

**MAYOR AND COUNCIL  
BOROUGH OF DEMAREST  
REGULAR MEETING AGENDA  
September 29, 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:

**Swearing in the Deputy Mayor for the Day**

Mayor Bernstein administers the oath of office to Shreya Iyer as Deputy Mayor for the Day.

**Ordinances (Introduction):**

**ORDINANCE 1166-25** AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR ROAD IMPROVEMENTS, APPROPRIATING \$249,375 THEREFOR, INCLUDING A \$152,040 DOT GRANT, AND AUTHORIZING \$97,335 IN BONDS OR NOTES TO FINANCE THE SAME

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No.1166-25 and it published as required by law with notice of Public Hearing to be held on October 14, 2025.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**ORDINANCE 1167-25** AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING

\$1,170,750 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,115,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No.1167-25 and it published as required by law with notice of Public Hearing to be held on October 14, 2025.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**ORDINANCE 1168-25** AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$385,612.50 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$367,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Mayor Bernstein asks for a motion to introduce on first reading by title Ordinance No.1168-25 and it published as required by law with notice of Public Hearing to be held on October 14, 2025.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**Ordinance Public Hearing (Adoption):**

**ORDINANCE 1165-25** A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$90,000 FOR DRAINAGE IMPROVEMENTS TO WAKELEE FIELD TO BE UNDERTAKEN BY THE BOROUGH OF DEMAREST AND TO APPROPRIATE \$90,000 FROM THE OPEN SPACE TRUST FUND.

Mayor Bernstein asks for a motion to open the Public Hearing on Ordinance No. 1165-25.

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 on this ordinance and that it be adopted with notice of final passage to be published as required by law.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**Resolution No. 170-25** Authorizing Escrow Agreement – 232 County Rd.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**Resolution No. 174-25** Authorizing Shared Service Agreement

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**Resolution No. 175-25** Adopting Fourth Round Spending Plan

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**Presentation from Shade Tree Commission**

Mitigation Plan for Stelfox St.

**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. 167-25	Soil Moving Permit – 35 Lake Rd.
Resolution No. 168-25	Soil Moving Permit – 127 Hardenburgh Ave.
Resolution No. 169-25	Authorizing Refund Tax Overpayment – 258 County Rd.
Resolution No. 171-25	Release of Performance Bond
Resolution No. 172-25	Authorizing Engineering Services

Resolution No. 173-25    Payment of Bills

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 Administrator  
Borough Attorney  
Borough Treasurer  
Ambulance  
Police Chief  
Fire Chief  
DPW Director

**Approval of Minutes:**

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_

**Roll Call:**

**Meeting Open to the Public**

**Closed Session**

**Adjournment**

BOROUGH OF DEMAREST  
BERGEN COUNTY, NEW JERSEY

ORDINANCE NO. 1165-25

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$90,000 FOR DRAINAGE IMPROVEMENTS TO WAKELEE FIELD TO BE UNDERTAKEN BY THE BOROUGH OF DEMAREST AND TO APPROPRIATE \$90,000 FROM THE OPEN SPACE TRUST FUND.

BE IT ORDAINED, by the Governing Body of the Borough of Demarest, in the County of Bergen, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The costs described in Section 2 of this Ordinance are hereby respectively authorized to be made by the Borough of Demarest, New Jersey, for the said improvements or purposes stated in Section 2, that are hereby appropriated the respective sum of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made thereof and amounting in the aggregate to \$90,000 which is now available from the Open Space Trust Fund.

SECTION 2. The Borough of Demarest, in the County of Bergen, State of New Jersey, is hereby authorized to provide for drainage improvements to Wakelee Field.

SECTION 3. It is hereby determined and stated:

(a) That said purpose is not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvement has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said purpose by the issuance of obligations by the Borough of Demarest pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the costs thereof shall be available from the Open Space Trust Fund in the amount of \$90,000.

SECTION 4. The Capital Budget of the Borough of Demarest is hereby amended or established to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$90,000 is hereby appropriated for the aforementioned purpose.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said purposes, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

INTRODUCED: August 11, 2025

ADOPTED: \_\_\_\_\_

Attest:

APPROVED: \_\_\_\_\_, 2025

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

ORDINANCE NO. 1166-25

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR ROAD IMPROVEMENTS, APPROPRIATING \$249,375 THEREFOR, INCLUDING A \$152,040 DOT GRANT, AND AUTHORIZING \$97,335 IN BONDS OR NOTES TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Demarest, in the County of Bergen, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$249,375, including a \$152,040 New Jersey Department of Transportation's Fiscal Year 2025 Municipal Aid Program grant. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required as this bond ordinance involves a project to be funded by a State grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$97,335 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing for which the bonds are to be issued is for the reconstruction of Brenner Place and Evergreen Place and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital

budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$97,335, and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding \$49,375 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than from the grant identified in Section 8 hereof) shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are applied to the payment of obligations issued pursuant to this bond ordinance.

Section 8. As a portion of the total appropriation of \$249,375 made in Section 1 hereof, there is appropriated herein for the improvement or purpose described in Section 3(a) hereof the sum of \$152,040 constituting the amount payable to the Borough from a grant from the State of New Jersey Department of Transportation's Fiscal Year 2025 Municipal Aid Program.

Section 9. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the

tax-exempt status of the bonds and notes authorized hereunder that are issued as tax-exempt bonds, as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 11. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

Date: \_\_\_\_\_, 2025

\_\_\_\_\_  
Brian. Bernstein Mayor

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$1,170,750 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,115,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Demarest, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,170,750, including the aggregate sum of \$55,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,115,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Reconstruction and repaving of various roads and properties in the Borough, including Pine Terrace, Northwood Avenue and an ADA ramp improvement on Anderson Avenue in connection with the Borough's participation in the Riverside Co-Op Road Improvement Program and including all work and materials necessary therefor and incidental thereto.
- |   |           |
|---|-----------|
| <u>Appropriation and Estimated Cost</u> :       | \$236,775 |
| <u>Maximum Amount of Bonds or Notes</u> :       | \$225,500 |
| <u>Period or Average Period of Usefulness</u> : | 10 years  |
| <u>Amount of Down Payment</u> :                 | \$11,275  |

- (b) Purpose: Reconstruction of unimproved roads in the Borough, including Orchard and Wellwood Roads, and including all work and materials necessary therefor and incidental thereto.
- |   |           |
|---|-----------|
| <u>Appropriation and Estimated Cost</u> :       | \$933,975 |
| <u>Maximum Amount of Bonds or Notes</u> :       | \$889,500 |
| <u>Period or Average Period of Usefulness</u> : | 10 years  |
| <u>Amount of Down Payment</u> :                 | \$44,475  |

(c) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(d) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to

time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the

Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,115,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$170,750 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 9. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the

appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Approved \_\_\_\_\_, \_\_, 2025

\_\_\_\_\_  
Brian Bernstein, Mayor

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$385,612.50 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$367,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Demarest, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$385,612.50, including the aggregate sum of \$18,362.50 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$367,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Acquisition of equipment for the Department of Public Works, including, but not limited to, a salter and a leaf vacuum machine, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$215,250
<u>Maximum Amount of Bonds or Notes:</u>	\$205,000
<u>Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$10,250

- (b) Purpose: Acquisition of sport utility vehicle for Police Department, including original apparatus and equipment, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$104,737.50
<u>Maximum Amount of Bonds or Notes:</u>	\$99,750
<u>Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$4,987.50

- (c) Purpose: Improvements to public buildings in the Borough, including original apparatus and equipment, without limitation, acquisition of a generator for the Ambulance Building, and including all work and materials necessary therefor and incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,500
<u>Maximum Amount of Bonds or Notes:</u>	\$30,000
<u>Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$1,500

- (d) Purpose: Acquisition of equipment for the Fire Company, including, without limitation, turn out gear, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$26,250
<u>Maximum Amount of Bonds or Notes:</u>	\$25,000
<u>Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$1,250

- (e) Purpose: Acquisition of information technology and telecommunications equipment for the Ambulance Department, including equipment with a unit cost less than \$5,000, and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$7,875
<u>Maximum amount of Bonds or Notes:</u>	\$7,500

Period of Usefulness:  
Amount of Down Payment:

5 years  
\$375

(f) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(g) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by

the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.73 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$367,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$23,112.50 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or

improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 9. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Approved \_\_\_\_\_, \_\_, 2025

\_\_\_\_\_  
Brian Bernstein, Mayor

**Resolution of the Demarest Governing Body**

**Resolution No. 167-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 85 LAKE ROAD**

=====

**BE IT RESOLVED** by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 85 Lake Rd., Block 83.05, Lot 7 prepared by Mark S. Martins 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 \$1,384.10
9. for inspection services of the Borough Engineer.
10. The applicant shall provide a performance guarantee to the Borough in the amount of \$33,218.40

**APPROVED:**

\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

September 29, 2025

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

127 Hardenburgh Avenue  
Block 23, Lots 13 & 14  
Borough of Demarest, Bergen County, NJ  
Soil Moving Application Review – Residential Multi-Family Building  
Colliers Engineering & Design Project No. DEP0171A

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 of a two-story multifamily residential building, other site improvements consist of a parking area below the building, grading changes, drainage, utilities, landscaping, and lighting, and other related appurtenances on the property:

- a) Site plans consisting of twelve (12) sheets, prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated October 25, 2022; last revised May 18, 2023; Last revised December 27, 2023; Last revised April 15, 2025; Last revised July 28, 2025;
- b) Architectural Plans consisting of five (5) sheets, prepared and signed by Raymond J. Virgona, R.A., of Virgona & Virgona Architects, dated September 8, 2022, last revised October 12, 2022; last revised December 14, 2022. Plan set revised to 8 sheets, dated June 1, 2023;
- c) Stormwater Management Report consisting of 34 sheets, prepared and signed by Michael E. Dipple, P.E. of L2A Land Design, dated October 25, 2022; Last revised April 15, 2025; Last revised July 28, 2025;
- d) Bonding Estimate consisting of two (2) pages, prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated September 26, 2025; and
- e) Soil Movement Plan consisting of one (1) sheet (C-08), prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated October 25, 2022; last revised September 25, 2025.

