

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

July 14, 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.

Mayor Bernstein invited all in attendance to join in the Pledge of Allegiance.

Roll Call:

Present: Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: Councilmember Fox

Also Present: Julie Falkesntern, Borough Administrator
Deena Rosendahl, Borough Attorney
Nick Chelius, Borough Engineer
Deputy Fire Chief Carl Pavlik

Ordinance Public Hearing (Adoption):

ORDINANCE NO. 1164-25 AMENDING CHAPTER 163 – TREES

Councilmember Collins made a motion to open the Public Hearing on Ordinance No. 1164-25. The motion was seconded by Councilmember Jiang.

Roll Call:

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

Nays: None

Absent: Councilmember Fox

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

There being no members of the public wishing to speak, Councilmember Collins made a motion to close the Public Hearing.

Roll Call:

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

Councilmember Jiang made a motion to adopt Ordinance No. 1164-25 with notice of final passage to be published in as required by law. The motion was seconded by Councilmember Reiss.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

Resolution No. 127-25 Accepting Resignation & Authorizing Agreement

A motion was made by Council President Slowikowski and seconded by Councilmember Marks to approve resolution 127-25.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

Resolution 128-25 Appointing a CFO

A motion was made by Council President Slowikowski and seconded by Councilmember Marks to approve resolution 128-25.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

Resolution 129-25 Authorizing MOU with Teamsters Local 125

A motion was made by Council President Slowikowski and seconded by Councilmember Collins to approve resolution 129-25.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

Mayor's Appointment

Mayor Bernstein announced an appointment to Shade Tree Commission

Work Session Discussion Items:

Engineer's Report

Nick Chelius reviewed the monthly engineer's report highlighting progress and plans for current and upcoming paving projects. Mayor Bernstein advised that the residents on Orchard and Wellwood would receive notice when the plans for their road reconstruction are available for review, comments, or questions. Mayor Bernstein asked Mr. Chelius to investigate and report back what can be done to improve the quality of the duck pond.

Demarest Middle School Generator

Mayor Bernstein advised that the Demarest BOE has asked if the Borough would like to partner with the School to purchase a generator for the new gym and they would allow the Borough to use it as an OEM managed emergency shelter. Ms. Falkenstern advised that she would be meeting with the School Administrator to discuss what the partnership would be like. Councilmember Jiang advised that the Superintendent was looking for the Borough to bear the entire cost and were hopeful the Borough could obtain a grant.

Train Station Bid Results

Ms. Falkenstern advised that the Borough did not receive any responsive bids, and the Council will have to decide how to proceed. The Borough Attorney advised that particulars of the bid should be discussed in closed session, and the Council should decide if they want to go back out to bid and if they want to make any changes to the bid spec.

Use of the Bank Building

Mayor Bernstein advised that there have been no proposals since the redevelopment designation that have been appropriate for the bank building and so he would like the Council and the Redevelopment Committee to consider approaching the Bank Building separately from a large project to see if any developer's make any proposals for either a purchase or a lease that would enhance the downtown without it being more intense than the Borough is comfortable with. Councilmember Marks would like to see an analysis of tax revenue vs. rental fees.

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 130-25 Authorizing Advertisement of Bids for 2025 Unimproved Rds.- Orchard Rd. & Wellwood Rd.
- Resolution 131-25 Authorizing Deed Restriction – 95 County Rd.
- Resolution 132-25 Authorizing the Cancellation of Uncleared Checks
- Resolution 133-25 Accepting Donation for Police Department
- Resolution 134-25 Release of Escrow
- Resolution 135-25 Deeming Bid Non-Responsive
- Resolution 136-25 Payment of Bills

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

- Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
- Nays: None
- Absent: Councilmember Fox

Mayor Bernstein Deputy Chief Pavlik to discuss the acquisition of the new fire truck. Deputy Chief Pavlik said that the new truck is replacing two old vehicles, and the purchase was years in the making. He thanked the prior administration for approving the purchase. Mayor Bernstein thanked Mr. Pavlik and the entire department for their hard work getting the vehicle ready for use to respond to emergencies.

Approval of Minutes:

June 5, 2025 Special Joint M&C & Planning Board Meeting

A motion was made by Council President Slowikowski and seconded by Councilmember Marks to approve resolution the minutes of the 6/5/25 Special Meeting.

The motion was approved by all present on a voice vote.

June 5, 2025 Special Joint M&C & Planning Board Closed Session

A motion was made by Councilmember Collins and seconded by Councilmember Marks to approve the closed session minutes of the 6/5/25 Special Meeting.

The motion was approved by all present on a voice vote.

