

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

March 24, 2025

7:30 PM

Mayor Bernstein read the following compliance statement:

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.

Mayor Bernstein invited everyone present to stand and recite the Pledge of Allegiance.

Roll Call:

Present: Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang (*by phone*), Councilmember Marks, Councilmember Reiss

Absent: None

Also Present: Julie Falkenstern, Borough Administrator
Deena Rosendahl, Borough Attorney
Jason Gangi, DPW Director
Jeff Gesseinheimer, DVAC
Roberta Hoag, DVAC

Mayor Bernstein asked for a motion to suspend the regular order of business to hold the public hearing for consideration of the reallocation of FY2023 Bergen County Open Space Trust Funds

A motion was made by Councilmember Collins and seconded by Councilmember Reiss.

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

OPEN SPACE PUBLIC HEARING:

Mayor Bernstein asked the Borough Administrator to give a description of the Open Space Application.

Mrs. Falkenstern explained that the Borough was asking for the 2023 Bergen County Open Space award for funds to add turf the softball field be reallocated to drainage improvements at Wakelee Field.

Councilmember Marks added that DAA is concerned about drainage at Wakelee and requested that the Borough review the drainage at Wakelee overall rather than add the turf that could be undermined by water if the drainage is not fixed.

Mayor Bernstein asked a motion to open to the public for questions or comments in regard to the Open Space Application.

A motion was made by Councilmember Collins and seconded by Councilmember Marks. The motion was approved by all on a voice vote.

Speaker(s):

Ray Cywinski asked if there is adequate pitch to accommodate runoff at Wakelee. Ms. Falkenstern explained that Neglia Engineering surveyed the area, and the plan was prepared by them with the current conditions accounted for in their recommendations for drainage improvements.

There being no other members of the public wishing to speak, a motion was made by Council President Slowikowski to close the meeting to the public. The motion was seconded by Councilmember Marks and approved by all on a voice vote.

Resolution No. 065-25 Open Space Trust Fund Endorsement

A motion was made by Council President Slowikowski and seconded by Councilmember Marks to approve the resolution.

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Ordinances (Introduction):

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

Mayor Bernstein asked for a motion to introduce on first reading by title Ordinance No. 1156-25 and it published in the Bergen Record with notice of Public Hearing to be held on April 7, 2025.

A motion was made by Councilmember Fox who explained that this is an ordinance and seconded by Council President Slowikowski

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

ORDINANCE 1157-25 AN ORDINANCE TO REGULATE LITTER CONTROL

Mayor Bernstein asked for a motion to introduce on first reading by title Ordinance No. 1157-25 and it published in the Bergen Record with notice of Public Hearing to be held on April 7, 2025.

A motion was made by Councilmember Fox who explained that this is an ordinance required by the DEP. The motion was seconded by Council President Slowikowski

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

ORDINANCE 1158-25 AN ORDINANCE TO REGULATE YARD WASTE

Mayor Bernstein asked for a motion to introduce on first reading by title Ordinance No. 1158-25 and it published in the Bergen Record with notice of Public Hearing to be held on April 7, 2025.

A motion was made by Councilmember Fox who explained that this is an ordinance required by the DEP. The motion was seconded by Council President Slowikowski

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Ordinance Public Hearing (Adoption):

ORDINANCE 1155-25 AN ORDINANCE ESTABLISHING A JOINT PLANNING BOARD AND AMENDING CHAPTER 27 ENTITLED "LAND USE PROCEDURES" OF THE REVISED GENERAL ORDINANCES OF DEMAREST BOROUGH CODE

Mayor Bernstein asked for a motion to open the Public Hearing on Ordinance No. 1155-25.

A motion was made by Councilmember Fox and seconded by Councilmember Collins to open the public hearing on ordinance number 1155-25.