After our review of these documents, we offer the following comments in this matter:

**General**

1. The Applicant/Owner in this matter is:

BCUW/Madeline Housing Partners, LLC  
c/o Bergen United Way, 6 Forest Avenue, Suite 210  
Paramus, New Jersey 07652

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

2. The site is currently vacant. The project site is located in the DRP Zone according to the Borough of Demarest Zoning Map.
3. The property is located on Hardenburgh Avenue west of Wakelee Drive. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

**Site Plan**

4. The existing lot is vacant. The Applicant proposes to increase the improved coverage to 15,782.17 SF (67.44%) a net increase of 15,782.17 SF.
5. The proposed increase in impervious area is greater than 0.25 Acres; therefore, the project is considered a major development and must comply with the NJ Stormwater Management Regulations. These regulations impose requirements on stormwater quality, stormwater quantity, and groundwater recharge requirements. We offer the following comments related to stormwater management:
  - a. The Applicant should comply with all conditions noted as in CED letter dated July 31, 2025 regarding stormwater quality, quantity and groundwater recharge.
  - b. The Applicant is proposing two pervious pavement areas in the north and south of the property consisting of 960SF and 4,640 SF respectively. The pervious pavement areas drain to sixteen (16) Stormtech SC-740 chambers located on northern portion on the site.
  - c. The Applicant has provided design calculations and a comprehensive stormwater management report which was previously reviewed as part of resolution compliance. We take no exception to the calculations and report provided.
  - d. The Applicant shall comply with all applicable requirements in the NJ Stormwater Best Management Practices Manual, including pre and post construction soil testing.
  - e. The Engineer shall be notified to inspect all drainage improvements prior to backfilling.
6. The Applicant is proposing to install a concrete wall in the southern rear yard area with a max height of 3 feet 4 inches. The Applicant shows top and bottom wall elevations on the western side of the wall. The Applicant shall ensure stormwater from the retaining walls remains on their property. We take no exception to the walls as shown.
7. The Applicant is proposing to remove 55 trees to construct the proposed improvements. The Applicant has provided a tree replacement schedule. We defer to the shade tree commission for final review and comment on replacement trees.
8. Per CED resolution compliance memo dated 7/31/2025, the affordable units shall have at least a thirty (30) year deed restriction, which shall be submitted at least one hundred sixty (160) days prior to the issuance of any Certificate of Occupancy. Said deed restriction shall list the unit address, income level, and number of bedrooms and bathrooms. The deed restriction shall be reviewed by the Board Attorney and Planner prior to being recorded.

9. Per CED resolution compliance memo dated 7/31/2025, the Applicant shall be responsible for retaining a qualified Administrative Agent, who has been pre-approved by the Borough in accordance with the Settlement Agreement.
10. Per CED resolution compliance memo dated 7/31/2025, the Applicant will need to provide descriptions and any other necessary information for filing the blanket easement to allow the Borough to repair, replace, or maintain any onsite stormwater facility should the Applicant or future property owner fail to do so. Such information shall be provided prior to issuance of a C.O.

### **Soil Moving Application**

11. The Applicant has provided soil movement calculations indicating a total soil movement of approximately 1,200 CY. The Applicant should be aware that any soil movement quantity in excess of 250 CY requires Mayor and Council approval pursuant to Chapter 147 of Borough Ordinance.
12. 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 therefore shall have 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.
  - d. The Applicant has submitted an Engineers cost estimate to determine the performance guaranty to be submitted to the Borough. The cost estimate for bonding should include all costs associated with soil erosion and sediment control measures, stormwater mitigation equipment and installation, drainage structures / piping, and soil moving (on-site and export). We note the following related to the provided estimate:

The Estimate is broken down as follows:

A - Public Improvements in the ROW: \$115,306.00

B - Private On-Site Safety/Stability: \$119,840.00

C - Private On-Site Safety/Stability: \$171,408.00

**Based on the Above Bonding and Escrow Amounts are:**

- **D - Safety/Stabilization Guarantee: \$9,781.20**
- **Performance Bond (A+D) x120% = \$150,104.64**
- **Inspection Escrow (A+B+C) x5% = \$20,327.70**
- **Maintenance Guarantee (A+B) x15% = \$35,271.90**

### Miscellaneous

13. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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., C.M.E.  
Borough Engineer

cc: Michael Greco, Zoning Officer (via e-mail)  
Bruce E. Whitaker, Applicant's Attorney (mcwhitelaw@optonline.net)  
Michael Dipple, Applicant's Engineer (mdipple@l2alanddesign.com)

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**Resolution of the Demarest Governing Body**

**Resolution No. 168-25  
September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 127  
HARDENBURGH AVE.**

=====

**BE IT RESOLVED** by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 127 Hardenburgh Ave, Block 23, Lot 13 & 14 prepared by Michael E. Dipple 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 \$20,327.70 for inspection services of the Borough Engineer.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$150,104.64.
10. The applicant shall provide a Safety/Stabilization guarantee to the Borough in the amount of \$9,781.20
11. The applicant shall provide a Maintenance guarantee to the Borough in the amount of \$35,271.90

**APPROVED:**

\_\_\_\_\_  
Brian Bernstein, Mayor

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

September 29, 2025

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

127 Hardenburgh Avenue  
Block 23, Lots 13 & 14  
Borough of Demarest, Bergen County, NJ  
Soil Moving Application Review - Residential Multi-Family Building  
Colliers Engineering & Design Project No. DEP0171A

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 of a two-story multifamily residential building, other site improvements consist of a parking area below the building, grading changes, drainage, utilities, landscaping, and lighting, and other related appurtenances on the property:

- a) Site plans consisting of twelve (12) sheets, prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated October 25, 2022; last revised May 18, 2023; Last revised December 27, 2023; Last revised April 15, 2025; Last revised July 28, 2025;
- b) Architectural Plans consisting of five (5) sheets, prepared and signed by Raymond J. Virgona, R.A., of Virgona & Virgona Architects, dated September 8, 2022, last revised October 12, 2022; last revised December 14, 2022. Plan set revised to 8 sheets, dated June 1, 2023;
- c) Stormwater Management Report consisting of 34 sheets, prepared and signed by Michael E. Dipple, P.E. of L2A Land Design, dated October 25, 2022; Last revised April 15, 2025; Last revised July 28, 2025;
- d) Bonding Estimate consisting of two (2) pages, prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated September 26, 2025; and
- e) Soil Movement Plan consisting of one (1) sheet (C-08), prepared and signed by Michael E. Dipple P.E., of L2A Land Design, dated October 25, 2022; last revised September 25, 2025.

After our review of these documents, we offer the following comments in this matter:

**General**

1. The Applicant/Owner in this matter is:

BCUW/Madeline Housing Partners, LLC  
c/o Bergen United Way, 6 Forest Avenue, Suite 210  
Paramus, New Jersey 07652

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

2. The site is currently vacant. The project site is located in the DRP Zone according to the Borough of Demarest Zoning Map.
3. The property is located on Hardenburgh Avenue west of Wakelee Drive. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.

**Site Plan**

4. The existing lot is vacant. The Applicant proposes to increase the improved coverage to 15,782.17 SF (67.44%) a net increase of 15,782.17 SF.
5. The proposed increase in impervious area is greater than 0.25 Acres; therefore, the project is considered a major development and must comply with the NJ Stormwater Management Regulations. These regulations impose requirements on stormwater quality, stormwater quantity, and groundwater recharge requirements. We offer the following comments related to stormwater management:
  - a. The Applicant should comply with all conditions noted as in CED letter dated July 31, 2025 regarding stormwater quality, quantity and groundwater recharge.
  - b. The Applicant is proposing two pervious pavement areas in the north and south of the property consisting of 960SF and 4,640 SF respectively. The pervious pavement areas drain to sixteen (16) Stormtech SC-740 chambers located on northern portion on the site.
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  - e. The Engineer shall be notified to inspect all drainage improvements prior to backfilling.
6. The Applicant is proposing to install a concrete wall in the southern rear yard area with a max height of 3 feet 4 inches. The Applicant shows top and bottom wall elevations on the western side of the wall. The Applicant shall ensure stormwater from the retaining walls remains on their property. We take no exception to the walls as shown.
7. The Applicant is proposing to remove 55 trees to construct the proposed improvements. The Applicant has provided a tree replacement schedule. We defer to the shade tree commission for final review and comment on replacement trees.
8. Per CED resolution compliance memo dated 7/31/2025, the affordable units shall have at least a thirty (30) year deed restriction, which shall be submitted at least one hundred sixty (160) days prior to the issuance of any Certificate of Occupancy. Said deed restriction shall list the unit address, income level, and number of bedrooms and bathrooms. The deed restriction shall be reviewed by the Board Attorney and Planner prior to being recorded.

9. Per CED resolution compliance memo dated 7/31/2025, the Applicant shall be responsible for retaining a qualified Administrative Agent, who has been pre-approved by the Borough in accordance with the Settlement Agreement.
10. Per CED resolution compliance memo dated 7/31/2025, the Applicant will need to provide descriptions and any other necessary information for filing the blanket easement to allow the Borough to repair, replace, or maintain any onsite stormwater facility should the Applicant or future property owner fail to do so. Such information shall be provided prior to issuance of a C.O.

### **Soil Moving Application**

11. The Applicant has provided soil movement calculations indicating a total soil movement of approximately 1,200 CY. The Applicant should be aware that any soil movement quantity in excess of 250 CY requires Mayor and Council approval pursuant to Chapter 147 of Borough Ordinance.
12. 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 therefore shall have 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.
  - d. The Applicant has submitted an Engineers cost estimate to determine the performance guaranty to be submitted to the Borough. The cost estimate for bonding should include all costs associated with soil erosion and sediment control measures, stormwater mitigation equipment and installation, drainage structures / piping, and soil moving (on-site and export). We note the following related to the provided estimate:



The Estimate is broken down as follows:

A - Public Improvements in the ROW: \$115,306.00

B - Private On-Site Safety/Stability: \$119,840.00

C - Private On-Site Safety/Stability: \$171,408.00

**Based on the Above Bonding and Escrow Amounts are:**

- **D - Safety/Stabilization Guarantee: \$9,781.20**
- **Performance Bond (A+D) x120% = \$150,104.64**
- **Inspection Escrow (A+B+C) x5% = \$20,327.70**
- **Maintenance Guarantee (A+B) x15% = \$35,271.90**

**Miscellaneous**

13. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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., C.M.E.  
Borough Engineer

cc: Michael Greco, Zoning Officer (via e-mail)  
Bruce E. Whitaker, Applicant's Attorney (mcwhitelaw@optonline.net)  
Michael Dipple, Applicant's Engineer (mdipple@i2alanddesign.com)

**Resolution of the Demarest Governing Body**

**Resolution No. 169-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION TO AUTHORIZE TAX COLLECTOR TO REFUND 3<sup>RD</sup> QUARTER 2025 TAX OVERPAYMENT**

=====

**WHEREAS**, a 3<sup>rd</sup> Quarter 2025 tax overpayment was received on the property located at 258 County Road, Borough of Demarest, also known as Block 67, Lot 7; and

**WHEREAS**, the property owner erroneously made this payment and has submitted a written request for the refund of the overpayment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer is hereby authorized to issue a refund check in the following amount and the Tax Collector adjust her records accordingly.

