

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

June 23, 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 those assembled to recite the Pledge of Allegiance.

Roll Call:

Present: Mayor Bernstein, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks,
Absent: Council President Slowikowski, Councilmember Reiss
Also Present: Julie Falkenstern, Borough Administrator
Deena Rosendahl, Borough Attorney
Peter Suh, CFO
Jeff Geissenheimer, EMS President
Lt. Joseph DelGreco, for the Police Department

Mayor Bernstein asked for a motion to suspend the order of business to present Mayor's commendations to members of the police department.

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

Roll Call:

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

Mayor Bernstein then stated he would like to thank four officers from the Demarest Police Department for their excellent work responding to a report of suspicious activity related to a theft on Glenwood Ave on April 28. He noted that Officer Nolasco was first on scene and conducted a traffic stop and was then joined by Sgt. Krynicky where they were able to find and arrest the suspect. An investigation by Detectives Connor Owens and Don Cho revealed a scheme to use a stolen credit card to purchase high end items and then take the packages when they are delivered. They learned that the suspect had a history of fraud and theft and has been stopped due to the quick and professional action of these four officers. Mayor Bernstein expressed his pride and admiration for their police work and teamwork on behalf of the governing body and the residents of Demarest. He invited the officers forward to receive commendations.

Mayor Bernstein then thanked Acting Chief Visaggio and Captain Talty for their leadership of the department.

The Council then took a brief recess to allow the officers and their families to take pictures.

Ordinances (Introduction): (none)

Ordinance Public Hearing (Adoption):

ORDINANCE NO. 1164-25 AMENDING CHAPTER 163 – TREES

Mayor Bernstein asked if the Council had any questions before opening the public hearing. Councilmember Fox asked to adjourn the public hearing in order to reintroduce a revised ordinance based on feedback to her and to Councilmember Collins from the Shade Tree Commission.

Mayor Bernstein then asked Councilmember Fox to detail the changes for the public since members of the public may have attended to participate in the public hearing.

Councilmember Fox detailed the following revisions:

- Definition of building footprint in response to a request from the Shade Tree Commission. Mayor Bernstein asked if the building department agreed with this provision. Councilmember Fox stated that the other provisions in the ordinance would handle those issues. Mayor Bernstein asked Councilmember Fox to have the building department review the provision before the next meeting.
- Definition of Major tree vs. Minor tree
- Application fee – Ms. Falkenstern asked the Council to consider not lowering the fee since the work covered is not considerably different for one tree vs. six trees. Councilmember Collins asked if going from \$25.00 to \$125.00 is appropriate. Ms. Falkenstern stated that the fee has not been changed and has been too low for many years. Councilmember Fox stated that she does not care and would defer on the fees.
- Mayor Bernstein asked about the provision of replacing a removed major tree needing to be replaced with two trees and whether this is appropriate. Councilmember Fox wants to follow what the Shade Tree Commission asked for and rely on the hardship provision. Mayor Bernstein suggested that the replacement be one major tree vs. two major trees. Mayor Bernstein asked for the DEP model ordinance be circulated. The hardship provision was discussed.
- The Code Enforcement may request several pieces of information from many sources to assist in decision making and review of hardships.
- Provision of replacement plan being submitted by licensed engineer has been removed as it was an impediment to applicants.
- Landmark tree – the burden to demonstrate the provisions is on the applicant.

Councilmember Fox then made a motion to introduce the ordinance as amended. The motion was seconded by Councilmember Collins. Mayor Bernstein then stated that he would ask for the public to be heard before a roll call on the motion since people may have attended in anticipation of a public hearing.

Councilmember Fox then asked to pause her previous motion and made a motion to open to the public on this item. The motion was seconded by Councilmember Collins and approved by all present on a voice vote.

Linda Cetta, Chair of the Shade Tree Commission

Ms. Cetta explained the thoughts behind their request and thanked the Council for including them in the process. She noted that she believes the fee of \$125.00 is too high. Ms. Cetta also reiterated that she agrees with the higher requirement for mitigation. Mayor Bernstein stated that he still believes it is a hardship on residents. A discussion ensued on the prohibitive cost of mitigation requirements vs. the relatively low price of the application fee. The Council then discussed the procedure and thanked Ms. Cetta for her input.

Mr. Wolpert

Mr. Wolpert stated he is a long-time resident and believes the new ordinance is an improvement and the old ordinance was difficult for residents. He believes that ornamental and decorative trees should be considered. Ms. Falkenstern advised that his particular application was reviewed as an example to address these types of issues. Mr. Wolpert explained a frustrating interaction he had with the Shade Tree Commission and was upset that there was no opportunity to consult with the Commission and that their decisions were made without any consultation with the residents. Mayor Bernstein advised that the new ordinance should address these issues.

Fay Sloan

Ms. Sloan stated that she serves on the Shade Tree Commission and would like the Mayor to consider appointing new members since it is a lot of work on the members when they are short participants. She also believes the fees are too high in the new ordinance. Mayor Bernstein asked if she felt the mitigation requirements were also too high. She said that it could be expensive, but the resident is choosing to take down a tree, so it is justified.

Ms. Wolpert

Ms. Wolpert echoed her husband's statements earlier and asked if the Code Enforcement Officer is the correct person to make these decisions and suggested an arborist would be a better candidate. Additionally, she believes that the residents' expert's information and input should be considered. Mayor Bernstein noted that language was added to the ordinance tonight to include allowing that type of consultation.