Mayor Bernstein asked if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Jim Tabacchi

Mr. Tabacchi stated that he is the current Planning Board Chair, and he has served on the board for 22 years. He stated that a survey of other Bergen County towns has been conducted and provided to the Council. He noted that 23 out of 70 towns have joint boards and that is a low percentage. He believes that Demarest is different from all other towns. He believes that Demarest could only be closely compared to Cresskill due to flooding and drainage issues. He believes that this issue is unique to Demarest and is the reason the Borough should maintain separate planning and zoning boards. Mr. Tabacchi believes that the board is being proposed to make the process quicker for developers and he asserted that separate boards would protect against overdevelopment. Mr. Tabacchi took issue with the appointment of Danielle Federico as the Planning Board Attorney in a special meeting of the Planning Board. He then shared a letter that was received from resident Michael Feinstein offering to buy any available homes. He believes that Mr. Feinstein is looking to develop in town. He concluded that he believes that the boards should not be combined and that he believes the process has been rushed. He added that he will resign from the Planning Board if the boards are combined because he does not want to be responsible for overdevelopment and traffic that he believes will be the result.

Mayor Bernstein said he wanted to address a few items in Mr. Tabacchi's comments. First, he addressed the calculation of how many towns in Bergen County have joint boards. He clarified that the statute only allows towns under 15,000 residents to have joint boards. He clarified that the analysis of the percentage of towns that have opted for a joint board should start with the 49 towns that are qualified, not all 70 towns. He further stated that he did not believe Demarest should be compared to towns over 10,000 residents since they are dissimilar to Demarest that has less than 5,000 residents. He then addressed the drainage and flooding issues that Mr. Tabacchi mentioned. He noted that all the issues and specific examples of flooding mentioned happened when Demarest had separate boards, so while not the fault of those boards, he noted that having two boards does not prevent such issues. He addressed the downtown traffic issue by reminding the public that the Council has partnered with the County to modernize the traffic signal at County/Piermont & Hardenburgh Rds. to add a turn signal and help alleviate those issues. This was not accomplished by and is unrelated to the Land Use Boards. Mayor Bernstein then addressed the comment that Mr. Tabacchi made in regard to the appointment of the Planning Board attorney and the calling of a special meeting to do so. He noted that it was his contention that a special meeting not be called and that the business of the Planning Board, such as the appointment of the attorney, would be conducted after tonight's public hearing to address whether or not a joint board would be established.

Marian Hayden

Ms. Hayden stated that she is the former Planning Board Chair and served for 13 years. She believes that it is a mistake to combine the board, and she does not believe that efficiency is not a benefit in terms of land use decisions. She asserts that land use decisions should be independent, and she does not believe a joint board will do that. She noted that other members of the board, including former members, agree with her

and that it is in the best interest of the Borough to maintain separate Planning and Zoning Boards.

Bob Corrado

Mr. Corrado asked if any of the current board members were in favor of consolidation. He believes all the members disagree with consolidation.

Ray Cywinski

Mr. Cywinski agrees with Mr. Corrado's comments and hasn't heard any land use board members speak in favor of consolidation. He believes that this is not a good time to combine the board. He believes that since newer homes are larger than older homes zoning requirements should be reviewed. He would like Demarest to continue to favor single family homes rather than multifamily homes.

Dorothy Hayden

Ms. Hayden stated that she has not heard any justification for consolidation of the boards.

There being no other members of the public wishing to speak, a motion was made by Councilmember Collins and seconded by Council President Slowikowski to close the public hearing. The motion was approved by all on a voice vote.

A motion was made by Council President Slowikowski and seconded by Councilmember Collins to adopt Ordinance No. 1155-25 with notice of final passage to be published in the Bergen Record.

Councilmember Fox asked for discussion. She stated that given her position as land use liaison and her expertise in land use issues after being a long-time member of both the Planning and Zoning Boards, she is disappointed that her Council colleagues have discounted her input and her strong objection to the ordinance. She feels disrespected and stated that she wants the Council to know how she feels.

