

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
REGULAR MEETING MINUTES
February 24, 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 invited those present to recite the Pledge of Allegiance.

Roll Call:

Present: Mayor Bernstein, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Also Present: Julie Falkenstern, Borough Administrator
Deena Rosendahl, Borough Attorney
Frank Visaggio, Deputy Police Chief
Peter Suh, CFO
Jason Gangi, DPW Director
John McLoughlin, Fire Chief
Jeff Geisenheimer, EMS President
Roberta Hoag, EMS Chief

Ordinance (Introduction):

ORDINANCE 1153-25 ORDINANCE AMENDING AND MODIFYING CHAPTER 149
STORMWATER CONTROL OF THE DEMAREST BOROUGH CODE

A motion was made by Councilmember Fox and seconded by Councilmember Marks to introduce Ordinance #1153-25 by title, and it be published in the Bergen Record with notice of Public Hearing to be held on March 10, 2025

Roll Call:

Ayes: Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Nays: None

ORDINANCE 1154-25 AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY COMMONLY KNOWN AS 100 LANGER PLACE, IN THE BOROUGH OF WESTWOOD AND DESIGNATED ON THE OFFICIAL TAX MAP OF THE BOROUGH OF WESTWOOD AS BLOCK 1104 LOT 1

A motion was made by Councilmember Collins and seconded by Councilmember Jiang to introduce Ordinance #1154-25 by title, and it be published in the Bergen Record with notice of Public Hearing to be held on March 10, 2025

Roll Call:

Ayes: Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Nays: None

Ordinance Public Hearing (Adoption):

Resolution 060-25: AUTHORIZING A PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR REAL PROPERTY LOCATED AT 100 LANGER PLACE IN THE BOROUGH OF WESTWOOD

A motion to approve resolution 060-25 was made by Councilmember Reiss and seconded by Councilmember Collins.

Roll Call:

Ayes: Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Nays: None

Consent Agenda

Mayor Bernstein asked if any member would like to have any resolution removed from the consent agenda and voted on separately.

Councilmember Collins asked for Resolution No. 057-25 to be removed from the consent agenda for discussion.

Mayor Bernstein asked if any member would like to abstain from voting on any resolution on the consent agenda. (none)

Mayor Bernstein asked for a motion to accept the consent agenda (with any abstentions noted)

Consent Agenda:

Resolution No. 052-25

Release of Escrow

Resolution No. 053-25

Appointment of Municipal Representatives to CDBG

Resolution No. 054-25

Awarding Contract to DLS NJDOT FY2024 Street Improvements

Resolution No. 055-25 Release of Performance Bond
Resolution No. 056-25 Supporting Legislation to Allow Online Publications of
Official Notices
Resolution No. 058-25 Approving FY2026 Municipal Alliance Grant Strategic Plan
Resolution No. 059-25 Payment of Bills

A motion was made by Councilmember Fox and seconded by Councilmember Marks to approve the consent agenda.

Roll Call:

Ayes: Councilmember Collins, Councilmember Fox, Councilmember Jiang,
Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Nays: None

Resolution No. 057-25 Approving Payment #2 (Final) for NJDOT FY2023 Madison Ave. Improvements

Councilmember Collins asked if the section of Madison Ave that is incomplete is included in this payment. Borough Engineer Nick Chelius clarified that work referenced is part of a different project and was not included in this payment.

Councilmember Collins then made a motion to approve the resolution. The motion was seconded by Councilmember Jiang.

Roll Call:

Ayes: Councilmember Collins, Councilmember Fox, Councilmember Jiang,
Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Nays: None

Mayor's Report

Mayor Bernstein noted that there was a large crowd in the audience so he would move immediately to the committee reports to address the issue of the Land Use Board Consolidation included in Councilmember Fox's account to be sure that the public is heard.