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

Councilmember Fox then asked for clarification on the number of trees that should be included for mitigation. Councilmember Jiang stated that he believes that mitigation should be one for one. Councilmember Fox disagrees and believes that if you remove a major tree, it cannot be mitigated by only one major tree. Councilmember Fox asked if the language could be changed to mitigation by at least one major tree and make up the difference with minor trees as a compromise. The Council discussed the provision and agreed that it is appropriate to require at least one tree, and the other required trees could be minor trees. Mayor Bernstein asked for clarification on the application process to ensure that the applicant's expert information would be considered. Ms. Rosendahl clarified the process and indicated that the application requires the applicant to provide a replacement plan, so yes, they would be providing their proposal.

Councilmember Fox then made a motion to reintroduce Ordinance No. 1164-25 as amended. Councilmember Collins seconded the motion.

Roll Call:

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

Ms. Falkenstern noted that the public hearing would be held on July 14, 2025.

Resolution 116-25 Appointment of the Borough Clerk

A motion was made by Councilmember Collins and seconded by Councilmember Fox to approve resolution 116-25.

Roll Call:

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

Resolution 117-25 2025 Salaries

A motion was made by Councilmember Fox and seconded by Councilmember Collins to approve resolution 117-25.

Roll Call:

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

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 asks for a motion to accept the consent agenda (with any abstentions noted)

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
Nays: None
Absent: Council President Slowikowski, Councilmember Reiss

Consent Agenda:

Resolution No. 118-25 Release of Escrow

Resolution No. 119-25	Release of Performance Bond
Resolution No. 120-25	Approve Grant Application NJDOT FY2026
Resolution No. 121-25	Authorizing Member of the Volunteer Fire Department
Resolution No. 122-25	Appointing SLEO III
Resolution No. 123-25	Authorizing SSA with NVRHS BOE
Resolution No. 124-25	Appointing Casual Labor
Resolution No. 125-25	Payment of Bills

Mayor's Report

Mayor Bernstein reported that Borough Hall is available to anyone in need as a cooling center due to anticipated excessive heat. He thanked the Council and Shade Tree Commission for their work amending the tree ordinance and acknowledged that it was a lot of work.

Council Committee Reports

Finance & Personnel (Slowikowski)

No Report

Ordinance (Fox)

No Report

DPW & Recreation (Marks)

Councilmember Marks detailed upcoming summer events being held by the Recreation Commission.

Economic Development (Jiang)

No Report

Police and OEM (Reiss)

No Report

Fire and EMS (Collins)

Councilmember Collins detailed the monthly activity of the EMS and Fire Department, including a very busy day today, June 23 by the Fire Department. He reported that the new fire truck should be delivered in July and an old truck was sold to the Borough of Teaneck.

Reports of Borough Officials

Borough Administrator

Ms. Falkenstern conferred with Councilmember Fox about pending discussion that needs to continue on proposed ordinances including an updated noise and zoning ordinance.

Borough Attorney

No Report

Borough Treasurer

No Report

Ambulance

Jeffrey Geissenheimer detailed calls to date and training conducted. He thanked the PD, DPW, and FD for their assistance.

Police Chief

Lt. DeIGreco detailed the monthly activity and training of the Police Department. He reminded the public that vacant house registration is available with the Police Department to report if you

will be away from your home so the Police can keep an extra eye on your vacant home. He thanked the FD, DPW and EMS for their support.

Fire Chief
No report

DPW Director

Mr. Gangi reported on the activity of his department including field maintenance, park maintenance and branch pick up. Mayor Bernstein asked if he should solicit input from residents about potholes. Mr. Gangi said that while many residents do that, he does encourage that input so it can be addressed. Mayor Bernstein asked about the status of talks with the County about drainage issues on Hardenburgh near Stelfox. Mr. Gangi stated that he has an on-site meeting scheduled with the County.

Meeting Open to the Public

Councilmember Fox made a motion to open the meeting to the public. The motion was seconded by Councilmember Collins and approved by all present on a voice vote.

Mike Clark

Mr. Clark asked for updates on the bank building. Councilmember Jiang said the talks with developers are continuing and they are accepting proposals for any downtown development including the bank building, but they are not ready to report to the public yet. Mr. Clark asked for a timeline. Councilmember Jiang said he hopes to have a plan in place by year's end and noted that these types of redevelopment do take considerable time. Mr. Clark then asked about the funding put in place for the Compost Site and whether the plan is approved by DEP. Ms. Falkenstern responded that the funding commitment was part of the application as was the acquisition of property to satisfy tree replacement. She noted that the property closing was within the past week and the information was given to DEP so she hopes the corrective action plan will be approved soon. Mr. Clark asked about the status of 127 Hardenburgh Ave. project. Ms. Falkenstern stated that the only hold up is funding from the DCA. Mr. Clark stated that there are a few things going on in town that he doesn't feel the residents are aware of. Mr. Clark said that he heard about the train station being used as a restaurant. Mayor Bernstein stated that a bid was approved by the Council and discussed at public meetings. He then asked if the Planning Board heard a proposal about a bed and breakfast at a meeting and why wasn't the public informed. Mayor Bernstein explained that an application was not presented and that if there was the public would be informed, but there is no application to share. Ms. Rosendahl noted that any information that requires a decision by the Council or the Board is included on the agenda. He thinks the Mayor should include more information in his emails.

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

There being no other business before the Council, Councilmember Jiang made a motion to close to the public. The motion was seconded by Councilmember Fox and approved by all present on a voice vote.

The meeting was therefore adjourned at 9:16 pm.

Respectfully submitted,

Julie Falkenstern, RMC
Borough Clerk