<u>Block/Lot</u>	<u>Homeowner/Address</u>	<u>Refund Amount</u>
67/7	Pak, Sung Mi 258 County Road Demarest, NJ 07627	\$9,954.15
<b>TOTAL:</b>		<b>\$9,954.15</b>

**APPROVED:**

\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

**Resolution of the Demarest Governing Body**

**Resolution No. 170-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION AUTHORIZING AN ESCROW FUNDING AGREEMENT WITH 232 COUNTY ROAD, LLC**

=====

**WHEREAS**, 232 County Road, LLC, the contract purchaser of the Property, and the Borough of Demarest desire to enter into an Escrow Agreement to fund the costs and expenses in connection with exploring the proposed redevelopment of the Property; and

**WHEREAS**, 232 County Road, LLC, is the “Proposed Developer” of 232 County Road, Block 65, Lot 5, (“the Property”) on the official tax map of the Borough of Demarest; and

**WHEREAS**, the Proposed Developer proposes to redevelop the Property by: (1) razing the existing structures on the Property; (2) building a new inclusionary multi-family dwelling consisting of townhouses and flats; (3) providing on-site parking for all the proposed units (collectively the “Project”); and

**WHEREAS**, the Proposed Developer seeks input from the Borough’s Affordable Housing Committee, Borough Affordable Housing Counsel, the Borough Engineer, the Borough Planner and other professionals to propose to the Borough Council and/or the Joint planning Board the inclusion of the Project in the Borough’s Housing Plan (the “Housing Plan”); and

**WHEREAS**, as an inducement to the Borough to consider studying and reviewing the Project and, as a precondition thereto, the Developer has agreed to deposit with the Borough the initial amount of Two Thousand Five Hundred (\$2,500.00) Dollars (the “Escrow Deposit”), to be deposited in an escrow account and disbursed in accordance with the provision of this Escrow Agreement to defray certain costs incurred by or on behalf of the Borough arising out of the activities described above; and

**WHEREAS**, the Borough, by entering into the Escrow Agreement, does not provide any assurance of a particular result, the intent being only to defray the costs and expenses of exploring the potential for the proposed development of the Property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Demarest that the Escrow Agreement attached and submitted by 232 County Road, LLC (“Proposed Developer”) for the “Project” is hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute said Escrow Agreement on behalf of the Borough of Demarest

**APPROVED:**

---

**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

---

Julie Falkenstern, RMC

## ESCROW AGREEMENT

**THIS ESCROW AGREEMENT ("Escrow Agreement")** is made as of the \_\_\_\_ day of August 2025 by and between **232 County Road, LLC** (the "**Proposed Developer**"), with an address of c/o Capizzi Law Offices, 205 Fairview Avenue, Westwood New Jersey 07675, New Jersey 07020 and **THE BOROUGH OF DEMAREST**, a body corporate and politic of the State of New Jersey, (the "**Borough**"), with an address at Municipal Building, 118 Serpentine Road, Demarest, New Jersey 07627.

### *RECITALS*

**WHEREAS**, the Proposed Developer is the Contract Purchaser of certain property designated as Block 65, Lot 5 on the Official Tax Map of the Borough and more commonly known by the street addresses of 232 County Road (collectively, the "**Property**"); and

**WHEREAS**, the Proposed Developer proposes to redevelop the Property by: (1) razing the existing structures on the Property; (2) building a new multi-family dwelling consisting of townhouses and flats; (3) providing on-site parking for all the proposed units (collectively the "**Project**"); and

**WHEREAS**, the Property is located in the R-B zone district of the Demarest Land Development Regulations ("**LDR**"); and

**WHEREAS**, the Proposed Developer seeks the Municipal Council of the Borough of Demarest (the "**Borough Council**") and/or the Joint Planning Board of the Borough of Demarest (the "**JPB**") include the Project in the Borough's Housing Plan (the "**Housing Plan**") pursuant to the Fair Housing Act, specifically N.J.S.A. 52:27D-310 and/or a redevelopment plan (the "**Redevelopment Plan**") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "**Redevelopment Law**") to allow the development of the Project on the Property; and

**WHEREAS**, as an inducement to the Borough and JPB to consider studying and adopting an Amended Housing Plan and/or Redevelopment Plan and engage in such negotiations over the Escrow Agreement, and as a precondition thereto, the Proposed Developer has agreed to deposit with the Borough the initial amount of **TWO THOUSAND FIVE HUNDRED and 00/100 (\$2,500.00) DOLLARS** (the "**Escrow Deposit**"), to be deposited in an escrow account and disbursed in accordance with the provisions of this Escrow Agreement to defray certain costs incurred by or on behalf of the Borough and JPB arising out of the activities described above and in connection with the preparation of the Escrow Agreement.

**NOW THEREFORE**, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties hereto agree as follows:

**1. Escrow Deposit.** The initial Escrow Deposit is separate from and in addition to all other application fees and escrow deposits that may be required by the Borough, including any applications for land use approvals that may be needed to implement the Project, should the Project move forward. Additions to the Escrow Deposit may subsequently become necessary to cover all reimbursable expenses incurred by the Borough pursuant to the terms of this Escrow Agreement.

**2. Scope of Reimbursable Services.** (a) The Borough shall be entitled to be reimbursed for all professional charges incurred in connection with the activities described in the Recitals, and the negotiation and preparation of the Escrow Agreement; the preparation and review of all related documents and materials, including but not limited to correspondence, meetings and all communications (including by telephone and e-mail) with the Proposed Developer, its professionals, Borough staff or retained professional(s) in the negotiation and preparation of revised zoning ordinance and/or any amendments to the Housing Element and Fair Share Plan and subsequent actions taken for approval by the Dispute Resolution Program and/or the Superior Court and related documents or materials (collectively, the "**Reimbursable Activities**"). **Reimbursement may include charges incurred in connection with Reimbursable Activities prior to the date of this Escrow Agreement and is not contingent upon the outcome of the negotiations or execution of an Agreement.**

(b) Properly reimbursable professional charges shall be reasonable and necessary and shall relate to Reimbursable Activities performed by outside consultants and professionals.

**3. Deposit and Administration of Escrow Funds.** The Escrow Deposit and all additions thereto shall be held by the Borough in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in a segregated, non-interest-bearing account referenced to this Escrow Agreement.

**4. Payments from the Escrow Funds.** (a) The Borough shall use such funds to pay reimbursable professional charges and the charges for special meetings, if applicable.

(b) Professional charges paid out of the escrow account shall include professional charges in connection with the Reimbursable Activities. The Proposed Redeveloper shall not be charged for any costs and expenses not associated with the Reimbursable Activities. The only costs that shall be added for payment from the escrow in addition to the Reimbursable Activities shall be actual out-of-pocket expenses of such professionals or outside consultants, including normal and typical expenses incurred in connection with such Reimbursable Activities.

(c) Each payment for professional services charged to the escrow account shall be pursuant to a voucher from the professional, identifying the personnel performing the Reimbursable Activities, each date the services were performed, the hours spent in not greater than one-quarter (1/4) hour increments, the hourly rate, and specifying properly reimbursable expenses. All professionals shall submit the required vouchers or statements to the Borough on a periodic basis in accordance with the schedule and procedures established by the Borough. The professional shall simultaneously send an informational copy of each voucher or statement submitted to the Borough to the Proposed Developer, c/o Matthew Capizzi, Esq., 205 Fairview

Avenue, Westwood, New Jersey 07675; *provided*, that each such informational voucher or statement may be redacted if and as necessary to prevent disclosure of privileged or otherwise confidential matters.

**5. Accounting and Additional Deposits.** Upon the termination of negotiations, the submission of a development application to the JPB, or as reasonably requested by the Proposed Developer, the Borough shall prepare and send to the Proposed Developer a statement which shall include an accounting of funds listing all deposits, disbursements and the cumulative balance of the escrow account. If at any time the balance in the escrow account is less than **ONE THOUSAND FIVE HUNDRED and 00/100 (\$1,500.00) DOLLARS**, or if the escrow account otherwise contains insufficient funds, in the absolute sole discretion of the Borough to enable the Borough to continue with the negotiations or document preparation, the Borough shall provide the Proposed Redeveloper with a notice of the insufficient escrow deposit balance. The Proposed Redeveloper shall deposit to the escrow account additional funds such that the total amount on deposit shall be not less than **ONE THOUSAND FIVE HUNDRED and 00/100 (\$1,500.00) DOLLARS**, such deposit to be made within five (5) business days of the Borough's notice, failing which the Borough may unilaterally cease work without liability to the Proposed Redeveloper.

**6. Close Out Procedures.** Upon termination of negotiations an application to the JPB, or upon the submission of an application to the JPB, and unless otherwise provided in the Agreement, the Proposed Developer shall send written notice by certified mail to the Borough, the Borough Attorney and to the relevant municipal professional(s), requesting that the remaining balance of the Escrow Deposit be refunded, or otherwise applied as agreed to pursuant to the terms an executed Developer Agreement. After receipt of such notice, the professional(s) shall render a final bill to the Borough within sixty (60) days, and if so requested shall send an informational copy simultaneously to the Proposed Developer. Within sixty (60) days of receipt of the final bill(s) the Borough shall pay all outstanding bills and render a written final accounting to the Proposed Developer detailing the uses to which the escrow funds were put. The Proposed Developer will not be responsible for any additional charges once the remaining balance of the Escrow Deposit is refunded. If a Developer Agreement is executed and the Proposed Developer so requests, the Borough agrees to apply any balance remaining in the Escrow Deposit towards the funding of any escrow deposits that may be required to be posted pursuant to the terms of the executed Developer Agreement.

**7. Disputed Charges.** (a) The Proposed Developer may dispute the propriety or reasonableness of professional charges paid out of the Escrow Deposit by written notice to the Borough. A copy of such notice shall be sent simultaneously to the professional(s) whose charges or estimated costs are the subject of the dispute. Such written notice of a disputed charge shall be given within forty-five (45) days from the Proposed Developer's receipt of the informational copy of the professional's voucher, except that if the professional has not supplied the Proposed Developer with an informational copy of the voucher, then the Proposed Developer shall send notice within sixty (60) days from receipt of the first statement of activity against the escrow account containing the disputed charge. Failure to dispute a charge in writing within the prescribed time shall constitute the Proposed Developer's acceptance of the charge and a waiver by the Proposed Developer of all objections to the charge and to payment thereof out of the escrow account.

(b) During the pendency of a dispute the Borough may continue to pay undisputed charges out of the escrow account. If a dispute over a charge is resolved in the Proposed Developer's favor after having been paid, the Borough shall reimburse the escrow account in the amount determined to be properly disputed.

(c) If the parties cannot resolve the dispute between themselves, then the procedures under N.J.S.A. 40:55D-53.2a shall control.

**8. Governing Law.** This Escrow Agreement shall be governed, construed and enforced according to the laws of the State of New Jersey, without regard to its conflicts of laws principles. Any action hereunder shall be brought exclusively in a court of the State of New Jersey sitting in Bergen County, New Jersey, and the Proposed Developer hereby waives all objections to such venue and hereby waives any rights to a jury trial, if applicable.

**9. Successors and Assigns.** This Escrow Agreement shall be binding upon, and inure to the benefit of, the parties hereto and upon each party's successors and assigns.

**10. Entire Agreement; No Modification Unless in Writing.** This Escrow Agreement contains the entire agreement of the parties relative to the subject matter hereof. Any amendment hereto or modification or variation hereof shall be ineffective unless in writing signed by each of the parties hereto.

**11. Effective Date.** This Escrow Agreement shall not become effective unless and until the initial Escrow Deposit is made.

**The balance of this page intentionally left blank; signatures appear on next page.**

**IN WITNESS WHEREOF**, the parties have executed this Agreement the date and year first above written.

Witness or Attest:

**BOROUGH OF DEMAREST**

\_\_\_\_\_

By: \_\_\_\_\_  
Brian Bernstein, Mayor

Witness or Attest:

**232 County Road, LLC**

\_\_\_\_\_

By: \_\_\_\_\_  
Russ Luppino, Member

**Resolution of the Demarest Governing Body**

**Resolution No. 171-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION OF AUTHORIZING ACTION TO RELEASE PERFORMANCE BOND**

=====

**WHEREAS**, the following applicant(s) posted a performance bond for tree removal mitigation with the Borough; and

**WHEREAS**, the Shade Tree Commission has determined that all required mitigation plantings have been satisfactorily completed; and

**WHEREAS**, per Borough Ordinance regarding tree removal the performance bond shall be returned upon completion of required mitigation planting and recommendation of the Shade Tree Commission:

<u><b>Applicant</b></u>	<u><b>Address</b></u>	<u><b>Amount</b></u>
Austin Siboni (Property 63 Central Ave.)	PO Box 696	\$2,000.00

**NOW THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer is hereby authorized to return performance bonds to the applicants.