Council Committee Reports

Ordinance (Fox)

***Report of the Committee re: Proposed Land Use Board Consolidation**

Councilmember Fox noted that the other issues for the ordinance committee, aside from the Land Use Board, are the Academy Lane parking issue which Councilmember Fox and Mayor Bernstein agreed would be discussed in committee where the Mayor will replace Councilmember Jiang due to a conflict. Councilmember Fox noted she would like to include the Police Chief in the meeting. She then asked Mayor Bernstein the status of his comments on the proposed revisions to the tree removal ordinance. Mayor Bernstein noted

that he will send his comments later in the week, which he had held off on until the Report on the Land Use Board was completed so as not to overwhelm the committee with work. Mayor Bernstein then asked if Councilmember Fox would like to open the meeting to the public to hear comments and questions on the report. Councilmember Fox motioned to open to the public, the motion was seconded by Councilmember Collins and approved by all.

Public Comment re: Proposed Land Use Board Consolidation Report

Jim Tabacchi

Mr. Tabacchi noted he has been on the Planning Board for 20+ years, and he has reviewed the report in detail. He noted that he had a subcommittee of past and present Board members that also included a few former Mayors that provided feedback to the Ordinance Committee for inclusion in the report. He also noted that he was part of a group that did similar research 20 years ago when the idea of a joint board was contemplated. He feels the result of the research is the same as it was then which he described as a toss-up. He would like to know from the members of the committee how they each came to their conclusion of recommendation or not. He believes that the board will be too busy, and the report is not conclusive enough to warrant the change. He suggested that the process has been too quick, and he took issue with former members of the board not being reappointed. Mr. Tabacchi noted that he made a promise to members of the Board that they would have an opportunity to offer feedback. The Mayor noted that the ordinance was reviewed thoroughly and that as Mr. Tabacchi stated the concerned members did give feedback to the committee. He clarified the process and noted that the public has offered feedback not just to the ordinance committee, but at several public meetings. He clarified that the ordinance will go through the proper process of introduction at which time a public hearing date will also be set. He asserted that the public has had ample opportunities to comment and question the ordinance. Mr. Tabacchi took issue with the Mayor using the phrase "efficient development" in his past email and he spoke about drainage issues in town as they relate to impervious coverage. He believes his concerns were ignored by the previous administration. Mr. Tabacchi noted that some residents received a letter from someone offering to buy homes in town. He questioned the appointment of the author of the letter to the Zoning Board. Mayor noted that while Mr. Tabacchi has gotten off topic for the purpose of opening the meeting to the public, he feels it is important to address the comments. He noted that he was aware of the letter, reached out to the Zoning Board member and clarified the letter and he will address the issue should it be a conflict. Mayor Bernstein explained that he made the appointment so that the Zoning Board could function while the investigation of the joint board was conducted. He then noted that he had discussed holding off on appointments to the Planning Board since there was no current business before the Planning Board. He then noted that Mr. Tabacchi changed the date of the regularly scheduled Planning Board meeting to accommodate a personal scheduling conflict which the Mayor found troubling since there was an available quorum to hold the meeting. He then took issue with the fact that Mr. Tabacchi called an emergency special meeting that worked with his personal schedule while only checking with certain Planning Board members about availability. The Mayor did not feel that this was necessary or appropriate. A heated discussion ensued on the events leading up to the scheduling of the special meeting and the contents of the email.

Ray Cywinski

He noted that he also misunderstood the Mayor's email. He discussed the process of how items get on an agenda. Mr. Cywinski wants to hear more discussion on the ordinance from Borough Professionals. Councilmember Fox noted that the ordinance committee spoke to all of the appropriate professionals. Mr. Cywinski then talked about Mayor Bernstein's zoning board appointment.

Ms. Rosendahl noted that the meeting was opened to the public to discuss the report and that the discussion on Zoning Board appointments was inappropriate at this time.

Mr. Cywinski stated he feels a combined board could create more opportunities for conflicts.

Marian Hayden

Ms. Hayden stated that she also misunderstood the Mayor's email. She apologized to the Councilmember Fox for not providing her feedback yet and she is waiting for some calls back from towns she has reached out to for insight. She said she hopes to have that report ready in the next few days.

Tim Woods

Mr. Woods asked about the process of the possible adoption and timing should the Council adopt the ordinance. Mayor Bernstein explained that should the council adopt the ordinance the Planning Board would continue but would assume the powers of the Zoning Board. Councilmember Fox noted that she would like a transition plan included in a possible ordinance. Ms. Rosendahl then explained the adoption process and effective date. Councilmember Fox then addressed Councilmember Reiss to clarify that she did say that while a joint board may be appropriate, it is not at this time. She noted that consistent with the report, they had all agreed that the positive of a joint board would be consistency and she believes that can also be accomplished by separate boards retaining the same counsel. She also believes that the Planning Board is going to be busy in the coming months. Mayor Bernstein noted that the Borough Planner has advised that there will not be time-consuming work for the Planning Board.

