODE

Mayor Bernstein asks for a motion to open the Public Hearing on Ordinance No. 1156-25.

A motion was made by _____ and seconded by _____

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.

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks for a motion to adopt Ordinance No. 1156-25 with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

ORDINANCE 1157-25 AN ORDINANCE TO REGULATE LITTER CONTROL

Mayor Bernstein asks for a motion to open the Public Hearing on Ordinance No. 1157-25.

A motion was made by _____ and seconded by _____

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.

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks for a motion to adopt Ordinance No. 1157-25 with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

Work Session Discussion Items:

Engineer's Report
Shade Tree Commission 2024 Report

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. 073-25	Appointment to BCC Advisory Board
Resolution No. 074-25	Appointment of the Municipal Housing Liaison
Resolution No. 075-25	Appointment of Administrative Agent
Resolution No. 076-25	Authorizing Hire of DPW Laborer
Resolution No. 077-25	Authorizing Soil Moving Permit – 41 Orchard
Resolution No. 078-25	Authorizing Engineering Service – Deer Hill Repair
Resolution No. 079-25	Authorizing Engineering Service – Flood Prevention Ordinance
Resolution No. 080-25	Accepting Donation
Resolution No. 081-25	Authorizing Mediation Agreement
Resolution No. 082-25	Payment of Bills
Resolution No. 083-25	Authorizing LESO 1033 Program
Resolution No. 084-25	Cancelling Sale of Fire Equipment

Meeting Open to the Public

Closed Session Resolution 2025-003

Contract Negotiations

Litigation Update

Public Safety

Adjournment

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

ORDINANCE 1159-25 REDEVELOPMENT AGENCY

Section 1. Designation.

Pursuant to the Authority granted by N.J.S.A. 40A:12A-11 et. seq., as amended and supplements, the Borough of Demarest Governing Body is hereby designated as the Redevelopment Agency for the Borough of Demarest.

Section 2. Powers of Agency

The powers of the Borough of Demarest Governing Body to perform its legislative functions relating to redevelopment in the Borough of Demarest shall include all powers set forth pursuant to the Local Redevelopment and Housing Law (N.J.S.A 40A:12A-8 et. seq.),

Section 3. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Attest:

Approved:

Municipal Clerk

Mayor

Introduced: _____

2nd Reading: _____

Adopted: _____

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE 1156-25

ORDINANCE AMENDING AND MODIFYING CHAPTER 166 VEHICLES AND TRAFFIC OF THE DEMAREST BOROUGH CODE

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 166 Vehicles and Traffic, pursuant to N.J.S.A. 40:48-1, and 40:49-2.

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

§ 166-37 Schedule II: No Parking Certain Hours.

[Amended 4-6-1992 by Ord. No. 718; 8-17-1992 by Ord. No. 721]

In accordance with the provisions of § 166-8, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Columbus Road	East	2:30 p.m. to 3:30 p.m./all days when school is in session	From Hardenburgh Avenue South to Luther Lee Emerson School parking area
Edward Street [Added 7-19-1993 by Ord. No. 733]	Both	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m./Mon. through Fri.	From County Road School exit to Lake Road
Lake Road [Added 7-19-1993 by Ord. No. 733]	West	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m./Mon. through Fri.	From County Road to William Street
Northwood Avenue	South	7:00 p.m. to 7:00 a.m.	From Piermont Road to High Street

Orchard Road	South	8:00 a.m. to 4:00 p.m./all days when school is in session	From Old County Road to Piermont Road
William Street [Added 3-20-1995 by Ord. No. 763]	Both	2:30 p.m. to 3:30 p.m./school days only	From Lake Road 300 feet east and west
Academy Lane	Both	8:00 a.m. to 12:00 p.m./school days only	Entire Street

§ 166-38 Schedule III: No Stopping or Standing.

In accordance with the provisions of § 166-9, no person shall stop or stand a vehicle between the time specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
County Road	Both	-	From Hardenburgh Avenue south for 1,120 feet
County Road	North	-	From Lake Road west for 500 feet
County Road	South	-	From Evergreen Place west for 500 feet
Edward Street [Added 7-19-1993 by Ord. No. 733]	Both	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m./Monday through Friday	From County Road School exit to Lake Road
Hardenburgh Avenue	Both	—	From County Road-Piermont Road east for 150 feet
Hardenburgh Avenue	Both	—	From County Road-Piermont Road to Park Street
Knickerbocker Road	Both	—	From a point 250 feet north of Madison Avenue to Prospect Street
Knickerbocker Road	Both	—	Within the mid-block crosswalk at a location 700 feet north of the center of Madison Avenue

Lake Road [Added 7-19-1993 by Ord. No. 733]	West	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m./Monday through Friday	From Country Road to William Street
Piermont Road	East	—	From Orchard Road to Hardenburgh Avenue
Piermont Road	West	—	From Northwood Avenue to Hardenburgh Avenue
Academy Lane – buses only	Both	-	Entire Street

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, Julie Falkenstern

Mayor Brian Bernstein

Introduced: March 24, 2025

Adopted: _____

BOROUGH OF DEMAREST
COUNTY OF BERGEN
ORDINANCE 1157-25 LITTER CONTROL

SECTION I. Purpose:

An ordinance to establish requirements to control littering in the Borough of Demarest to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Litter" means any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

B. "Litter Receptacle" means a container suitable for the depositing of litter.

C. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Regulated Activities:

A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle.

B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION IV. Exemptions:

This ordinance shall be enforced by the Police Department and/or Construction Official and/or Code Enforcement Officer of the Borough of Demarest.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine no less than \$100 and not to exceed \$500.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Attest:

Approved:

Municipal Clerk

Mayor

Introduced: March 24, 2025

Adopted: _____

BOROUGH OF DEMAREST
COUNTY OF BERGEN
ORDINANCE 1158-25 YARD WASTE

SECTION I. Purpose:

An ordinance establishing proper management of residential yard waste in the Borough of Demarest to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

SECTION II Definitions:

For this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense includes the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Containerized" means the placement of yard waste in a trash can, bucket, bag, or other container to prevent yard waste from spilling or blowing out into the street and contaminating stormwater.
- B. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. "Street" means an improved or unimproved public road in a city or town which includes driving lanes, shoulders, gutters, curbs, sidewalks, and parking areas.
- D. "Yard Waste" means loose leaves and grass clippings.