**APPROVED:**

\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

**Resolution of the Demarest Governing Body**

**Resolution No. 172-25**

**September 26, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR COMPOST SITE MITIGATION – TREE REQUIREMENT**

=====

**WHEREAS**, the Borough of Demarest has a need for engineering services related to tree evaluation of property to satisfy Compost Site Tree Mitigation; and

**WHEREAS**, the Borough received a proposal dated September 19, 2025 from Colliers Engineering & Design to provide those services, attached, for the sum of \$31,500.00; and

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

**WHEREAS**, the vendor is the currently appointed 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-04-2150-25-116-1001;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough of Demarest that the Borough Administrator is authorized to execute the agreement to authorize Colliers Engineering & Design to perform the work described herein not to exceed \$89,500.00 a copy of which is annexed to this Resolution.

**APPROVED:**

\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

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



September 19, 2025

Julie Falkenstern, Borough Administrator  
Mayor and Council  
Borough of Demarest  
118 Serpentine Road  
Demarest, New Jersey 07627

Professional Engineering Services  
Westwood Mitigation Property – Block 1104, Lot 1  
Borough of Demarest, Bergen County  
Colliers Engineering & Design Proposal No.: DEB0082P

Dear Ms. Falkenstern,

Colliers Engineering & Design Inc. (CED) is pleased to present this agreement to provide Engineering Services for a mitigation property the Borough has purchased in Westwood, NJ. Specifically, this agreement includes Survey services as well as Tree Analysis and Determination of Subdivision Lines within the mitigation property. It is our understanding that the Borough intends to purchase the subject property to satisfy NJDEP tree requirements associated with the ongoing Compost Facility actions. The survey will determine the location and diameter of trees within the property. Once the survey is prepared, an evaluation will be performed to determine how many existing trees are necessary to satisfy the NJDEP requirements. A proposed subdivision line will be located within the property to create two (2) resultant lots: 1) the subject lot to satisfy the tree replacement requirements of NJDEP; and 2) a lot with the remainder of the original property that the Borough can retain for future use. The subdivision plan, as well as metes and bounds descriptions, are included in this effort.

CED will provide the following services:

#### SCOPE OF SERVICES

##### **TASK 1.0 SURVEY SERVICES**

##### **Task 1.1 Boundary & Topographic Survey**

CED will prepare a Boundary Survey of Block 1104, Lot 1 in the Borough of Westwood, Bergen County, State of New Jersey in accordance with the standards set forth in the Laws of the State of New Jersey Statutory Reference NJSA 45:8-28(e) and more specifically, the administrative rules and regulations promulgated by the State Board of Professional Engineers and Land Surveyors and contained in N.J.A.C. 13:40-5.1.

Included in this task of service are the following tasks:

- Public records research and pre-field records review;
- Field traverse, location survey and data collection;
- Field survey data reduction and computation;
- Boundary analysis and survey calculations.

Unless provided by the Borough, the boundary survey will be subject to such facts that a current and accurate title report would disclose.

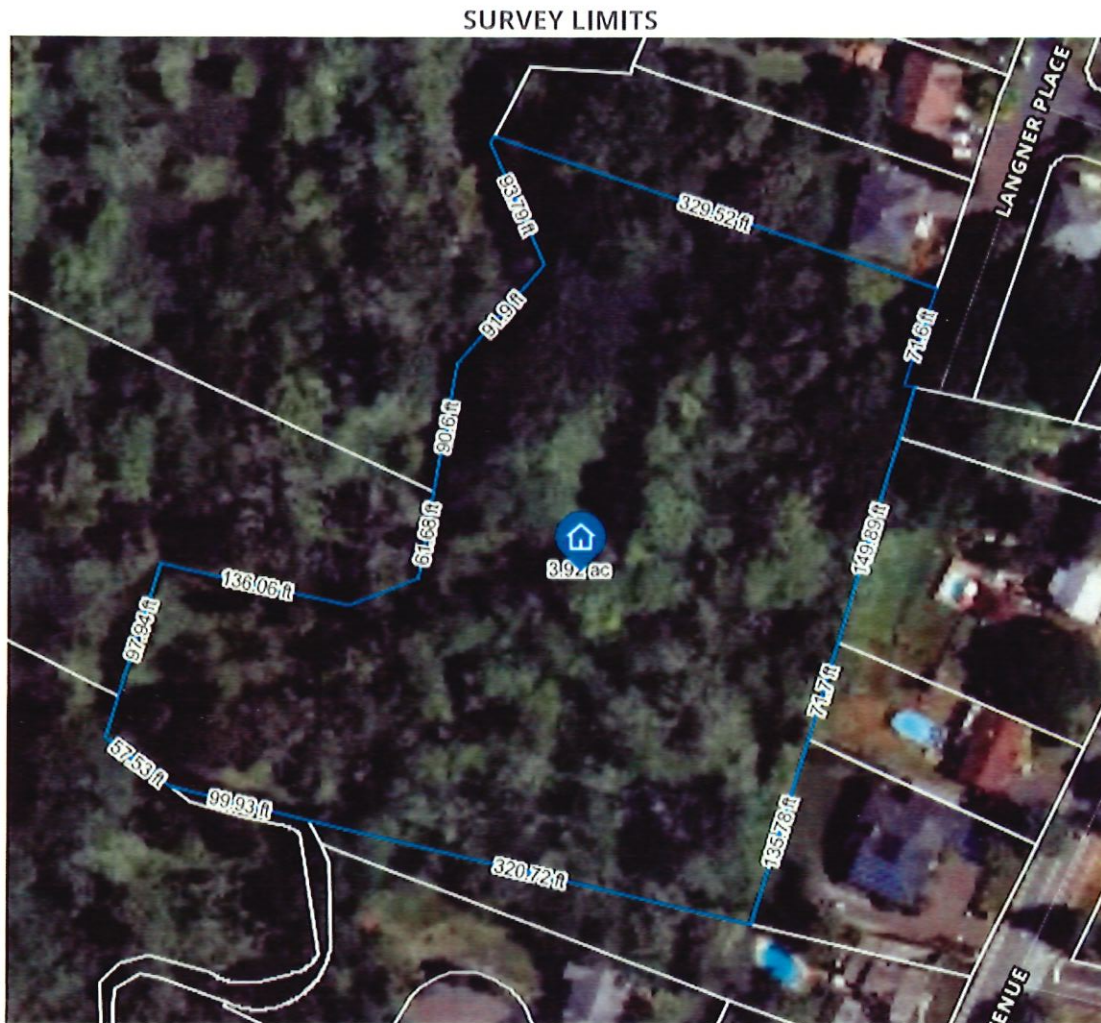
**The fee for this survey does not include the installation of property corner markers.** If requested, we will set a state-approved property corner marker at each property corner where no marker currently exists in accordance with New Jersey administrative code, for an additional fee. **The fee for this service is \$350.00 per corner marker, or a minimum of \$1,400.00,** for mobilization and services. If you elect not to have property corner markers installed, please sign and return the attached corner marker waiver form which is being provided in accordance with the NJ administrative code.

The Borough should furnish the surveyor with the following information/documents before we initiate services on the project:

- A copy of the property deed(s) of record;
- A copy of the property title binder (if available);
- A corner marker waiver form (unless corner markers are desired to be set) (form enclosed).

The fee for this task is based upon the assumption that the deed mathematically closes, that there are no title problems, that there are no overlaps or gores with adjoining properties, and that extraordinary research or analysis is not required. If any of the items cited in this paragraph do become issues during our survey efforts, we will discuss the necessary additional services and related costs with you prior to proceeding with the additional services.

CED will perform a partial topographic survey of the subject property. The limits of the topography are outlined in **blue** (3.9± acres) as depicted in the Survey Limits image below:



Our office will prepare a topographic survey map that is a graphic pictorial representation of existing site features observed at the time of the field survey such as buildings, curbs, sidewalks, roadways, driveways, retaining walls, fences, and utility hardware. The topographic map will depict existing spot elevations and contours at a one-foot (1') contour interval. GPS surveying techniques will be used to control the survey with the resulting horizontal datum being New Jersey State Plane Coordinate System NAD83 and the vertical datum being North American Vertical Datum NAVD88.

Visible and accessible utilities and/or utility structures within the survey limits, as described above, will be surveyed and shown on the plan to include rim, grate and invert elevations, and pipe sizes entering and/or exiting the structures. For the purposes of this contract, accessible utilities shall be defined as those utilities that are visible to the naked eye at ground level and are safely accessible by foot by CED field survey personnel without the need for additional safety measures and/or assistance with making pipes visible, open and clear for inspection and measuring.

We will survey visible evidence of existing utilities within the survey limits, but may not be able to confirm the existence, or actual position of, all underground utilities which may be running through or servicing the subject property. The NJ One Call System prohibits the use of its service for surveying and mapping of subsurface utilities for engineering design purposes. If requested, we can enlist the services of our in-house subsurface utility engineers to investigate and mark the approximate location of subsurface utilities that may exist on the site. The fee for this additional service can be provided upon request.

Included in this task of service are the following tasks:

- Establish on-site survey control;
- Field traverse, topographic survey and data collection;
- Field measure inverts of accessible gravity structures;
- Field survey data reduction and computation;
- Preparation of topographic survey map in AutoCAD Civil 3D 2025 format.

Traffic safety protection for field survey crew and cleaning of clogged or obstructed drain and sewer structures is **not** included in the fee for this survey. If it is determined that safety protection is required for any of the survey services performed under this contract, we will advise you of the approximate cost prior to moving forward. Such additional costs would be invoiced as a reimbursable expense pursuant to prior authorization.

### Task 1.2 Tree Survey

Field survey and map individual trees on the subject property having a diameter breast height (DBH) of **four inches (4") and greater**. The approximate diameter will be shown on our survey map as individual label, or in tabular form. Tree species, and other information that may be provided by an arborist is not included in this task. This fee is based on 1) performing in conjunction with Task 1.1 and 2) the location of every 100 trees.

### Task 1.3 Minor Subdivision Plat

CED will prepare a Minor Subdivision Plat of the subject property for the purposes of creating two (2) new lots. The plat will be prepared in accordance with the current "Title Recordation Law" and the requirements for the applicable Land Subdivision Ordinance. The plat will be based on the boundary survey as prepared by CED under a separate task of this contract.

Metes and bounds descriptions of the two (2) new lots will be prepared and provided to your office for inclusion in the subdivision deed. It is presumed that the Borough will retain the responsibility of recording the subdivision deed with the county once Final Approval has been obtained.

Setting of monuments or corner markers, as may be required by review agencies, will be an additional service if requested.