Noelle Tutunjian

Ms. Tutunjian asked if the public would hear from the professionals. Ms. Rosendahl noted that tonight is an opportunity to ask those questions as well as the public hearing when adoption is considered. Councilmember Fox noted that feedback was solicited from all Borough Professionals and is included in the report. The Borough Administrator stated that there have been billings from the Borough Professionals that support many conversations with board members. Ms. Tutunjian asked if feedback from other towns was solicited. Councilmember Fox confirmed that it was and there is more feedback expected from calls made by Marian Hayden.

Dorothy Hayden

Ms. Hayden stated that she is confused by the report and its conclusions. Councilmember Fox explained that the most favorable factor is consistency, and she dissented because she feels the same result of consistency can be achieved by the board having all the same counsel.

David McLain

Mr. McLain spoke about pending applications before the Zoning Board. Councilmember Fox explained that the law allows pending applications to be completed at the option of any affected applicants.

Mike Clarke

Mr. Clarke stated he doesn't feel any of the public are in favor of consolidation. He asked how board members are appointed. Ms. Rosendahl explained how appointments are made. He asked if council consents to Planning Board members. Councilmember Reiss noted that it had been discussed to include Council consent in the ordinance, Ms. Rosendahl advised that such a provision would violate the statute.

Lynn Paulison

Ms. Paulison asked if money would be saved. Mayor Bernstein noted that he felt that there could be potential for savings in legal fees.

Marian Hayden

Ms. Hayden does not believe there will be any savings as costs are driven by only the number of applications.

Noelle Tutunjian

Ms. Tutunjian wanted to address a previous comment that was made that everyone in the public is against consolidation. She noted that was just obtaining information and was not necessarily against consolidation.

There being no other members of the public wishing to speak to the report, Councilmember Collins made a motion to close to the public. The motion was seconded by Councilmember Jiang and approved by all. The meeting was therefore closed, and the Mayor thanked the committee for their work.

DPW & Recreation (Marks)

Councilmember Marks noted that he read the Mayor's email and that he felt it was clear that he gave all the information necessary to the public as evidenced by the attendance at the meeting and he took issue with the assertion that they have been anything less than transparent in the process. The Mayor then addressed audience member, Jim Tabacchi, to correct, for the record, a statement he made earlier. Mr. Tabacchi earlier quoted the Mayor's email as saying, "efficient development", he wants the record to note that he used the phrase "responsible development" which is not synonymous with efficient.

Councilmember Marks then welcomed the new Recreation Chair, Brandis Bukzin, to the meeting. He noted the date and time of the next meeting and explained that they are working on planning new community events. He spoke about the repurposing of the 2023 Open Space grant to fund drainage improvements at Wakelee Field. He also reported that baseball and softball opening day is scheduled for April 26.

Economic Development (Jiang)

Councilman Jiang noted he has no updates for the public at this time.

Police and OEM (Reiss)

Councilmember Reiss noted some advice that the police have given to help people protect their homes and properties. He explained the police initiative to help remind people to secure their homes.

Fire and EMS (Collins)

Councilmember Collins thanked the Ordinance Committee for their thorough report. He noted that both organizations are in need of volunteers.

Reports of Borough Officials

Borough Administrator

Ms. Falkenstern reported that the Mobile DMV would be in town on May 9 and that appointments would be available 30 days before. She explained the repurposing of the 2023 Open Space funds and noted that there would be Open Space resolutions and discussions at the next two Mayor and Council meetings for anyone interested.

Borough Attorney

No report

Ambulance

Jeff Geissenheimer detailed the monthly activities of the Corps and noted that average call response time is 6 minutes. He stated that the Corps does need more members.

Roberta Hoag noted that two members, Ray Abbott and Jay Alvarez, recently passed, and she thanked them for their service.

Councilmember Jiang reported that he had personal family experience with the EMS recently and he thanked them for their prompt service.