SECTION III. Regulated Activities:

- A. No person shall sweep, rake, blow or otherwise place yard waste into the street unless it is for a scheduled collection.
- B. For non-containerized (loose) yard waste collection: Placement of loose yard waste must be at least 10 feet away from any storm drain inlet and no sooner than 7 days prior to a scheduled and announced collection.
- C. For containerized yard waste collection: Yard waste shall be placed in an appropriate container at the curb or along the street for collection.

Placement of such yard waste on the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the person responsible for placement of the yard waste shall be in violation of this ordinance and must remove the yard waste immediately.

SECTION IV. Exemptions:

None

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department and/or Construction Official and/or Code Enforcement Officer of the Borough of Demarest.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Attest:

Approved:

Municipal Clerk

Mayor

Introduced: March 24, 2025

Adopted: _____

Resolution of the Demarest Governing Body

Resolution No. 073 -25

April 7, 2025

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

**TITLE: AUTHORIZE REPRESENTATIVE TO BERGEN COUNTY
 COMMUNICATION ADVISORY BOARD**

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WHEREAS, the Borough of Demarest has entered into a shared service agreement with the County of Bergen for Police, Fire and Ambulance communication dispatch; and,
WHEREAS, Bergen County has established a Communications Advisory Board; and,
WHEREAS, Acting Police Chief Frank Visaggio has recommended OEM Coordinator John McLoughlin as a member of the Board; and,
WHEREAS, the Borough of Demarest Administrator concurs with this recommendation; and,
NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Demarest, County of Bergen, State of New Jersey that John McLoughlin is authorized to serve as the Borough of Demarest's representative on the Bergen County Communications Advisory Board for a three year term ending 12/31/27; and,
BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide a certified copy of this resolution to Acting Police Chief Frank Visaggio for filing of said resolution with the Bergen County Director of Communications.

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 074 -25

April 7, 2025

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

TITLE: RESOLUTION NAMING JULIE FALKENSTERN AS THE MUNICIPAL HOUSING LIAISON

=====

WHEREAS, in accordance with the Fair Housing Act of 1985 at N.J.A.C. 52:27D-301, and obligations under the Mount Laurel doctrine, the Borough has an obligation to provide for its regional fair share of housing affordable to low- and moderate-income households; and

WHEREAS, pursuant to N.J.A.C. 5:96-17 et seq. and N.J.A.C. 5:80-26.1 et seq, the Borough is required to appoint a Municipal Housing Liaison as a municipal employee responsible for administration of affordable housing records and programs in the Borough; and

WHEREAS, the Governing Body wishes to appoint Julie Falkenstern as the Municipal Housing Liaison; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Demarest, in the County of Bergen, and State of New Jersey, that Julie Falkenstern is hereby appointed as the Municipal Housing Liaison for the Borough of Demarest and shall serve in such capacity for the year 2025.

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 075 -25

April 7, 2025

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

TITLE: APPOINTING PIAZZA & ASSOCIATES, INC AS AFFORDABLE HOUSING ADMINISTRATIVE AGENT OF THE BOROUGH'S AFFORDABLE HOUSING PROGRAM AND AWARING A PROFESSIONAL SERVICES CONTRACT

=====

WHEREAS, the Borough of Demarest's Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and applicable Council on Affordable Housing and Uniform Housing Affordability Controls ("UHAC") regulations; and

WHEREAS, the Borough is required to appoint an Administrative Agent to perform duties set forth in the applicable UHAC regulations, including those related to affirmative marketing, household certification, affordability controls, resales and re-rentals, processing requests from unit owners, and enforcement, and in Chapter 175 of the Borough Code; and

WHEREAS, Piazza & Associates, Inc ("Piazza") has submitted a proposal to provide professional administrative agent services for the year 2025; and

WHEREAS, the Borough wishes to retain Piazza to provide such services, as per its 2025 proposal; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available for this purpose; and

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

1. The Borough hereby awards, and authorizes the Mayor to execute, a contract with Piazza & Associates, Inc (“Piazza”) to provide professional administrative agent services at such rates as set forth in the 2025 proposal.
2. The contract is awarded without competitive bidding as a professional services contract in accordance with the provision of the Local Public Contract Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. Notice of this action shall be published once in the Borough’s official newspaper as required by law.
5. This resolution shall take effect immediately.

APPROVED:

Mayor Brian Bernstein

CERTIFICATION OF CFO

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

Peter Suh, CFO

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 076-25

April 7, 2025

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

TITLE: A RESOLUTION OF THE BOROUGH OF DEMAREST HIRING ROBERT CULHANE FOR THE POSITION OF DEPARTMENT OF PUBLIC WORKS LABORER 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, Robert Culhane has been recommended for employment by Public Works Manager Jason Gangi, and possesses the qualifications to be hired as a Laborer 2;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Demarest that Robert Culhane, residing at 250 Piermont Ave., Hillsdale, NJ, is hereby hired for the position of Department of Public Works Laborer Grade 2 effective October 1, 2024, at a salary of \$56,748.44, with all other terms of employment to be governed by the Collective Bargaining Agreement Between the Borough of Demarest and Teamsters Union Local 125 effective January 1, 2025.

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 077-25

April 7, 2025

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

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 41 ORCHARD AVE.

=====

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 41 Orchard Ave. Block 72, Lot 5 prepared by Daniel J. Lamothe 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 ensure that the site is maintained in a safe and secure manner.
8. The applicant shall deposit, with the Borough, escrow in the amount of \$3,250.00 for inspection services of the Borough Engineer.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$78,000.00

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

400 Valley Road Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



Engineering
& Design

March 24, 2025

Dot Haight
Building Department
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

41 Orchard Avenue
Block 72, Lot 5
Borough of Demarest, Bergen County, NJ
Soil Moving Application **Review #3** - Proposed Dwelling
Colliers Engineering & Design Project No. DEP0221

Dear Ms. Haight,

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a soil moving application in relation to the construction a new 2.5 story dwelling, attached garage, in ground pool, paver patio, fencing, walkway, paver driveway, drainage improvements, and other related improvements on the property:

- a) Site plans consisting of two (2) sheets, prepared by Daniel J. Lamothe, PE, of Lapatka Associates, Inc, dated October 28, 2024, last revised February 13, 2025, **last revised March 18, 2025**;
- b) Architectural Plans consisting of sixteen (16) sheets, prepared by Joseph M. Cestaro, AIA, of J. Cestaro Architecture LLC, dated December 3, 2024, last revised February 5, 2025, **last revised March 18, 2025**.
- c) Soil Moving Application for the subject property, signed and dated February 11, 2025;
- d) Response letter from Allison J. Laptka, PE, dated March 11, 2025; and
- e) Cost Estimate prepared and signed Allison J. Laptka, PE, dated March 11, 2025.