**TASK 2.0 TREE ANALYSIS AND DETERMINATION OF SUBDIVISION LINES**

Utilizing the tree survey prepared in Tasks 1.1 and 1.2 above, an evaluation will be performed to calculate the number of existing trees required to satisfy the necessary tree volume for NJDEP comments associated with the Compost Facility. Once the target number of trees (tree volume based on diameter measurements) is determined, proposed lot lines will be drafted to create a "new" parcel. The lot lines will be chosen and configured to limit the number of property line courses and also ensure that a nominal amount of surplus trees is encompassed. The proposed lot lines and resultant lots will be the basis for the preparation of the subdivision described under Task 1.3, above. Accordingly, the subdivision plan, as well as metes and bounds descriptions of the resultant lots, are included in Task 1.3 above.

**FEE AGREEMENT**

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

TASK 1.0	SURVEY SERVICES	\$22,000.00
TASK 2.0	TREE ANALYSIS AND DETERMINATION OF SUBDIVISION LINES	\$ 9,500.00
<b>TOTAL LUMP SUM FEE</b>		<b>\$31,500.00</b>

The above engineering services will be provided on a lump sum basis not to exceed the listed amount. This contract and fee schedule are based upon the Borough Engineering Contract, authorized by the Borough.

**PROJECT SCHEDULE**

The following is the anticipated project schedule:

	<b>Anticipated Duration</b>
Mayor & Council Award of Professional Services	Anticipate Authorization September 2025
Survey Services	To be completed within 45 days of Authorization
Tree Analysis/Determination of Subdivision Lines	To be completed within 75 days of Authorization

**PROJECT DELIVERABLES**

The completed survey and subdivision plan with the proposed lot lines will be provided to the Borough.

## **PLAN REVISIONS AND EXTRA SERVICES**

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

## **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.

## **EXCLUSIONS**

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement.

- Services not specifically outlined above;
- Stream Cross Sections;
- Utilities;
- Engineering services beyond what is described above;
- Construction stakeout services;
- Wetland delineation, reports, or surveys;
- Security clearance and/or site access protocol.

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 work. Unanticipated additional services shall be in accordance with the Schedule of Hourly Rates for the number of hours that the Construction Administrator or Engineer is on-site. No extra engineering services will be performed without authorization from the Borough.

Please forward a copy of the Resolution of Approval or approved Purchase Order to this office. This will constitute approval of the proposed services, and we shall initiate the engineering design services as discussed within this correspondence.

We thank you very much for the opportunity to offer our services and look forward to working with you on this and future projects. In the meantime, should you have any questions regarding this agreement, please feel free to contact me.

Sincerely,  
Colliers Engineering & Design



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)  
Andrea Johe, Borough CFO (via email)  
Patrick Jamieson, (CED via email)  
James Priolo, PE (CED via email)

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## Ultimate User's Waiver and Direction Not To Set Corner Markers

To: Jeffrey Bunce, P.L.S.  
Colliers Engineering & Design  
400 Valley Road Suite 304 Mt. Arlington New Jersey 07856  
P: 877-627-3772 | F: 397-398-3199

From:

Block 1104, Lot 1, Borough of Westwood, Bergen County, New Jersey

This is to advise that I have been made aware of my right to have corner markers set as part of a survey to be performed on the aforementioned property. In addition, I have been made aware of the potential impact of signing the waiver including: (1) the possible need for a future survey as a result of physical improvements to the property, such as a fence, addition, deck, pool or shed, and (2) the potential inability of the ultimate user to identify the actual boundary of the property which could result in a boundary dispute with an adjoining property owner and /or property improvements not accurately situated on my property. The right to have corner markers set is hereby waived, and you are directed to perform the land survey without the setting of corner markers as provided by the regulation (N.J.A.C. 13:40 5.2) of the State Board of Professional Engineers and Land Surveyors.

\_\_\_\_\_  
Ultimate User's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness' Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Witness (typed or printed)

\_\_\_\_\_  
Address of Witness (Typed or Printed)

**SURVEYOR'S NOTE: When this form is completed, signed and witnessed, the Surveyor will NOT set corner markers.**

-----  
**FOR SURVEYORS USE ONLY AFTER RECEIPT OF EXECUTED "WAIVER"**

I hereby certify that I have:

1. Advised the ultimate user of the impact of signing the corner marker waiver, which shall include, but not be limited to, the possible need for a future survey as a result of physical improvements to the property and the potential inability of the ultimate user to identify the actual boundary of the property;
2. Reviewed the waiver to ensure that it was properly signed by the ultimate user and witnessed by a person other than a land surveyor; and
3. Performed a physical measurement of the property.

\_\_\_\_\_  
New Jersey Licensed Land Surveyor

\_\_\_\_\_  
Date

**Resolution of the Demarest Governing Body**

**Resolution No. 173-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**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 \$ 3,067,636.90 on bill list dated September 25, 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, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