June 27, 2025 Special Meeting

A motion was made by Councilmember Collins and seconded by Council President Slowikowski to approve minutes of the 6/27/25 Special Meeting.

The motion was approved by all present on a voice vote.

Before opening the meeting to the public Mayor Bernstein noted the appointment he made earlier in the meeting to the Shade Tree Commission, addressing Shade Tree Chair Linda Cetta who had joined the audience of the meeting. He thanked her for the

introduction and noted that the Shade Tree Commission's three regular member spots are filled and now one alternate spot is filled.

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

Linda Cetta

Ms. Cetta, Chair of the Shade Tree Commission, noted that she was hoping to speak at the public hearing of the adoption of the ordinance related to tree removal earlier in the meeting, but arrived late. She asked the members of the Ordinance Committee if they could comment on the improvements in the ordinance. Councilmember Reiss noted that he was not as familiar with the old ordinance although he was involved in reviewing the drafts of the new ordinance since Councilmember Fox had taken the lead due to her experience with the old ordinance and the older process. Ms. Falkenstern added that while she did want to speak for Councilmember Fox who is absent this evening, she was involved in back and forth revisions with her and noted that the goal was to streamline and clarify process for the residents who wanted to make application to remove trees and to have the Shade Tree Commission have more time to focus on their mission of protecting and planting on Borough property's such as the Borough Right of Way and Parks. She added another goal as she understood it was to have a different view of making an application to remove one tree from their property vs. a property being completely clear cut of trees. Ms. Cetta said that she thought the old ordinance already adequately addressed that issue. Ms. Falkenstern noted that a definition and clear prohibition of Clear Cutting was now included in the new ordinance. Ms. Cetta also asked for an explanation of the increased fees. It was explained that the fees were set at an appropriate level to cover costs. She questioned whether fees should go to the trust fund. Mayor Bernstein explained that the fees are credited as prescribed by law, but violation fees can be satisfied with a contribution to the trust. She asked about the process. Ms. Falkenstern explained the process. Ms. Cetta questioned the Borough's ability to determine the condition of a tree. Councilmember Collins noted that these issues were discussed at a public meeting of the Shade Tree Commission and that the Borough has the same access to professionals to make decisions. Ms. Falkenstern noted that if her questions are conceptual about separating Article I and Article II provisions and responsibilities Councilmember Fox would be the best person to answer that question. Ms. Cetta does not believe that the Borough officials have the requisite expertise to make these decisions. Mayor Bernstein explained that the ordinance allows Borough officials to seek input from any and all others necessary to assess trees. Ms. Cetta stated she believes the arborist should receive more compensation. Lastly, Ms. Cetta thanked Lee Campbell for her hard work on behalf of the Shade Tree Commission.

Karen Brodsky

Ms. Brodsky suggested that fees be an application fee vs. a permit fee so that it is collected upon application. She then noted that she believes the new fees are too high. She questioned the CFO's payment until August and wondered why the new CFO was hired so quickly and thinks residents should have been offered the job. Councilmember Collins answered that the new CFO has worked for the Borough, has been interviewing by her performance and is licensed and qualified and was promoted from within and he is confident in their decision. Council President Slowikowski echoed Councilmember

Collins' comments that she is confident in their decision. Ms. Brodsky stated that she thought the bank building was restricted in its use. It was explained that due to the redevelopment designation the requirement of public purpose is fulfilled.

Jean Nonemacher

Ms. Nonemacher asked what size tree requires a permit. Ms. Falkenstern explained that anything that qualifies by definition as a tree requires a permit. She asked how people know they need a permit and how they are enforced. The Borough Attorney explained how ordinances are published and advertised so that the public is aware.

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

Closed Session Resolution 2025-006

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 June 14, 2025 for the following reasons as outlined in N.J.S.A. 10:4-12:

1. Litigation
2. Negotiations

A motion was made by Council President Slowikowski and seconded by Councilmember Jiang to approve resolution 2025-006 to adjourn to closed session.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

When the Council returned to Closed Session Council President Slowikowski made a motion to approve Resolution No. 137-25 to authorize the Borough Attorney to continue litigation to address a member of the public encroaching on Borough Property. The motion was seconded by Councilmember Marks.

A motion was made by Council President Slowikowski and seconded by Councilmember Jiang to approve resolution 2025-006 to adjourn to closed session.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: Councilmember Fox

There being no more business before the Council, Council President Slowikowski made a motion to adjourn. The motion was seconded by Councilmember Collins and approved by all present on a voice vote.

Respectfully submitted,

Julie Falkenstern, RMC
Borough Clerk