After our review of these documents, we offer the following comments in this matter. For ease of review, updated comments related to review #3 are shown in **bold** and previous comments related to review #2 are shown in *italics*:

General

1. The Applicant/Owner in this matter is:

41 Orchard Rd LLC
Anthony Romano
143 Ivanhoe Drive
Paramus, NJ 07652

The Applicant/Owner shall notify the Borough of Demarest Building Department of any changes to the above information.

2. The site is currently occupied by an existing 2.5 story dwelling, detached garage, shed, pavers, covered porch, paver driveway, retaining walls and other related improvements which are to be demolished. The Applicant is proposing to construct a new 2.5 story dwelling, attached garage, in ground pool, paver patio, fencing, walkway, paver driveway, drainage improvements, and other related improvements on the property.
3. The project site is located in the Residence D Zone according to the Borough of Demarest Zoning Map, where the construction of a single-family dwelling is permitted.
4. The project site is a rectangular shaped parcel consisting of 27,576 SF. The property is located between Piermont Road and Hardenburgh Avenue with frontage along Orchard Road. Under proposed conditions, driveway access is provided on Orchard Road with the front of the dwelling facing Orchard Road. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.
5. The existing improved lot coverage indicated on the plans is 6,022 SF (21.8%) The proposed improved coverage is calculated to be 8,264 SF (30%) where a maximum of 30% is permitted in this zone. The net increase in coverage is 2,242 SF.

Site Plan

6. The Applicant is proposing two separate systems, one in the front yard and one in the rear yard areas, each consisting of Cultec 330 XLHD chambers to collect and store stormwater runoff on the property. We offer the following comments related to drainage design:
 - a. The Applicant has provided design calculations which indicate approximately 7,100 SF of area collected and conveyed to the proposed cultech chambers. It is unclear based on the provided information how many chambers each separate system contains and if the tributary drainage area is adequately distributed to each system. The Applicant shall revise the drainage calculations to include separate designs for the front and back systems, with the tributary areas, storage capacity, and number of chambers proposed shown for each system.
 - i. *The Applicant has labeled infiltration system in the front as system #1. per the drainage area plan System #1 will be capturing 2600 SF of area, we take no exception to the calculations provided.*
 - ii. *The Applicant has labeled infiltration system in the rear as system #2. per the drainage area plan and drainage calculation, System #2 will be capturing 4300 SF of area, we take no exception to the calculations provided.*
 - iii. *Total combined area being captured by the system is approximately 6,900 SF.*
 - b. *It is implied that each infiltration system consists of 6 chambers in the calculations. This should be clearly noted on the site plan to ensure proper construction of the system.*
3/20/25 - The Applicant has denoted on the Cultech chamber callout that each unit system will consist of 6 chambers. Comment addressed.

- c. The Applicant shall be made aware that soil testing is required at the location of the proposed seepage pits. Soil testing should include the elevation of the Seasonal High-Water Table (SHWT) and the percolation rate of the soil. It shall be confirmed that the bottom of the seepage pit is at least two (2) feet above the SHWT. It is suggested that soil testing be performed before installation of the seepage pits.
 - d. The Applicant has provided an at-grade observation port cap for future maintenance in the chamber detail. We take no exception.
 - e. The Engineer shall be notified to inspect the cultech chambers system prior to backfilling.
7. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from 73 in the northeastern corner of the property to 68 in the southwestern corner. Stormwater flows generally from east to west/southwest under existing conditions.
 - b. The Applicant is depicting regrading of the property as part of this application for the installation of the single-family home and in-ground pool. The Applicant is depicting minor grade changes to construct the proposed improvements.
 - c. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.
8. It is noted that proposed improvements result in a building height of 30 where the maximum is 30 feet for this zone. A foundation location survey shall be submitted and reviewed to confirm compliance with the elevations shown on the approved plans prior to backfilling.
9. The Applicant has designated six (6) trees for removal based on the tree schedule. However, the site plans indicate seven (7) trees to be removed. The Applicant should review and verify. The Applicant has provided a tree removal table and a table summarizing the replacement trees proposed. We defer to the Shade Tree Commission for final comment and approval of any removal and/or replacement trees.

The Applicant further clarifies that they are proposing to remove a total of 10 trees from the site, 2 of which are dead, 1 of which is dying and 1 of which is hazardous with a rotting base. As a result, 6 living trees are proposed to be removed.

The plans indicate 11 trees to be planted as mitigation for the proposed removal. We defer to the Shade Tree Commission for final comment and approval of any removal and/or replacement trees.

10. The livable floor area calculations note that the total square footage does not include the basement or garage. The architectural plans show a finished basement; therefore, this area should be included in the livable floor area calculations. *The comment response letter provided by Lapatka Associates indicates that they feel the definition of Livable Floor Area as defined in Ordinance Section 175-27 excludes basements. CED's position based on previous interpretations of this is such that*



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& Design

any space that is heated and finished is included in the livable floor area calculation, including basements. We defer to the zoning officer for final determination. The Applicant has revised the Livable floor area calculation to include the finished portion of the basement which as shown on the architectural plan is 1,788SF. The total area has been updated on the site plan coverage chart. It's noted the total Livable floor area is now listed at 8,272SF where the maximum is 8,273SF.

11. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.

Soil Moving Application

12. The soil moving application indicates approximately 1030 CY of cut and 655 CY of fill and net export of 375 CY to move to construct the proposed improvements.