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: Councilmember Fox

Mayor Bernstein stated that he understands that some people are passionate about the issue of consolidation. He reported that as a governing body they had received input from the public on a number of occasions, members of the boards, Borough professionals and from other towns. He stated that while he appreciated Councilmember Fox's comments, he does not believe it is a sign of disrespect or an indication that the Council did not hear her input because they came to a different conclusion than her. He further stated that the ordinance committee recommended the consolidation. He stated that while he appreciates the work of former board members, he has no doubt that all the current and future board members will have the best interest of the Borough in mind. He believes that they all share that goal. He reported

that he did talk to members of the board who were in favor of the consolidation, so he does not believe the opposition is universal among board members.

Councilmember Collins stated that while he is sorry that Councilmember Fox feels disrespected, he did hours of his own research getting feedback from land use experts both related and unrelated to Demarest. He stated that he purposefully did this to get independent feedback on consolidation of land use boards and that he did not take his position of supporting the consolidation lightly.

Councilmember Reiss added that he takes issue with Councilmember Fox's assertion that her opinion was "discounted". He stated that while they came to different conclusions, they had worked together on the ordinance committee and not agreeing with her did not mean that he discounted or disrespected her input. He added that her voice was important on the Council.

Consent Agenda

Mayor Bernstein asked if any member would like to have any resolution removed from the consent agenda and voted on separately. (none)

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. 066-25	Authorizing Acceptance of Donation for PD
Resolution No. 067-25	Authorizing Tax Refund
Resolution No. 068-25	Authorizing Trust Fund – Dedication by Rider
Resolution No. 069-25	Release of Escrow
Resolution No. 070-25	Authorizing Engineering Services -Tier A Reporting
Resolution No. 071-25	Authorizing 2024 Reserve Budget Transfers
Resolution No. 072-25	Payment of Bills

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

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays:

Mayor's Report

Mayor Bernstein reported that the Shared Service Agreement with Tenafly for municipal court service is now in effect and we have recovered the office space

once dedicated to the c court and it will be used as a conference room. Mayor Bernstein then asked the Councilmembers to include upcoming meetings for their committees or commissions so that the public can attend if they wish to do so.

Council Committee Reports

Ms. Falkenstern noted that Councilmember Jiang's phone connection ended at 8:22 pm.

Finance & Personnel (Slowikowski)

Council President Slowikowski provided an update from the Environmental Commission that they are partnering with the garden club on a plant sale in May and invited everyone to participate to support the Commission and the Garden Club. She reported that the composting program went live in February and that the Borough has, in the past five weeks, composted 500 lbs. of food waste. That is the equivalent to 500 road miles of a car driving. She reported that there are 25 families participating which is the minimum so they are hoping more families will join. She reported that the Demarest Swim Club is offering some discounts and new membership levels, and all the information is available on their website. She also reported that some infrastructure improvements were completed including added security and new play equipment. She extended thanks to the Mayor and Council on behalf of the swim club for their support and to Jason Gangi for his assistance. Mr. Gangi asked Council President Slowikowski to ask the Environmental Commission to remind their compost participants that if they have any issue unlocking the collection bin, they should not leave compost outside of the collection bin on the ground. He stated that it has happened a few times. Councilmember Collins said that he will give Mr. Gangi the code so that if it does happen, he will be able to access the collection site.

Ordinance (Fox)

Councilmember Fox reported that the committee is working on a revised noise ordinance and is almost done with their work on the tree removal ordinance. She stated that the only other ordinance pending is the new Zoning Ordinance which is a large change and will take time. Ms. Falkenstern noted that the LOSAP ordinance needs to be reviewed. Councilmember Fox asked if she would send the information to Councilmember Collins first to get input from the volunteer organizations ahead of any ordinance committee review.

DPW & Recreation (Marks)

Councilmember Marks reported that the recreation committee planning of Demarest Day, summer camp and Opening Day ceremonies with DAA.

Economic Development (Jiang) (No longer in attendance)

Police and OEM (Reiss)

Councilmember Reiss detailed the police activity over the last month in the absence of the Police Chief. He noted that the Department is continuing to provide reminder cards at people's homes.