A discussion ensued on the needs of the department and ideas for recruitment

Police Chief

Acting Chief Visaggio detailed the department's monthly activity and department training. He discussed the security initiative that Councilmember Reiss spoke about earlier. He noted that they have received a great deal of positive feedback from residents. He reported that they have a qualified candidate for an admin position, and he awaits the Finance and Personnel Committees approval to go ahead with that hire.

Fire Chief

Chief McLoughlin detailed the monthly activity and training in the department. He spoke about the mutual aid received and provided with surrounding towns. He noted that his members received specialized ice rescue training. He reported that on May 7 he would be in Wisconsin to inspect the new fire truck. He echoed what the EMS said about needing volunteers.

DPW Director

Mr. Gangi asked the public to report any damage done by snow plowing so it can be addressed. He stated that the department is currently preparing the fields for spring and opening day. He noted that the department is down one member and looking to hire an experienced DPW worker.

Approval of Minutes:

February 10, 2025 Work Session Meeting Minutes

Councilmember Reiss made a motion to approve the minutes. The motion was seconded by Councilmember Jiang.

Roll Call:

Ayes: Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: Council President Slowikowski

Abstain: Councilmember Fox

Nays: None

Mayor Bernstein noted that before they opened to the public, he would be making appointments to the Planning Board. He explained that the hastily planned special meeting prompted him to make appointments so that if business was going to be conducted immediately a full board would make any necessary decisions.

Mayor’s Appointments to the Planning Board:

Kiran Chin	Class IV	Term ending 12/31/2028
Camille DiSclafani	Class IV	Term ending 12/31/2028
Blake Chroman	Class IV	Term ending 12/31/2027

Meeting Open to the Public

A motion to open the meeting to the public was made by Councilmember Collins, seconded by Councilmember Reiss and approved by all.

Mary Ann Clarke – Borough Historian

Ms. Clarke spoke about the conditions of the train station and asked Mr. Gangi to make sure that the building gets locked when not used.

Mr. Tabacchi

Commented on the Mayor’s Planning Board appointments and said he hopes they have been vetted.

Karen Goldsmith

Ms. Goldsmith asked about the resolution for Stewart St. improvements because she lives on Stewart St., and it was just paved. Ms. Falkenstern explained that it was the other side of Stewart St. Ms. Goldsmith then asked about the ordinance to obtain the Westwood property. Mayor Bernstein explained that it would satisfy a DEP requirement for tree replacement as a result of the violations at the compost site. The CAP and DEP requirements were discussed.

Brandis Bukzin

Ms. Bukzin asked about the tree requirements at the compost site. Ms. Falkenstern explained that the plan is not finalized but the Borough Engineer is the best resource, and he attends every Work Session meeting.

Michael Feinstein

Mr. Feinstein explained that the comments made earlier in the meeting about a conflicted Zoning Board member were about him. He explained that he is not a builder or contractor and he wanted to clear the record. He is new resident and stepped up to volunteer in response to the Mayor's email looking for volunteers and should any conflicts arise during his service he would appropriately recuse himself from specific applications or step down as would be appropriate for any appointee.

Irene Lourbas

Ms. Lourbas requested a book donation box in town. The Mayor stated that they are not opposed but the council advised last year that the library is the appropriate spot for such a box.

Ray Cywinski

Mr. Cywinski asked about the responsibility of the town in relation to the Westwood property and the environmental restrictions. He asked if the DEP was accompanied by any Borough officials when the compost site was inspected. Mayor Bernstein noted that how maintenance issues would be handled is being discussed with counsel but confirmed that the Borough would be responsible as the property owner. He asked if leaf composting would be allowed in the future. Mayor Bernstein said that we have a 3-year contract for leaf removal, but when that expires, and the compost site is restored the Council will have to make a decision then. Mr. Cywinski offered his advice of how and which trees should be planted.

Councilmember Reiss made a motion to close to the public. The motion was seconded by Councilmember Jiang and approved by all.

There being no more business before the Council, Councilmember Collins made a motion to adjourn the meeting. The motion was seconded by Councilmember Marks and approved by all.

The meeting was therefore adjourned at 9:40 pm.

Respectfully submitted,

Julie Falkenstern
Acting Borough Clerk