13. The Applicant will require a soil moving permit in accordance with Chapter 147 (§147-1) of the Borough Ordinance as the posted values of soil movement are greater than 250 cubic yards. As a result, the following provisions apply:

- a. As per Borough Ordinance Section 147-7, the Applicant shall move the soil, in accordance with the soil permit, under the supervision of the Building Inspector and Borough Engineer and shall pay a reasonable fee for such services in the amount determined by the Mayor and Council.
- b. As per Borough Ordinance Section 147-8, the owner of the premises or the person in charge of relocation of the soil, when permission has been duly granted, shall not take away the top layer of soil for a depth of eight inches, but such top layer of soil to a depth of eight inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been moved pursuant to levels of contour lines approved by the Mayor and Council of the Borough of Demarest.
- c. As per Borough Ordinance Section 147-9, no permission or soil permit shall be issued unless and until the Applicant has filed with the Borough of Demarest a performance bond, in form, amount and surety acceptable to the Borough of Demarest, conditioned upon full and faithful performance of the soil's being moved in accordance with the provisions of the Borough's Soil Moving Ordinance and permission of the Mayor and Council granted pursuant hereto.
- a. **An engineer's cost estimate shall be submitted by the Applicant** to determine the performance guaranty to be submitted to the Borough. The cost estimate for bonding should include all cost associated with soil erosion and sediment control measures, seepage pit installation, drainage structures / piping, and soil moving (on-site and export). **The Applicant has provided a cost estimate totaling \$65,000.00. We have reviewed the estimate and take no exception. Pursuant to Ordinance Chapter 147, the following shall be provided for the performance guarantee and engineering escrow:**
 - **Performance Guarantee (120%): \$78,000.00**



Engineering
& Design

- **Engineering Escrow: \$3,250.00**

Miscellaneous

14. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
15. If drainage issues arise during or after construction, the Applicant will be responsible for remedying any drainage issues caused by the proposed construction and/or demolition activities. In addition, water runoff directed to neighboring properties is prohibited. If stormwater runoff does adversely impact neighboring properties, the Applicant will be responsible for remedying that situation at no additional cost to the Borough.
16. Sediment shall be removed from the upstream face of the silt fence when it has reached a depth of $\frac{1}{2}$ the silt fence height or when the silt fence is leaning or buckling from the collected sediment and debris. Silt fence shall be inspected daily for signs of deterioration and sediment removal. When damaged, the silt fence shall be repaired or replaced immediately. Soil erosion and sediment control measures, including silt fence, shall be installed prior to the start of construction.
17. The Applicant should place a silt fence downgrade on all areas where the existing ground disturbance will occur. In addition, the disturbed areas must be stabilized with seed and straw as soon as construction is completed. These recommendations/requirements are made to prevent sediment-laden water from entering municipal streets and neighboring properties.
18. The Applicant will inevitably mobilize construction equipment and/or will have deliveries of material from the Borough Right-of-Way, which could damage municipal infrastructure. Therefore, the Applicant will be responsible for any damages to the curb, sidewalk, drainage infrastructure, and/or pavement in the Borough's Right-of-Way.
19. A signed and sealed "As-Built" site plan should be submitted as a requirement for this office to "sign off" on the issuance of the Certificate of Occupancy (C.O.). The "As-Built" should accurately show site features, including grading, spot elevations, coverage quantities, etc.

Our office has reviewed the application, and based on the above, this office ***does recommend*** permits be issued at this time.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

Colliers Engineering & Design



Nick Chelius, P.E.
Borough Engineer

CC: Kevin Burnette, Construction Code Official (via e-mail)
Daniel J. Lamothe, PE, Applicant's Engineer
41 Orchard Rd LLC, Anthony Ramono, Applicant (peakdevelopersinc@gmail.com)

R:\Projects\A-D\DEP\DEP0221\Correspondence\OUT\250324_nhc_41 Orchard Ave_Soil Movement #3_DEP0221.docx

Resolution of the Demarest Governing Body

Resolution No. 078 -25

April 7, 2025

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

TITLE: RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR DEERHILL ROAD & DUCK POND ROAD BRIDGE REPAIR

WHEREAS, the Borough of Demarest has a need for engineering services related to a necessary repair along the Deerhill Rd. & Duck Pond Rd. Bridge; and

WHEREAS, the Borough received a proposal dated March 27, 2025 from Colliers Engineering & Design to provide those services, for the sum of \$13,00.00; and

WHEREAS, the vendor is the currently appointed 2025 Borough Engineer for the Borough of Demarest and the Mayor and Council awarded said 2025 contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-04-2150-55-106-5008; 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 engineering services on proposal dated March 27, 2025 herein not to exceed \$13,00.00 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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Memorandum

To: Nick Chelius, PE, CME
From: Jules Pike, PE, ENV SP
Date: March 27, 2025
Subject: Deerhill Road & Duck Pond Road Bridge
Project No.: DEB0076

On March 21, 2025, Jules Pike, PE and Calvin Gould, PE, both of Colliers Engineering & Design, performed a condition evaluation of the above referenced structure. The goal of the inspection was to evaluate the area of the collapsing inlet.

Due to significant sediment build up in the pond on the upstream (east) side of the bridge and the velocity of water flow at the downstream (west) side of the bridge, the underside of the bridge was not accessible.

Photographs were taken at points of interest, some of which are included in this memo.

Observations

The following observations were made during our inspection:

1. There was a 1-foot x 2-foot hole adjacent to the inlet on the east side of the bridge.
2. There was exposed rebar within the hole. Some rebar exhibited significant corrosion, while other rebar did not. This suggests that a previous repair may have been made at this inlet.
3. The bridge did not exhibit any significant defects other than around the east inlet.
4. The area directly above the inlet was blocked off by the Demarest DPW.
5. The approaches of the bridge exhibited signs of settlement. Due to this, the approaches are lower than the bridge inlets.
6. There was sediment in the roadway at the bridge approaches, suggesting overtopping of the bridge and/or drainage issues.
7. There was significant debris/sediment accumulated within the upstream pond, which may be reducing the pond's capacity.

Conclusions & Recommendations

Based on our observations, it is our opinion that the bridge requires immediate repair of the east inlet. The overall bridge structure is in satisfactory condition and does not require a full replacement, therefore our recommendation is that a long-term repair for this inlet will be designed.

Colliers Engineering & Design will coordinate the next steps with the borough to develop a design and detail for the repair.

Prior to those repairs being made, the bridge width should be reduced to a single 20-foot lane. Construction barrels should be used to restrict access to the east side of the bridge. We recommend the barrels be installed a minimum of 5-feet from the curb for the entire length of the bridge and then taper back to the curb line for a minimum of 10-feet from the beginning and end of the bridge.

While not directly related to the structural concerns at the upstream inlet, we recommend that a review of the upstream pond be conducted due to its potential impact on the water flow through the bridge. If the excess sediment and debris buildup observed in the pond is reducing its retention capacity, this reduction could result in increased flow of water through the bridge, contributing to the flooding and overtopping of the bridge during larger storm events. This excess flow may also be causing a loss of fill at the bridge approaches, which could be contributing to the observed settlement.

The necessary repairs of the structure will likely require temporarily diverting the stream and a single lane closure to allow for safe and effective work.