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: 09/05/25 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
AAAUT005	A&A AUTOMOTIVE P&A AUTO&TRUCK	25-01463	09/18/25	AUGUST 2025 INVOICES	Open	2,427.53	0.00		
AAAEM005	AAA EMERGENCY SUPPLY CO INC	25-01470	09/18/25	fire extinguisher inspection	Open	435.00	0.00		
AAAMU005	AAA MUNICIPAL & COUNTY ADVISOR	25-01400	09/09/25	AUGUST SERVICE	Open	1,500.00	0.00		
AGLWE005	AGL WELDING SUPPLY CO., INC.	25-01402	09/09/25	dpw cylinder lease	Open	325.00	0.00		
AMAZO005	AMAZON CAPITAL SERVICES	25-01435	09/11/25	borough supplies	Open	74.27	0.00		
		25-01441	09/12/25	dpw supplies	Open	422.58	0.00		
		25-01446	09/16/25	printer cable/power cord	Open	62.30	0.00		
		25-01447	09/16/25	borough supplies	Open	44.95	0.00		
		25-01448	09/16/25	annual prime membership fee	Open	349.00	0.00		
		25-01451	09/16/25	BOROUGH SUPPLIES	Open	21.55	0.00		
		25-01471	09/19/25	finance printer toner	Open	229.29	0.00		
		25-01498	09/24/25	coffee pods borough	Open	89.95	0.00		
						<u>1,293.89</u>			
BATTA005	BATTAGLIA ASSOCIATES LLC	25-01414	09/09/25	AUDIT BALANCE REC/ ADJ JE'S	Open	1,062.50	0.00		
BENJA005	BENJAMIN BROS.	25-01432	09/10/25	AUGUST INVOICES	Open	228.29	0.00		
BERGE180	BERGEN CNTY, DIV OF TREAS	25-01497	09/24/25	4th Qtr 2025 911 Dispatch	Open	17,356.75	0.00		
BERGE130	BERGEN COUNTY SHERIFF	25-01429	09/10/25	PD TRAFFIC ASSISTANCE	Open	1,920.00	0.00		
BOROO005	BORO OF DEMAREST CAPITAL ACCT	25-01425	09/10/25	Capital Improvement Fund	Open	86,000.00	0.00		
BOROU095	BOROUGH OF ALPINE	25-01428	09/10/25	PD TRAFFIC CONTROL 8/14/25	Open	720.00	0.00		
BOROU005	BOROUGH OF CRESSKILL	25-01427	09/10/25	PD SECURTY 8/13-8/26	Open	960.00	0.00		
CHASA005	CHASAN, LAMPARELLO, MALLON & C	25-01443	09/12/25	TAX APPEAL SERVICES	Open	1,918.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
CHIES005	CHIESA SHAHINIAN & GIANTOMASI								
		25-01404	09/09/25	July fee	Open	250.00	0.00		
		25-01405	09/09/25	prof svcs 30 hardenburgh ave	Open	1,062.50	0.00		
						<u>1,312.50</u>			
COLLI010	COLLIERS ENGINEERING & DESIGN								
		25-01499	09/24/25	DEB005A HEFSP VACANT LAND ASSE	Open	986.25	0.00		
		25-01500	09/24/25	DEB001A GENERAL PLANNING	Open	47.50	0.00		
		25-01501	09/24/25	DEP0164 95 COUNTY RD	Open	190.00	0.00		
						<u>1,223.75</u>			
CONTI025	CONTINENTAL FIRE & SAFETY, INC								
		25-01272	08/12/25	SQUAD EQUIPMENT	Open	3,681.00	0.00		
		25-01273	08/12/25	SQUAD EQUIP	Open	2,402.00	0.00		
						<u>6,083.00</u>			
COOPE010	COOPER POWER SYSTEMS								
		25-01450	09/16/25	GENERATOR SERVICE/BATTERY	Open	1,449.48	0.00		
DANST005	DAN'S TENT AND PARTY RENTALS								
		25-01467	09/18/25	tents,tables,chairs demar. day	Open	990.00	0.00		
DECAR005	DECARLO TREE MASTERS								
		25-01305	08/20/25	3 TREES AT COUNTY RD SCHOOL	Open	3,600.00	0.00		
DECOT005	DECOTIIS, FITZPATRICK, COLE &								
		25-01430	09/10/25	BORO OF DEMAREST V LIEBERMAN	Open	4,889.49	0.00		
DELTA005	DELTA DENTAL OF NJ INC								
		25-01436	09/11/25	I#PM00000001193453 Oct 2025	Open	3,266.78	0.00		
DEMAR015	DEMAREST BOARD OF EDUCATION								
		25-01439	09/11/25	september tax levy	Open	1,521,708.00	0.00		
DEMAR080	DEMAREST DELI								
		25-01480	09/22/25	Demarest Deli	Open	259.57	0.00		
		25-01504	09/25/25	borough groceries	Open	104.82	0.00		
						<u>364.39</u>			
DEMAR025	DEMAREST FIRE ASSOCIATION								
		25-01454	09/17/25	Association Dinner	Open	12,000.00	0.00		
DLSCO005	DLS CONTRACTING INC								
		25-01424	09/10/25	2025 riverside coop pmt#1	Open	188,720.26	0.00		
DURIE010	DURIE LAWN MOWER & EQUIPMENT,								
		25-01456	09/17/25	pulley for toro mower	Open	48.95	0.00		
EDMUN010	EDMUNDS GOVTECH								
		25-01494	09/23/25	TAX BILLS 4TH QTR 2025	Open	857.80	0.00		
EMERS015	EMERSON POLICE DEPARTMENT								
		25-01505	09/25/25	PD TRAFFIC DETAIL	Open	680.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
EQUIT005	EQUITABLE	25-01462	09/18/25	I#1775656 oct2025 dtd 09/11/25	Open	1,554.65	0.00		
ESSIN005	ESS, INC / PINNACLE WIRELESS	25-01005	07/01/25	2025 PD CAR UPGRADE	Open	1,345.56	0.00		
FILEB005	FILEBANK, INC	25-01455	09/17/25	october storage	Open	1,245.34	0.00		
GALIA005	GALIANO HARRIS & ASSOCIATES	25-00799	06/04/25	BOUNDRY LINE SURVEY	Open	9,800.00	0.00		
GANNE005	GANNETT MEDIA CORP	25-01401	09/09/25	NJM POSTINGS	Open	208.88	0.00		
GEESE005	GEESE POLICE INC	25-01488	09/22/25	july/august service	Open	2,600.00	0.00		
GRAIN010	GRAINGER	25-01410	09/09/25	Grainger Assorted Parts	Open	147.02	0.00		
		25-01453	09/17/25	Grainger Tools	Open	1,969.84	0.00		
						<u>2,116.86</u>			
HARTM005	HARTMAN EXCAVATING, LLC	25-01418	09/09/25	woodchips	Open	400.00	0.00		
INSTI005	INSTITUTE FOR PROF DEVELOPMENT	25-01403	09/09/25	clerk role -electoral process	Open	50.00	0.00		
INTER035	INTER CITY TIRE	25-01417	09/09/25	FIRE DEPT TIRES	Open	2,049.32	0.00		
		25-01449	09/16/25	tires for fire engine 2	Open	2,176.68	0.00		
						<u>4,226.00</u>			
INTER055	INTERMEDIA, INC	25-01481	09/08/25	monthly phone bill	Open	830.48	0.00		
INTER040	INTERSTATE WASTE SERVICES	25-01426	09/10/25	I#11214698 August waste&recy	Open	51,811.22	0.00		
JAMES065	JAMES BERLAMINO JR	25-01487	09/22/25	DEMARESTDAY FOOD REIMBURSEMENT	Open	92.52	0.00		
JAMES070	JAMES PUGLIO	25-01479	09/22/25	DEMAREST DAY CONCERT	Open	1,000.00	0.00		
JOHNN010	JOHNNY MAC ENTERTAINMENT, LLC	25-01468	09/18/25	dj services demarest day	Open	700.00	0.00		
KHOLO005	KHOLODENKO, ILYA &	25-01397	09/05/25	TAX REFUND	Open	3,595.88	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LERCH005	LERCH VINCI & HIGGINS	25-01458	09/18/25	capital ordinance prof svcs	Open	416.25	0.00		
LOWES010	LOWE'S	25-01434	09/11/25	A#98003339177 dtd 8/26/25	Open	27.14	0.00		
MORNI005	MORNINGLORY FACEPAINTS LLC	25-01466	09/18/25	face painting demarest day	Open	1,075.00	0.00		
MUNIC035	MUNICIPAL CAPITAL FINANCE	25-01411	09/09/25	contract payment 22	Open	415.00	0.00		
NJDEP005	NJ DEPT OF HEALTH	25-01365	09/02/25	AUGUST DOG LICENSE	Open	8.40	0.00		
NJDIV025	NJ DIV OF ALCOHOLIC BEVERAGE	25-01396	09/05/25	DEMAREST DAY PERMIT	Open	150.00	0.00		
NJASR005	NJASRO	25-01442	09/12/25	sro training fee	Open	950.00	0.00		
NJLM0005	NJLM	25-01496	09/24/25	Ad for Seasonal Worker DPW	Open	115.00	0.00		
NJSHB005	NJSHBP	25-01433	09/11/25	july health charge	Open	60,463.16	0.00		
NVRHS005	NVRHS BOARD OF EDUCATION	25-01440	09/11/25	september tax levy	Open	998,598.40	0.00		
ODBCO005	O.D.B. COMPANY, INC	25-01419	09/09/25	liners for odb leaf vac	Open	766.74	0.00		
ORGAN005	ORGANIC RECYCLING INC	25-01457	09/17/25	5 yards of root balls	Open	205.00	0.00		
NJPAR005	PARTY TIME RENTALS	25-01465	09/18/25	rides,games,staff Demarest Day	Open	10,810.00	0.00		
		25-01473	09/19/25	demarest day food servings	Open	900.00	0.00		
						11,710.00			
PERRY005	PERRY WEATHER, INC	25-01423	09/10/25	SOFTWARE + OWS	Open	2,850.00	0.00		
PIAZZ005	PIAZZA & ASSOCIATES, INC.	25-01412	09/09/25	september consulting fee	Open	250.00	0.00		
PUBLI005	PUBLIC SERVICE GAS & ELECTRIC	25-01482	09/22/25	SEP AMBULANCE BILL	Open	36.00	0.00		
		25-01483	09/22/25	SEP CHURCH BILL	Open	28.78	0.00		
		25-01484	09/22/25	SEP FIRE BILL	Open	43.20	0.00		
		25-01485	09/22/25	SEP DPW BILL	Open	64.83	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PUBLI005	PUBLIC SERVICE GAS & ELECTRIC	25-01486	09/22/25	SEP TRAIN BILL	Open	28.48	0.00		
						<u>201.29</u>			
QUADI010	QUADIENT FINANCE USA, INC.	25-01475	09/19/25	postage funding	Open	799.57	0.00		
RAYSL005	RAY'S TREE SERVICE, LLC	25-01507	09/25/25	2025 Q3 fee	Open	1,650.00	0.00		
ROCKL005	ROCKLAND ELECTRIC CO.	25-01491	09/23/25	A#46060500009 129Harde 8/5-9/4	Open	101.17	0.00		
		25-01492	09/23/25	A#36498040009 tennisct 8/4-9/3	Open	125.07	0.00		
		25-01493	09/23/25	A#49195636086 563 Piermont Rd	Open	182.76	0.00		
		25-01495	09/24/25	A#08263-54000-0 Sep2025 Part#1	Open	<u>12,217.00</u>	0.00		
						<u>12,626.00</u>			
STAPL005	STAPLES BUSINESS ADVANTAGE	25-01431	09/10/25	BOROUGH SUPPLIES	Open	247.03	0.00		
SUNSE005	SUNSET HAND CAR WASH	25-01415	09/09/25	PD CAR WASH AUGUST	Open	296.00	0.00		
		25-01416	09/09/25	FD CAR WASH	Open	<u>60.00</u>	0.00		
						<u>356.00</u>			
TSLAC005	T SLACK ENVIRONMENTAL SERVICES	25-01421	09/10/25	PHASE 1 ESA WESTWOOD PROPERTY	Open	2,500.00	0.00		
TCTAO005	T.C.T.A OF BERGEN COUNTY	25-01437	09/11/25	3rd Annual Mtg Sept 18th 2025	Open	50.00	0.00		
TCTAO010	T.C.T.A. OF NJ	25-01438	09/11/25	Webinar 09/19/25 Stay NJ PAS-1	Open	50.00	0.00		
THEST005	THE STANDARD INSURANCE CO	25-01508	09/25/25	P#001481980001 oct2025 26Lives	Open	405.49	0.00		
TOWNT005	TOWN TITLE AGENCY LLC	25-01422	09/10/25	WESTWOOD PROPERTY CLOSING	Open	135.00	0.00		
TRUEG005	TRUEGREEN COMMERCIAL	25-01420	09/09/25	8-28-25 service	Open	1,648.25	0.00		
ULINE005	ULINE SHIPPING SUPPLY	25-01476	09/19/25	dpw supplies	Open	331.54	0.00		
VEOLI005	VEOLIA (SUEZ) WATER NEW JERSEY	25-01452	09/17/25	Sept 2025 water Bill Part #1	Open	10,045.05	0.00		
		25-01503	09/25/25	Sept 2025 water Bill Part #2	Open	<u>576.21</u>	0.00		
						<u>10,621.26</u>			
VERIZ050	VERIZON	25-01461	09/18/25	A#156956386000196 8/28-9/27	Open	201.52	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
VERIZ020	VERIZON (AMB)	25-01489	09/22/25	AMB FINAL BILL	Open	1,216.32	0.00		
VERIZ040	VERIZON (E911 2ND LINE)	25-01464	09/18/25	A#655938805000188 9/10-10/9	Open	226.95	0.00		
VERIZ055	VERIZON - DPW - INTERNET	25-01459	09/18/25	A#158015068000148 9/7-10/6	Open	69.00	0.00		
VERIZ045	VERIZON - FIRE -INTERNET	25-01407	09/09/25	Verizon Internet	Open	353.40	0.00		
VERIZ060	VERIZON AMB ALARM	25-01460	09/18/25	A#358025943000120 8/28-9/27	Open	137.26	0.00		
VERIZ010	VERIZON WIRELESS	25-01472	09/19/25	98249867300001 8/11-9/10	Open	420.15	0.00		
VERIZ025	VERIZON WIRELESS (FIRE)	25-01469	09/18/25	Verizon Cell Aug 11-sept 10	Open	228.10	0.00		
VERME005	VERMEER NA	25-01413	09/09/25	cover assembly parts invoice	Open	236.23	0.00		
VICTO005	VICTORIAS NURSERY	25-01364	09/02/25	cemetery planting -skip laurel	Open	5,985.00	0.00		
		25-01474	09/19/25	skip laurels	Open	375.00	0.00		
						<u>6,360.00</u>			
VISUA005	VISUAL COMPUTER SOLUTIONS, INC	25-01477	09/19/25	Job#2945 traffic control	Open	1,366.20	0.00		
WEINE005	WEINER LAW GROUP	25-01444	09/12/25	SPECIAL COUNSEL AH	Open	1,053.00	0.00		
		25-01445	09/12/25	232 COUNTY ROAD LLC DISCUSSION	Open	1,228.50	0.00		
						<u>2,281.50</u>			

Total Purchase Orders: 111 Total P.O. Line Items: 0 Total List Amount: 3,067,636.90 Total Void Amount: 0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	5-01	318,807.70	0.00	2,523,902.28	2,842,709.98
	5-05	0.00	0.00	8.40	8.40
	5-06	0.00	0.00	11,585.00	11,585.00
	5-12	0.00	0.00	3,517.75	3,517.75
Year Total:		<u>318,807.70</u>	<u>0.00</u>	<u>2,539,013.43</u>	<u>2,857,821.13</u>
	C-04	208,563.27	0.00	0.00	208,563.27
	T-13	1,252.50	0.00	0.00	1,252.50
Total of All Funds:		<u>528,623.47</u>	<u>0.00</u>	<u>2,539,013.43</u>	<u>3,067,636.90</u>

**Resolution of the Demarest Governing Body**

**Resolution No. 174-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION APPROVING SHARED SERVICE AGREEMENT WITH THE  
BOROUGH OF FAIR LAWN FOR PROVISION OF CONSTRUCTION CODE  
OFFICIAL/BUILDING SUBCODE OFFICIAL**

=====

**WHEREAS**, the Borough of Demarest has a need for a Construction Official and Building Subcode Official; and

**WHEREAS**, the Borough of Demarest wishes to enter into this Shared Service Agreement with the Borough of Fair Lawn to provide these services; and

**WHEREAS**, this agreement is established in accordance with the Uniform Shared Services and Consolidation Act, P.L. 2007,c.63 (N.J.S.A. 40A:65-1, *et seq.*); and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Demarest that the Borough Administrator is authorized to execute this agreement with Borough of Fair Lawn to provide these services; and

**APPROVED:**

\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

**SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF  
DEMAREST AND BOROUGH OF FAIRLAWN FOR CONSTRUCTION  
OFFICIAL/BUILDING SUBCODE OFFICIAL**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**BOROUGH OF DEMAREST**, a body politic and corporate of the State of New Jersey, with municipal offices at 118 Serpentine Road, Demarest, New Jersey 07627 (“Demarest”), and the **BOROUGH OF FAIR LAWN** (“Fair Lawn”), a body politic and corporate of the State of New Jersey, with municipal offices at \_\_\_\_\_, \_\_\_\_\_, New Jersey \_\_\_\_\_.