Fire and EMS (Collins)

Councilmember Collins reported that the Shade Tree Commission has requested a review of the Tree Removal Ordinance before it is considered. Councilmember Fox noted that she is investigating one last issue on the trust fund and then it will be ready once it is resolved. Councilmember Collins expressed his condolences to the Woods Family on the loss of Lisa Woods. He then detailed the monthly activity of the Fire Department in the Chief's absence. He then reported that the Fire Department will be visiting Wisconsin to inspect the new Fire Truck. He reported that NVD will host a Breast Cancer Fundraiser softball tournament on April 26.

Mayor Bernstein then noted that he has asked the Borough Attorney to prepare an ordinance to memorialize the shared service with Haworth for the Fire Department.

Reports of Borough Officials

Borough Administrator

Ms. Falkenstern reported to the public that the Council passed a resolution earlier that evening to establish a trust fund specifically for Police Equipment so that the Borough can accept donations to assist the department. Councilmember Fox asked if the account could be used for other emergency services. Ms. Falkenstern explained that the trust needs to have a specific purpose, and this one is limited to police, but other accounts could be established if the Council chooses to do so for other purposes including the Fire Department and/or EMS.

Borough Attorney

Ms. Rosendahl explained that an ordinance would be on the next meeting's agenda for the Council's consideration that proposes appointing the Governing Body as the redevelopment agency.

Ambulance

Mr. Gesseinheimer reported the monthly activity of the DVAC, noting that February was a relatively slow month. Ms. Hoag added a reminder to everyone to check their CO detectors and thanked the Fire Department for their support. Ms. Hoag also asked if the Borough would speak the County and the Police about signs and striping that say "Do Not Block the Box" on the street at the intersection of Hardenburgh & Park. Councilmember Collins asked the DVAC to clarify how many responses were to Demarest vs. mutual aid towns. The responded that approximately 60% of their responses were in Demarest.

DPW Director

Mr. Gangi reported on the monthly work of the department, including preparation of the fields for baseball/season and asphalt repairs of roads throughout town.

Councilmember Reiss asked Mr. Gangi to clarify procedure for yard waste pickup to ensure that we are compliant with the DEP required ordinance. Mr. Gangi reported that they are compliant.

Approval of Minutes:

January 27, 2025 Regular Meeting

The motion was made by Councilmember Fox and seconded by Councilmember Collins.

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Marks, Councilmember Reiss

Absent: Councilmember Jiang,

Nays: None

February 24, 2025 Regular Meeting

A motion was made by Councilmember Fox and seconded by Councilmember Collins.

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Marks, Councilmember Reiss

Absent: Councilmember Jiang,

Nays: None

Meeting Open to the Public

A motion was made by Councilmember Reiss and seconded by Councilmember Marks to open to the public. The motion was approved by all present on a voice vote.

Karen Brodsky

Ms. Brodsky thanked Mayor Bernstein for publicizing the sold-out Wizards fundraiser. She noted that she did not like the tone of the meeting earlier. She then asked about the yard waste ordinance. She is concerned that the ordinance has too short a time for residents to have their leaves picked up. Councilmember Fox explained that the language is required by the DEP.

There being no other members of the public wishing to speak, a motion was made by Councilmember Reiss and seconded by Councilmember Collins to close the meeting to the public. The motion was approved by all present on a voice vote.

Closed Session Resolution 2025-002

WHEREAS, N.J.S.A. 10:4-12 provides for a Public Body to go into a Closed Session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Demarest has deemed it necessary to go into closed session to discuss matters which are exempted from the public.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Governing Body shall go into closed session on January 8, 2024 for the following reasons as outlined in N.J.S.A. 10:4-12:

1. Contract Negotiations
2. Potential Litigation

A motion to approve Resolution 2025-002 to adjourn to closed session was made by Councilmember Fox and seconded by Councilmember Collins. The motion was approved by all present on a voice vote.

The council returned to open session and a motion was made by Councilmember Collins, seconded by Councilmember Marks to adjourn. The motion was approved by all present on a voice vote and the meeting was therefore adjourned at 8:55 pm.

Respectfully submitted,

Julie Falkenstern

Acting Borough Clerk