Photograph 1. Hole at Upstream Inlet, Note Visible Rebar



Photograph 2. General View of Underside of Bridge, Looking Northeast



Photograph 3. General View of Underside of Bridge, Looking Southeast



Photograph 4. Restricted Area by Demarest DPW, Note Sediment Accumulation and Settlement of Approaches

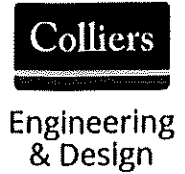


Photograph 5. General View of North Approach, Looking South



Photograph 6. Sediment and Debris Accumulation in Upstream Pond

300 Tice Blvd Suite 101
Woodcliff Lake, NJ 07677
Main: 877 627 3772



March 25, 2025

Julie Falkenstern, Borough Administrator
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

Agreement for Professional Services
Flood Damage Prevention Ordinance Updates
Colliers Engineering & Design Agreement No.: DEB0077P

Dear Ms. Falkenstern,

Colliers Engineering & Design Inc. DBA Maser Consulting (CED) is pleased to present the following agreement for updates to the Borough's Flood Damage Prevention Ordinance. Updates to the ordinance are required by NJDEP. Once drafted, the ordinance must be submitted to NJDEP for review by the State and FEMA. Once approved, the ordinance can be adopted by the Borough.

CED will provide the following services:

SCOPE OF SERVICES

Based on our conversations and information noted above, we propose to complete the following:

Task 1.0 - Flood Damage Prevention Ordinance Update

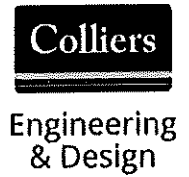
CED will prepare a draft of the updates to the Borough's Flood Damage Prevention Ordinance and submit to NJDEP for review. CED will coordinate with NJDEP to make any requested revisions and then provide a final version of the ordinance to the Borough for adoption.

SCHEDULE OF FEES

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

Task Name	Fee
Task 1.0 - Flood Damage Prevention Ordinance Update	\$4,500.00
TOTAL Lump Sum Fee	\$4,500.00

The above services will be provided on a lump sum basis not to exceed the listed amount unless otherwise authorized. This Contract and Fee Schedule is based upon the Borough Engineering Contract authorized by the Borough of Demarest (Resolution #016-25).



PROJECT DELIVERABLES

CED will provide the Borough with a final version of the ordinance to be adopted.

REIMBURSABLE EXPENSES

Reimbursable expenses including delivery, printing, copying, postage and other reproducible costs for the above-mentioned deliverables are included within this agreement and are included in the project cost.

PLAN REVISIONS AND EXTRA SERVICES

Any revision requested by the Borough of Demarest or review agencies that is a major redesign or not an error or omission on the part of Colliers Engineering & Design will be billed on an hourly basis in accordance with our current contract.

EXCLUSIONS

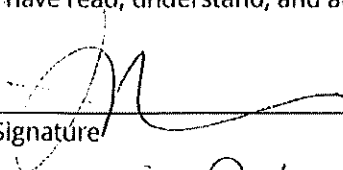
If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement is deemed necessary, then CED may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees with regard to the extra services. Unanticipated additional services will be in accordance with the Schedule of Hourly Rates for the number of hours of effort required. No extra services will be performed without authorization from the Borough.



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& Design

CLIENT CONTRACT AUTHORIZATION

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.



Signature

4/1/25

Date

Julie Falkenstern

Printed Name

BA

Title

In addition, please forward a copy of the written approval signed above and /or approved Purchase Order to this office. This will constitute approval of the proposed engineering agreement.

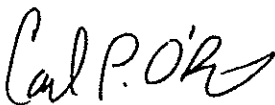
We appreciate the opportunity to offer our services and look forward to collaborating with you on this project and future endeavors. In the meantime, if you have any questions regarding this agreement, please do not hesitate to contact us.

Sincerely,

Colliers Engineering & Design, Inc.



Nick Chelius, P.E.
Borough Engineer Representative



Carl O'Brien, P.E.
Geographic Discipline Leader

- cc: Michael Greco, Deputy Borough Clerk (via email)
Deena Rosendahl, Esq. Borough Attorney (via email)
Peter Suh, Borough CFO (via email)
Ken DeGennaro (CED via email)
Robert Culvert (CED via email)
Julia Wolanski (CED via email)
James Priolo (CED via email)

Resolution of the Demarest Governing Body

Resolution No. 079 -25

April 7, 2025

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

TITLE: RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR FLOOD DAMAGE PREVENTION ORDINANCE UPDATES

WHEREAS, the Borough of Demarest has a need for engineering services related to a required update to the Borough’s flood damage prevention ordinance; and

WHEREAS, the Borough received a proposal dated March 25, 2025 from Colliers Engineering & Design to provide those services, for the sum of \$4,500.00; and

WHEREAS, the vendor is the currently appointed 2025 Borough Engineer for the Borough of Demarest and the Mayor and Council awarded said 2025 contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that funds will be allocated in the 2025 Borough Budget; 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 engineering services on proposal dated March 25, 2025 herein not to exceed \$4,500.00 a copy of which is annexed to this Resolution.

APPROVED:

Mayor Brian Bernstein

CERTIFICATION OF CFO

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

Peter Suh, CFO

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

300 Tice Blvd Suite 101
Woodcliff Lake, NJ 07677
Main: 877 627 3772



March 25, 2025

Julie Falkenstern, Borough Administrator
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

Agreement for Professional Services
Flood Damage Prevention Ordinance Updates
Colliers Engineering & Design Agreement No.: DEB0077P

Dear Ms. Falkenstern,

Colliers Engineering & Design Inc. DBA Maser Consulting (CED) is pleased to present the following agreement for updates to the Borough's Flood Damage Prevention Ordinance. Updates to the ordinance are required by NJDEP. Once drafted, the ordinance must be submitted to NJDEP for review by the State and FEMA. Once approved, the ordinance can be adopted by the Borough.

CED will provide the following services:

SCOPE OF SERVICES

Based on our conversations and information noted above, we propose to complete the following:

Task 1.0 - Flood Damage Prevention Ordinance Update

CED will prepare a draft of the updates to the Borough's Flood Damage Prevention Ordinance and submit to NJDEP for review. CED will coordinate with NJDEP to make any requested revisions and then provide a final version of the ordinance to the Borough for adoption.

SCHEDULE OF FEES

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

Task Name	Fee
Task 1.0 - Flood Damage Prevention Ordinance Update	\$4,500.00
TOTAL Lump Sum Fee	\$4,500.00

The above services will be provided on a lump sum basis not to exceed the listed amount unless otherwise authorized. This Contract and Fee Schedule is based upon the Borough Engineering Contract authorized by the Borough of Demarest (Resolution #016-25).