**WITNESSETH:**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A.40A:65-1, et seq., authorized local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the Agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Demarest is in need of the services of a licensed Municipal Construction Code Official and Building Subcode Official (the “Official”); and

WHEREAS, the Borough of \_\_\_\_\_ desires to provide Construction Code Enforcement and Building Subcode Enforcement services to the Borough of Demarest in accordance with the terms of this Agreement;

WHEREAS, in the spirit of intermunicipal Cooperation, and in furtherance of the principles underlying the Uniform Shared Services and Consolidation Act, the Borough of \_\_\_\_\_ and the Borough of Demarest have negotiated an Agreement for the shared provision of the services of a licensed Municipal Construction Code Official and Building Subcode Official; and

WHEREAS, the terms and conditions of this undertaking are set forth below; and

WHEREAS, the Municipalities, in an effort to more economically, and efficiently provide governmental Services, the governing bodies have each duly authorized their proper officials to enter into and execute this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and promises hereafter set forth it is agreed follows:

1. Term. This Agreement shall be in effect from the date of execution of this Agreement as authorized by the Governing Body of each municipality and continue thereafter through December 31, 2029, unless terminated sooner as provided herein.
2. Appointment. As a condition of this Agreement, the Official of \_\_\_\_\_ shall be recognized and appointed by the Governing Body of the Borough of Demarest as the Construction Code Official and Building Subcode Official.
3. Employer. \_\_\_\_\_ is hereby designated as the employer of the Official for purposes of tenure rights, salary, pension and other employee benefits. \_\_\_\_\_ agrees to consult with Borough of Demarest with respect to any disciplinary infractions or violations which may arise in the course of duties provided in the other's jurisdiction.
4. Resolution. Pursuant to N.J.S.A. 40A:65-5, this Agreement shall be approved by the adoption of a resolution by the Governing Body of each municipality at an open public meeting held in accordance with the Open Public Meetings Act.
5. State Filing. This Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs, pursuant to the rules and regulations promulgated by the Director.
6. Hours of service. The Official shall be available to the Borough of Demarest at the Borough of Demarest offices two to three days per week as scheduled between the Official and the Borough Administrator. Contractors or residents may make appointments with the Official for Borough of Demarest matters at the Borough of Demarest offices. Office staff shall be provided for all Demarest matters at the offices of the Borough of Demarest.
7. Maintenance of Records. Any and all records concerning Borough of Demarest matters shall be maintained at the Borough of Demarest.
8. Equipment/Operating Expenses: The Borough of Demarest shall provide the Official with adequate computer hardware/software, copier
9. Compliance with Law. The Official shall comply with all applicable state statutes governing the performance of the duties and responsibilities of the Official.
10. Standard of Performance. The Official shall perform the scope of services in a professional manner consistent with generally accepted principles established for the profession. The Official shall use that degree of care and skill normally exercised in the profession under similar

circumstances at the time the serves were rendered. Their standard of care shall not be judged according to later standards.

11. Construction Appeals. The County Construction Board of Appeals shall serve as the Construction Board of Appeals for both municipalities. Each municipality shall be responsible with respect to the cost of legal services arising from said appeals.

12. Scope of Services. The Official shall have the same responsibilities possess the same authority and exercise the same functions for each Municipality including:

- a. Perform all the duties and obligations of these positions as required by law and past practice.
- b. Service each Municipality which shall include, without being limited to, maintaining appropriate, reasonable and necessary office hours agreed upon by each Municipality.
- c. Each Municipalities shall require the employee to maintain accurate daily time records that reflect the time the employe allocates to each Municipality on a daily basis.
- d. Maintain availability for all necessary inspections, permit issuance and issuance of Certificates of Occupancy and Certificates of Continued Occupancy.
- e. Remain available; at all times, for all necessary emergency responses which are needed to protect the health, safety and general welfare of the (2) two Municipalities.

12. Payment. In consideration for the services rendered, the Borough of Demarest shall pay the Borough of \_\_\_\_\_ an annual sum of \$50,00.00 for 2025 (pro-rated from the start date through December 31, 2025) and 2026. Payment for 2027 shall be \$51,000.00, payment for 2028 shall be \$52,020.00 and payment for 2029 shall be \$53,061.00. All payments shall be made quarterly. Each Municipality mutually agrees to revisit the terms and conditions relating to compensation upon renewal or as needed.

13. Liability. It is understood and agreed between the parties that each municipality shall carry and maintain public liability and related insurance as may be required to cover, defend and indemnify with respect to any claims that arise from services provided under this Agreement. Each Municipality agrees to provide the other Municipality with at least thirty (30) days advance written notice of any proposed cancellation of relevant insurance policies or of material changes to said policies.

14. Vehicle. Each municipality shall provide a vehicle the Official for the Official's use for hours during which the Official is performing services within the respective Borough.

15. Termination. Notwithstanding the term of this Agreement as set forth in paragraph 1 hereof, either Municipality has the right to terminate this Agreement for any reason on ninety (90) days written notice to the other Municipality following the adoption of a Resolution by the governing body of the entity authorizing the termination. In the event that either Municipality defaults in the performance of any of its obligations under this Agreement after receiving written notice of same and failing to cure such default within thirty (30) days of said written notice, the non-defaulting party shall be entitled to terminate this Agreement.

16. Entire Agreement. This Agreement represents the entire and integrated agreement between the Borough of \_\_\_\_\_ and the Borough of Demarest and supersedes all prior negotiations, representations or agreements either written or oral. This Agreement shall not be amended, modified or altered during the term hereof except upon mutual agreement of Borough of \_\_\_\_\_ and the Borough of Demarest expressed in writing and signed with the same formality as this Agreement.

17. Required approvals. This Agreement is conditioned upon the approval of each municipality's Governing Body by way of adoption of an approving Resolution and approval of the Division of Local Government Services and the Department of Community Affairs if and to the extent such approval may be required by law or regulation.

18. Applicable Law and Venue. This Agreement shall be interpreted, governed and enforced in accordance with the laws of the State of New Jersey without regard to conflict of laws principles. The parties agree that any and all legal actions relating to the any dispute, enforcement or other matter to be decided between the parties arising out of this Agreement or the subject matter hereof shall be brought in a state court in Bergen County.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the latter of the dates written below.

Borough of \_\_\_\_\_

Borough of Demarest

By: \_\_\_\_\_  
          , Mayor

By: \_\_\_\_\_  
BRIAN BERNSTEIN, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
          , Municipal Clerk

Attest: \_\_\_\_\_  
Julie Falkenstein, RMC

**Resolution of the Demarest Governing Body**

**Resolution No. 175-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION ADOPTING FOURTH ROUND SPENDING PLAN**

=====

**WHEREAS**, in accordance with the Mount Laurel Doctrine every municipality has a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and,

**WHEREAS**, on March 20, 2024, Governor Philip Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the New Jersey Fair Housing Act (the “FHA”) (N.J.S.A. 52:27D-301, et al.); and

**WHEREAS**, among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for affordable housing compliance certification; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the “Fourth Round” of affordable housing obligations (“Fourth Round”); and

**WHEREAS**, the Mayor and Council of the Borough of Demarest (“Borough”) adopted a resolution January 27, 2025, committing to a present need obligation as 0 units and prospective need obligation as 94 affordable units for the Fourth Round.

**WHEREAS**, the Borough filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 29, 2025; and

**WHEREAS**, the Borough received an objection to its Present and Prospective Need numbers from the New Jersey Builders Association on or about February 25, 2025; and

**WHEREAS**, the Borough ultimately secured a determination by Order dated May 5, 2025 that its Present Need obligation is 0 and its Round 4 Prospective Need is 100; and

**WHEREAS**, the Borough’s Joint Planning Board (“Board”) adopted the HEFSP, entitled Housing Element and Fair Share Plan prepared by Darlene A. Green, P.P., AICP of Colliers Engineering & Design, dated May 16, 2025 (“2025 HEFSP”), as an amendment to Borough’s Master Plan on June 5, 2025; and

**WHEREAS**, the Fourth Round HEFSP includes a Fourth Round Spending Plan component, pursuant to the FHA and Directive #14-24, which project anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes estimated expenditures of funds to address its fair share obligations as set forth in the Fair Share plan and which specifically establishes that the expenditure of funds contemplated in the Fourth Round Spending Plan constitute a commitment for expenditure pursuant to N.J.S.A. 52:27D-329.2.d, with the four year time period beginning to run with the date of collection of the funds, as such time may be extended by virtue of the date of the Superior Court’s approval of this Fourth Round Spending Plan; and

**WHEREAS**, the Governing Body has reviewed the proposed Fourth Round Affordable Housing Spending Plan appended to the 2025 HEFSP adopted by the Board on June 24, 2025, and wishes to amend said plan to provide additional funds due to a shortfall in funding for the one hundred percent affordable housing project identified as 127 Hardenburgh Avenue.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Demarest, Bergen County, New Jersey, hereby adopts the 2025 Affordable Housing Spending Plan prepared by Colliers Engineering & Design; and,

**BE IT FURTHER RESOLVED** by the Governing Body of the Borough of Demarest, Bergen County, New Jersey that this resolution shall take effect upon approval by the Court in accordance with the FHA and Directive #14-24 .

**APPROVED:**

\_\_\_\_\_  
Brian Bernstein, Mayor

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC

# 2025 AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

Borough of Demarest

Council Approval: \_\_\_\_\_, 2025

## I. INTRODUCTION

The Borough of Demarest, Bergen County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (N.J.S.A. 52:27D-301), and the applicable affordable housing regulations (N.J.A.C. 5:91-1 et seq., N.J.A.C. 5:93-1 et seq., and N.J.A.C. 5:97 et seq.). The Borough adopted a development fee ordinance on August 20, 2001. This original development fee ordinance was approved by COAH on September 27, 2001. The development fee ordinance was then updated in April of 2010 via Ordinance #971. COAH approved this updated ordinance with the Borough's Third Round petition. The amended development fee ordinance was approved by COAH on March 17, 2009. Demarest then adopted a new Development Fee Ordinance in accordance with the Settlement Agreement via Ordinance #1067-19 on July 29, 2019. The ordinance establishes the Borough of Demarest's affordable housing trust fund for which this spending plan is prepared.

## II. REVENUES FOR CERTIFICATION PERIOD

As of December 31, 2024, the Borough of Demarest has collected \$4,926,058.06 and expended \$1,035,517.77, resulting in a balance of \$3,890,540.29. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Citizens Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of Fourth Round (2025-2035), the Borough of Demarest considered the following:

### (a) Development fees:

- Residential and non-residential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
- All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
- Future development that is likely to occur based on historical rates of development.

**(b) Payment in lieu (PIL):**

- Actual and committed payments in lieu (PIL) of construction from developers as follows: Payment in lieu from Sylco Investments 6, 8, 9, and 10, LLC ("Sylco"). Sylco committed to pay a total of \$1 million in lieu of five affordable units. The payment was structured to be received in three installments, \$250,000 when site work commences, \$250,000 when the first building permit is issued, and \$500,000 when the tenth Certificate of Occupancy is issued. The first two payments have been received and the \$500,000 is expected to be paid in 2025 or 2026.

**(c) Other funding sources:**

- Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. No funds are anticipated at this time.

**(d) Projected interest:**

- Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The Borough projects collecting \$36,659.27 between 2025 and 2035.

The Borough of Demarest projects a total of \$1,564,128.77 in revenue to be collected between January 1, 2025 and December 31, 2035. This projected amount, when added to the Borough of Demarest's trust fund balance as of December 31, 2024, results in an anticipated total revenue of \$5,454,669.06 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing. See the table on the following page for the projected revenues.