PROJECT DELIVERABLES

CED will provide the Borough with a final version of the ordinance to be adopted.

REIMBURSABLE EXPENSES

Reimbursable expenses including delivery, printing, copying, postage and other reproducible costs for the above-mentioned deliverables are included within this agreement and are included in the project cost.

PLAN REVISIONS AND EXTRA SERVICES

Any revision requested by the Borough of Demarest or review agencies that is a major redesign or not an error or omission on the part of Colliers Engineering & Design will be billed on an hourly basis in accordance with our current contract.

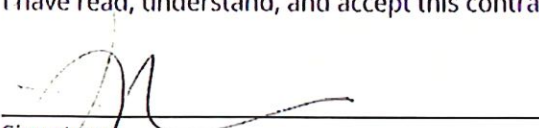
EXCLUSIONS

If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement is deemed necessary, then CED may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees with regard to the extra services. Unanticipated additional services will be in accordance with the Schedule of Hourly Rates for the number of hours of effort required. No extra services will be performed without authorization from the Borough.



CLIENT CONTRACT AUTHORIZATION

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature		Date	<u>4/1/25</u>
Printed Name	<u>Julie Falkenstern</u>	Title	<u>BA</u>

In addition, please forward a copy of the written approval signed above and /or approved Purchase Order to this office. This will constitute approval of the proposed engineering agreement.

We appreciate the opportunity to offer our services and look forward to collaborating with you on this project and future endeavors. In the meantime, if you have any questions regarding this agreement, please do not hesitate to contact us.

Sincerely,

Colliers Engineering & Design, Inc.



Nick Chelius, P.E.
Borough Engineer Representative



Carl O'Brien, P.E.
Geographic Discipline Leader

- cc: Michael Greco, Deputy Borough Clerk (via email)
Deena Rosendahl, Esq. Borough Attorney (via email)
Peter Suh, Borough CFO (via email)
Ken DeGennaro (CED via email)
Robert Culvert (CED via email)
Julia Wolanski (CED via email)
James Priolo (CED via email)

Resolution of the Demarest Governing Body

Resolution No. 080-25

April 7, 2025

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

TITLE: RESOLUTION AUTHORIZING THE BOROUGH TO ACCEPT A DONATION OF APPLE IPHONES AND CHROME BOOKS

=====

WHEREAS, the Borough of Demarest has been approached by a resident who is desirous of making an anonymous donation to the Borough (the "Anonymous Donor"); and

WHEREAS, the Anonymous Donor seeks to provide the Borough with fifteen (15) Apple iPhones 11, valued at \$200.00 per Apple iPhone, and twenty (20) Chrome Books valued at \$150.00 each (collectively the "Donated Items"); and

WHEREAS, the Donated Items shall be utilized by the Borough for Borough business and operations; and

WHEREAS, it is in the best interest of the Borough to accept the Donated Items for Borough business and operation.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Donated Items shall be accepted by the Anonymous Donor and used for Borough business and operations.

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 April 7, 2025.

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 081 -25

April 7, 2025

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

TITLE: RESOLUTION OF THE BOROUGH OF DEMAREST, BERGEN COUNTY, APPROVING A MEDIATION AGREEMENT BETWEEN FAIR SHARE HOUSING CENTER REGARDING THE BOROUGH’S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed P.L.2024, c.2 into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter “Amended FHA”); and

WHEREAS, the Amended FHA requires the New Jersey Department of Community Affairs (hereinafter “DCA”) to calculate non-binding estimates of fair share obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) and calculated the Borough of Demarest, Bergen County’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 106; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, Borough employees and professionals reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and

WHEREAS, the Borough believes that a recalculation of the Land Capacity Factor was necessary in order to account for land use data errors in the DCA’s calculation that identified five (5) developable areas within the Borough when only one (1) areas are developable; and

WHEREAS, based on the identified error, the Borough of Demarest recalculated its fair share obligation to a Prospective Need or New Construction Obligation of 94 units; and

WHEREAS, pursuant to the Administrative Office of the Court Directive #14-24, the Borough of Demarest adopted Resolution No. 035-25 on January 27, 2025, and subsequently filed a declaratory judgment complaint on January 29, 2025, under docket number BER-L-738-25, committing to a Fourth Round Present Need Obligation of 0 units and a Prospective Need Obligation of 94 units; and

WHEREAS, the Borough of Demarest's declaratory judgment complaint was challenged by the New Jersey Builders Association, claiming the DCA's calculated Prospective Need of 106 units; and

WHEREAS, pursuant to Directive #14-24, a mediation session was held on March 26, 2025, whereby a settlement was reached which, if approved by the governing body, sets the Borough's Prospective Need Obligation at 100 units; and

WHEREAS, the Borough's Affordable Housing Attorney and Planner find that it is in the best interest of the Borough to authorize the proposed settlement.

NOW, THEREFORE, THE FOLLOWING SHALL BE RESOLVED, by the Council of the Borough of Demarest, Bergen County, New Jersey on this 7th day of April 2025:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. For the reasons set forth in this resolution, the Borough of Demarest hereby approves the mediated settlement of its Fourth Round obligation, and a Prospective Need Obligation of 100 units.
3. The Borough of Demarest hereby directs its Affordable Housing Counsel to take all actions necessary to effectuate the settlement.
5. This resolution shall take effect immediately, according to law.

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 082-25

April 7, 2025

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 \$ 273,601.63 on bill list dated April 4, 2025 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.

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 April 7, 2025.