PROJECTED REVENUES - AFFORDABLE HOUSING TRUST FUND												
Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total

<b>(a) Development fees:</b>												
Development Pending Approval	\$0	\$0	\$86,802	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$86,802.00
Approved Development**	\$257,102	\$65,102	\$10,850	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$333,053.50
Projected Residential Development	\$0	\$0	\$0	\$86,802	\$65,102	\$86,802	\$65,102	\$86,802	\$65,102	\$86,802	\$65,102	\$607,614.00
Projected Non-Res. Development												\$0.00
(b) Payments in Lieu of Construction												\$500,000.00
(c) Other Funds												\$0.00
(d) Interest	\$18,170	\$1,562	\$2,344	\$2,083	\$1,562	\$2,083	\$1,562	\$2,083	\$1,562	\$2,083	\$1,562	\$36,659.27
<b>Total</b>	<b>\$775,272</b>	<b>\$66,664</b>	<b>\$99,996</b>	<b>\$88,885</b>	<b>\$66,664</b>	<b>\$98,885</b>	<b>\$66,664</b>	<b>\$88,885</b>	<b>\$66,664</b>	<b>\$88,885</b>	<b>\$66,664</b>	<b>\$1,584,128.77</b>

\*For purposes of projecting revenues, we have utilized historic residential Certification of Occupancy data that occurred between 2013 and 2024. Projections assume the estimated value of a new home is \$1,446,700. The average assessed value was provided by the Borough's CFO. The value is then multiplied by 1.5%.

\*\*2025 Approved Development also includes \$137,749 collected between January and April.

### III. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Demarest:

- (a) **Collection of development fee revenues:**
  - Collection of development fee revenues shall be consistent with the Borough of Demarest's development fee ordinance for both residential and non-residential developments in accordance with NJAC 5:91 and 5:93, the Amended Fair Housing Act, and the Municipal Land Use Law.

**(b) Distribution of development fee revenues:**

- The Administration forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of the funds requires the adoption of the governing body resolution in accordance with the Court- and/or Program-approved spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

**IV. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

**(a) Municipally Sponsored Projects (NJAC 5:93-5.5)**

- See section (d) below for a description of municipally sponsored projects where the funding will enable the construction of the project.

**(b) Alternative Living Arrangement (NJAC 5:93-5.8)**

- See section (d) below for a description of alternative living arrangements (supportive/special needs housing) where the funding will enable the construction of the project.

**(c) Accessory Apartment Program (NJAC 5:93-5.9)**

- The Borough of Demarest has an accessory apartment program. The Borough will be increasing the subsidy from \$25,000 to \$75,000 to incentivize the creation of accessory apartments. This document has set aside funding for five units. If more than five units apply for the program, the Borough will reduce the funding allocated to the "future affordable housing opportunities" line item.

**(d) Affordability Assistance (NJAC 5:93-8.16)**

- Municipalities are required to spend a minimum of 30% of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30% of the regional median income). The actual affordability assistance minimums are calculated on an ongoing basis in the online Affordable Housing Monitoring System platform based on actual revenues.
- According to the following chart, the Borough of Demarest is required to dedicate \$1,755,340.80 from the affordable housing trust fund to render units more affordable, including \$585,113.60 to render units more affordable to households earning 30% or less of median income by region, as follows:
  - **127 Hardenburgh Avenue.** The Third Round Spending Plan included \$530,000 for the 100% affordable project located at 127 Hardenburgh Avenue. Portions of this funding were tied to certain project milestones. BC UW has received Planning Board approval to construct a 17-unit building. To date the Borough has paid BC UW \$214,387.36. Therefore, \$315,612.64 remains to be paid.
  - **127 Hardenburgh Avenue Very-Low Income Unit.** Pursuant to the Court-approved Third Round Spending Plan, this site was required to contain at least one very-low-income unit. To help balance the development's pro-forma, the Borough will pay the developer a one-time payment of up to \$400,000 once the very-low-income unit receives its certificate of occupancy. At the Borough's option, half of this payment may be released when the building permit is issued.
  - **127 Hardenburgh Avenue, Additional Funds for Shortfall in Funding.** Due to outside forces beyond the Borough and BC UW's control, some of the envisioned State funding is no longer available to assist the project. Therefore, Demarest is reserving \$3,296,248 to fill the funding gap. Of this total \$2,326,768 is to assist the 12 low- and moderate-income units and \$969,480 is to assist the five very-low-income units.
  - **Supportive/Special Needs Units – Very-Low-Income.** Demarest is seeking a vacant land adjustment as part of its Fourth Round housing compliance. However, if the opportunity arises over the next decade to partner with an entity to construct supportive / special needs affordable housing opportunities, Demarest would like to reserve funds to aid in bringing said units to fruition. It is anticipated that the program would be structured to provide funding per unit or bed in exchange for a deed restricted unit / bed. A total of \$92,808.42 is anticipated, which is ultimately based on the development fees collected over the next ten years. This funding is specifically earmarked for very-low-income units.

**AFFORDABILITY ASSISTANCE CALCULATION**

Actual development fees through 12/31/2024			\$	4,397,377.01
Development fees projected 2025-2035		+	\$	1,027,469.50
Less housing activity expenditures through 12/31/2024		-	\$	426,289.50
	<b>Total</b>	<b>=</b>	<b>\$</b>	<b>5,851,136.01</b>
Calculate 30 percent		x .30 =	\$	1,755,340.80
Less Affordability assistance expenditures through 12/31/2024		-	\$	-
<b>Projected Minimum Affordability Assistance Requirement 1/1/2025 through 12/31/2035</b>		<b>=</b>	<b>\$</b>	<b>1,755,340.80</b>
Projected Minimum Very Low-Income Affordability Assistance Requirement 2025 through 2035		+ 3 =	\$	585,113.60

**(e) Administrative Expenses (NJAC 5:97-8.9)**

Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20% limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the online Affordable Housing Monitoring System platform based on actual revenues.

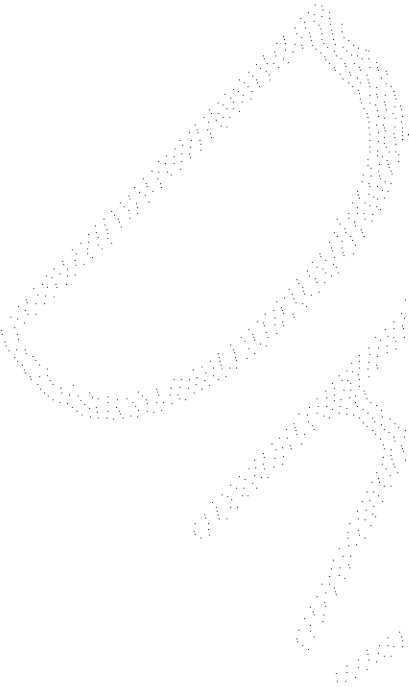
The Borough of Demarest projects that \$1,799,933.78 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20% cap, are as follows:

- Affordable Housing Attorney, Engineer, Planner and Administrative Agent fees related to attaining affordable housing compliance as well as consulting fees related to the administration and implementation of the Borough's affordable housing programs.
- Salaries and benefits for municipal employees for administration and implementation of the housing plan and programs.
- Municipal Housing Liaison training and on-going education.

**ADMINISTRATIVE EXPENSE CALCULATION**

Actual dev fees and interest thru 12/31/2024			\$4,636,774.09
Projected dev fees 2025 thru 2035	+		\$1,027,469.50
Payments-in-lieu of construction and other deposits thru 12/31/2024	+		\$289,283.97
Less RCA expenditures thru 12/31/2024	-		\$0.00
<b>Total</b>	<b>=</b>		<b>\$5,953,527.56</b>
Calculate 20 percent	X .20 =		\$1,190,705.51
Less admin expenditures thru 12/31/2024	-		\$ 609,228.27
<b>Projected Maximum available for administrative expenses 2025 thru 2035</b>	<b>=</b>		<b>\$1,799,933.78</b>

\*The Borough's 2020 Affordable Housing Trust Fund Spending Plan, Amendment #2, approved by the Council on July 27, 2020 was approved by the Superior Court via a Final Judgment of Repeal and Compliance issued February 8, 2024. Said plan included interest, payments in lieu of construction, and other deposits in the calculation of administrative expenses.





## VI. EXCESS OR SHORTFALL OF FUNDS

In the event of any unexpected revenue shortfall, where funds are not sufficient to implement the plan, the Borough of Demarest will approve a resolution of intent to bond.

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or the Borough of Demarest is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used to offer additional group home assistance for new providers within the community.

## VII. SUMMARY

The Borough of Demarest intends to spend affordable housing trust fund revenues pursuant to NJAC 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Fourth Round Housing Plan Element and Fair Share Plan.

The Borough of Demarest has a balance of \$3,890,540.29 as of December 31, 2024 and anticipates an additional \$1,564,128.77 in revenues through 2035 for a total of \$5,454,669.06. This Spending Plan demonstrates the Borough's commitment to expend \$5,454,669.06 through December 31, 2035, including a commitment to expend with respect to the following:

- Commitment to expend up to \$375,000.00 towards the creation of accessory apartments;
- Commitment to expend up to \$4,011,860.64 to incentivize the construction of 127 Hardenburgh Avenue;
- Commitment to expend up to \$92,808.42 for future very-low-income special needs/supportive housing units;
- Commitment to expend up to \$975,000.00 on administration.

**SPENDING PLAN SUMMARY**

Balance as of December 31, 2024		\$3,890,540.29
<b>Projected Revenue 2025-2035</b>		
Development fees	+	\$1,027,469.50
Payments in lieu of construction	+	\$500,000.00
Other funds	+	\$0.00
Interest	+	\$36,659.27
<b>TOTAL REVENUE</b>	<b>=</b>	<b>\$5,454,669.06</b>
<b>Projected Expenditures 2025-2035</b>		

**Funds used for Projects**

1. Accessory Apartment Ordinance	-	\$375,000.00
Affordability Assistance	-	\$4,104,669.06
Administration	-	\$975,000.00
<b>Total Projected Expenditures</b>	<b>=</b>	<b>\$5,454,669.06</b>
<b>Remaining Balance</b>	<b>=</b>	<b>\$0.00</b>

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! Historic adoption dates sourced from the Affordable Housing Monitoring System Website.

**Resolution of the Demarest Governing Body**

**Resolution No. 176-25**

**September 29, 2025**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>						
<b>Collins</b>						
<b>Fox</b>						
<b>Jiang</b>						
<b>Marks</b>						
<b>Reiss</b>						

**TITLE: RESOLUTION AUTHORIZING PRITISH TURAGAM AS A JUNIOR MEMBER OF THE DEMAREST VOLUNTEER FIRE DEPARTMENT**

=====

**WHEREAS**, John McLoughlin, Chief of the Demarest Fire Department has recommended Pritish Turagam, 27 Belmar St. Demarest, NJ be accepted as a junior member of the Volunteer Fire Department; and

**WHEREAS**, Mr. Cho has all the qualifications necessary per Chapter 20 of Demarest Borough Ordinance; and

**NOW THEREFORE, BE IT RESOLVED**, by the Borough of Demarest that Pritish Turagam is accepted as a member of the Demarest Volunteer Fire Department and the Borough Clerk and Fire Chief are authorized to process his application.

**APPROVED:**

\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal 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 September 29, 2025.

\_\_\_\_\_  
Julie Falkenstern, RMC