Julie Falkenstern, Acting Borough Clerk

P.O. Type: All	Include Project Line Items: Yes	Open: N	Paid: Y	Void: N
Range: First	to Last	Rcvd: Y	Held: N	Aprv: N
Format: Condensed	Received Date Range: 03/28/25 to 12/31/25	Bid: Y	State: Y	Other: Y Exempt: Y
Vendors: All	Include Non-Budgeted: Y			
Rcvd Batch Id Range: First to Last				

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AAAEM005	AAA EMERGENCY SUPPLY CO INC	25-00421	03/31/25	hydrotest with o ring overhaul	Open	228.00	0.00		
AMAZO005	AMAZON CAPITAL SERVICES	25-00399	03/24/25	dpw supplies	Open	63.62	0.00		
		25-00402	03/24/25	stamp	Open	8.39	0.00		
		25-00417	03/28/25	denied stamp	Open	8.39	0.00		
						80.40			
AQUAC010	AQUA COOLERS, LLC	25-00403	03/24/25	3 water systems	Open	230.31	0.00		
AUTOM010	AUTOMOTIVE BRAKE CO.	25-00450	04/03/25	c#38008/0 March 2025 Invoices	Open	210.00	0.00		
AXONE005	AXON ENTERPRISE, INC	25-00412	03/26/25	taser course	Open	895.00	0.00		
BOROU010	BOROUGH OF CLOSTER	25-00414	03/26/25	FIREARMS FACILITY SHARED SERVI	Open	3,400.00	0.00		
BRAEN005	BRAEN STONE INDUSTRIES	25-00435	04/03/25	winter asphalt	Open	119.60	0.00		
BRUNO005	BRUNO ASSOCIATES, INC	25-00437	04/03/25	march service	Open	2,500.00	0.00		
CROSS010	CROSSING GUARD SERVICES LLC	25-00452	04/03/25	I#1391 LutherLee March 2025	Open	1,521.24	0.00		
		25-00453	04/03/25	I#1392 BoroHall March 2025	Open	16,842.30	0.00		
		25-00454	04/03/25	I#1393 NVRHS March 2025	Open	3,223.58	0.00		
						21,587.12			
DECOT005	DECOTIIS, FITZPATRICK, COLE &	25-00456	04/04/25	Borough of Demarest v Lieberma	Open	857.30	0.00		
		25-00457	04/04/25	professional fees	Open	5,894.75	0.00		
		25-00458	04/04/25	prof fees	Open	5,881.76	0.00		
		25-00459	04/04/25	foveonics prof svcs	Open	115.00	0.00		
		25-00460	04/04/25	redevelopment	Open	1,014.00	0.00		
		25-00461	04/04/25	prof svcs	Open	6,169.95	0.00		
		25-00462	04/04/25	prof fees	Open	6,117.03	0.00		
		25-00463	04/04/25	prof fees	Open	5,871.15	0.00		
		25-00464	04/04/25	prof fees	Open	5,874.71	0.00		
		25-00465	04/04/25	contract negotiations pba	Open	3,447.00	0.00		
		25-00466	04/04/25	pba contract negotiations	Open	4,720.23	0.00		
		25-00467	04/04/25	dpw negotiations	Open	2,448.00	0.00		
		25-00468	04/04/25	pba contract negotiations	Open	2,341.20	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
DECOT005	DECOTIIS, FITZPATRICK, COLE &				Continued				
		25-00469	04/04/25	dpw negotiations	Open	234.00	0.00		
		25-00470	04/04/25	dpw negotiations	Open	90.00	0.00		
		25-00471	04/04/25	dpw negotiations	Open	687.00	0.00		
		25-00472	04/04/25	prof fees	Open	486.00	0.00		
		25-00473	04/04/25	prof svcs	Open	450.00	0.00		
		25-00474	04/04/25	BAN	Open	125.00	0.00		
		25-00475	04/04/25	BAN	Open	3,907.43	0.00		
		25-00476	04/04/25	coah	Open	27.30	0.00		
		25-00477	04/04/25	coah svcs	Open	633.75	0.00		
						57,392.56			
DELSP005	DEL'S PEST ARREST INC								
		25-00420	03/31/25	march service	Open	300.00	0.00		
DEMAR095	DEMAREST GARDEN CLUB								
		25-00447	04/03/25	memorial day plantings	Open	433.50	0.00		
EMERG015	EMERGENCY SVCS MARKETING CORP								
		25-00410	03/26/25	Iar Cancellation C#1073743577	Open	650.00	0.00		
FILEB005	FILEBANK, INC								
		25-00434	04/01/25	box retrieval/return fee-labor	Open	175.05	0.00		
GANNE005	GANNETT MEDIA CORP								
		25-00438	04/03/25	march posting	Open	987.60	0.00		
GEESE005	GEESE POLICE INC								
		25-00424	03/31/25	3/01/25-3/31/25 service	Open	1,300.00	0.00		
GRAIN010	GRAINGER								
		25-00423	03/31/25	Grainger Equipment	Open	3,350.82	0.00		
HOMED005	HOME DEPOT								
		25-00449	04/03/25	A#6035 3226 4907 5680 03/21/25	Open	43.94	0.00		
IMCLE005	I-M CLEANING, INC								
		25-00428	03/31/25	march service	open	2,600.00	0.00		
		25-00448	04/03/25	february cleaning	open	2,600.00	0.00		
						5,200.00			
IMPAC005	IMPAC FLEET								
		25-00446	04/03/25	I#SQLIM-1063559 Mar 2025 Fuel	Open	5,396.00	0.00		
INSTI010	INSTITUTE FOR FORENSIC								
		25-00416	03/26/25	M CAREY PSYCHOLOGICAL EVAL	Open	450.00	0.00		
INTER035	INTER CITY TIRE								
		25-00444	04/03/25	vehicle maint	Open	1,692.78	0.00		
JTPTR005	JTP TRAINING & CONSULTING								
		25-00413	03/26/25	2 DAY RDS COURSE (2 OFFICERS)	Open	900.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LAWOF015	LAW OFFICES OF MARK D. MADAIO	25-00426	03/31/25	meeting attendance	Open	250.00	0.00		
LINDA020	LINDA CETTA	25-00400	03/24/25	seedlings reimbursement	Open	183.00	0.00		
		25-00451	04/03/25	12 documents reimbursement	Open	11.44	0.00		
						194.44			
LOUIS005	LOUIS TOMASI	25-00277	04/02/25	MAY HEALTH REIMBURSEMENT	Open	2,524.65	0.00		
MUNIC035	MUNICIPAL CAPITAL FINANCE	25-00478	04/04/25	contract pmt# 17	Open	415.00	0.00		
NEWJE030	NEW JERSEY DEPT OF HEALTH	25-00418	03/28/25	REG-42A CERTIFIED COPY OF RECO	Open	106.50	0.00		
NJDEP005	NJ DEPT OF HEALTH	25-00455	04/03/25	march dog license	Open	45.00	0.00		
NJLM0005	NJLM	25-00433	04/01/25	registration badge	Open	70.00	0.00		
NJVPL005	NJV PLUMBING & HEATING	25-00422	03/31/25	indirect hot water tank relief	Open	488.98	0.00		
ONECA005	ONE CALL CONCEPTS	25-00436	04/03/25	march services	Open	31.46	0.00		
OPTIM005	OPTIMUM	25-00419	03/28/25	A#07802088748013 AMB 3/1-3/31	Open	39.22	0.00		
PALIS010	PALISADES CENTER ICE RINK	25-00442	04/03/25	lenovo ThinkCentre 16GB RAM	Open	1,650.00	0.00		
PALIS005	PALISADES SALES CORPORATION	25-00443	04/03/25	FoxIt Professional perpetual	Open	420.00	0.00		
PENGU005	PENGUIN MANAGEMENT, INC	25-00411	03/26/25	eDispatch 13Month Subscription	Open	787.00	0.00		
PUBLI005	PUBLIC SERVICE GAS & ELECTRIC	25-00405	03/26/25	A#7764465909 Church 2/15-3/17	Open	328.77	0.00		
		25-00406	03/26/25	A#6669427409 Fire 2/15-3/17	Open	1,003.05	0.00		
		25-00407	03/26/25	A#6627137100 Train 02/15-3/17	Open	1,027.28	0.00		
		25-00408	03/26/25	A#6739541701 DPW 02/15-3/17	Open	1,858.20	0.00		
		25-00409	03/26/25	A#6532685801 AMB 02/15-3/17	Open	370.12	0.00		
						4,587.42			
RRRAD005	R & R RADAR INC	25-00415	03/26/25	REPAIR EQUIPMENT PD	Open	276.70	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
RAYSL005	RAY'S TREE SERVICE, LLC	25-00432	04/01/25	2025 Q1 fee	Open	1,650.00	0.00		
ROCKL005	ROCKLAND ELECTRIC CO.	25-00430	03/31/25	pole attachment agreement fee	Open	350.00	0.00		
RUTGE030	RUTGERS THE STATE UNIVERSITY	25-00427	03/31/25	course registartion fee MG	Open	245.00	0.00		
TMOBI005	T-MOBILE	25-00441	04/03/25	A#990625644 02/21/25-3/20/25	Open	460.19	0.00		
VEOLI005	VEOLIA (SUEZ) WATER NEW JERSEY	25-00479	04/04/25	March 2025 Water Bill Part #1	Open	837.97	0.00		
VERIZ030	VERIZON (CALL FORWARDING)	25-00439	04/03/25	A#755939643000108 03/18-04/17	Open	192.60	0.00		
VERIZ045	VERIZON - FIRE -INTERNET	25-00431	04/01/25	Verizon 3/26-4/25	Open	274.00	0.00		
VERIZ010	VERIZON WIRELESS	25-00440	04/03/25	I#6108265022 02/11/25-03/10/25	Open	420.17	0.00		
TIMME005	W.E. TIMMERMAN CO. INC	24-01550	10/29/24	leaf vacuum	Open	148,606.15	0.00		
WEINE005	WEINER LAW GROUP	25-00401	03/24/25	special counsel AH	Open	916.50	0.00		
WHALE005	WHALEN & IVES	25-00398	03/24/25	no heat HAS MSC	Open	120.00	0.00		
		25-00425	03/31/25	found relief valve leaking	Open	120.00	0.00		
						240.00			

Total Purchase Orders: 81 Total P.O. Line Items: 0 Total List Amount: 273,601.63 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	5-01	117,340.50	0.00	0.00	117,340.50
	5-05	0.00	0.00	45.00	45.00
	5-06	0.00	0.00	1,650.00	1,650.00
	5-12	0.00	0.00	1,577.55	1,577.55
Year Total:		<u>117,340.50</u>	<u>0.00</u>	<u>3,272.55</u>	<u>120,613.05</u>
	C-04	152,988.58	0.00	0.00	152,988.58
Total of All Funds:		<u>270,329.08</u>	<u>0.00</u>	<u>3,272.55</u>	<u>273,601.63</u>

Resolution of the Demarest Governing Body

Resolution No. 083-25

April 7, 2025

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

TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF DEMAREST, NJ THROUGH THE DEMAREST POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE DEMAREST POLICE TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

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WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Demarest that the Demarest Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2025 to December 31, 2025; and

NOW THEREFORE BE IT FURTHER RESOLVED that Demarest Police Department is hereby authorized to acquire items of non-controlled property designated "DEMILA," which may include

office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Demarest Police Department without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that Demarest Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes, in addition reference Attached "A"; and

BE IT FURTHER RESOLVED that the Demarest Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Demarest Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31 of the current calendar year from January 1, 2025 to December 31, 2025.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Demarest, County of Bergen, State of New Jersey that the Mayor and Council authorize the Demarest Police Department to submit an application for participation in the aforementioned "1033 Program" and hereby expresses its approval of any such application by a majority of the full membership of the Council.

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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 084-25

April 7, 2025

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

TITLE: RESOLUTION CANCELING THE SALE BY AUCTION OF A 1994 PIERCE DASH PUMPER

WHEREAS, N.J.S.A. 40A:11-36 provides for the sale or disposition of personal property of a municipality; and

WHEREAS, N.J.S.A. 40A:11-36 further provides that a municipality may authorize by resolution the sale of personal property not needed for a public use by sealed bid or public auction; and

WHEREAS, the Borough of Demarest is the lawful owner of a 1994 Pierce Dash Pumper; and

WHEREAS, a 1994 Pierce Dash Pumper was listed for public auction of govdeals.com; and

WHEREAS, the Governing Body of the Borough of Demarest did not previously authorize the listing of a 1994 Pierce Dash Pumper and as such, same was listed in error and should be canceled, terminated and of no force and effect; and

WHEREAS, it is in the best interest of the Borough to cancel and terminate the auction of the 1994 Pierce Dash Pumper previously listed on govdeals.com.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the listing and auction of the 1994 Pierce Dash Pumper is hereby canceled and terminated and of no force and effect.

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 April 7, 2025.

Julie Falkenstern, Acting Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 078 -25

April 7, 2025

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

TITLE: RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR DEERHILL ROAD & DUCK POND ROAD BRIDGE REPAIR

WHEREAS, the Borough of Demarest has a need for engineering services related to a necessary repair along the Deerhill Rd. & Duck Pond Rd. Bridge; and

WHEREAS, the Borough received a proposal dated March 27, 2025 from Colliers Engineering & Design to provide those services, for the sum of \$13,000.00; and

WHEREAS, the vendor is the currently appointed 2025 Borough Engineer for the Borough of Demarest and the Mayor and Council awarded said 2025 contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account C-04-2150-55-106-5008; 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 engineering services on proposal dated March 27, 2025 herein not to exceed \$13,000.00 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 April 7, 2025

Julie Falkenstern, Acting Borough Clerk