

**MAYOR AND COUNCIL  
BOROUGH OF DEMAREST  
REGULAR MEETING MINUTES  
December 23, 2024  
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 present to recite the Pledge of Allegiance.

**Roll Call:**

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

Absent: None

Also Present: Julie Falkenstern, Borough Administrator  
Deena Rosendahl, Borough Attorney  
Jason Gangi, DPW Director  
John McLoughlin, Fire Chief

**Ordinance Introduction: (none)**

**Ordinance Adoption-Public Hearing:**

**ORDINANCE 1152-24** AN ORDINANCE ESTABLISHING A JOINT PLANNING BOARD AND AMENDING CHAPTER 27 ENTITLED "LAND USE PROCEDURES"

A motion was made by Councilmember Marks and seconded by Council President Slowikowski to open the public hearing on Ordinance #1152-24

**Roll Call:**

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

**Nays:** None

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

Speakers:

James Tabacchi, Planning Board Member

Mr. Tabacchi stated that he is a long-tenured member of the Planning Board and currently serves as the Vice Chair. He noted that a former Mayor had introduced the idea a few times in the past and that it was vetted and discussed by the boards, who provided feedback that they didn't agree with it and then it wasn't done. He stated that because he feels the Boards have different functions, Planning being macro and Zoning being micro, he does not believe they should be combined. He feels it would be too much work for one board. He asked the Council to consider pausing and doing more research before voting.

David McLain, Zoning Board Member

Mr. McLain stated that as a long-term Zoning Board member he feels there should be more study. Mr. McLain is concerned about the process and feels that it has been too quick. Additionally, he spoke to the Mayor earlier in the year about possibly not being able to fulfill his entire term and would have appreciated more communication. He feels that the Council should consider keeping the power of consent for appointments afforded Zoning Board appointments, while Planning Board appointments are by the Mayor with no Council consent. He feels a combined board could present an issue with conflicts of interest. Additionally, he feels the board has been seen as conservative, which he does not agree with. He feels they have done their job to protect residents and are not responsible for residents doing work without permits.

James Carroll

Mr. Carroll stated that he had three questions. Why? Who would make appointments? And are they minutes to any committee meetings?

Mayor Bernstein said they will address all questions after the public has spoken.

Dorothy Hayden, Zoning Board Chair

Ms. Hayden stated that she feels this is an important decision and she feels it is rushed and asked the Council to pause the decision. She would like the benefits to be made clearer before the decision is made.

Tim Woods, Zoning Board Vice Chair

Mr. Woods stated that as a long-time Zoning Board member he believes the ordinance should be tabled so the Council can gain more information before what he feels is a rushed decision. He feels the Zoning Board has been effective and that he feels they have done their job and not been "strict" as has been noted on a recent Facebook post by a resident. He stated that while he is not against it in concept, he would like more study.

Ray Cywinski

Mr. Cywinski wanted to make sure that Councilmember Jiang could hear the comments being made. Councilmember Jiang unmuted his phone and said yes, he can hear the public comments. Mr. Cywinski agrees with the previous speakers that the process should be paused. Additionally, he wants to hear from each of the Councilmembers about their thoughts on the ordinance. He stated that when he was Mayor, he

considered a joint board, but decided there were not enough benefits to go in that direction.

Marian Hayden, Planning Board Chair

Ms. Hayden believes the ordinance should have further study and review before a decision is made. Ms. Hayden thinks there is too much complex work that would be better handled by two separate boards. She believes the two board members have specific areas of expertise and cited Affordable Housing specifically.

Lynn Paulison, Planning Board Member

Ms. Paulison stated that she is a newer member of the board but agrees with previous speakers that she feels the process should be paused and more information gathered. She believes the board members should have been consulted earlier in the process.

Mary Lynn Hamilton, Planning Board Alternate Member

Ms. Hamilton agrees with previous speakers that the ordinance process should be paused.

Bob Corrado, Zoning Board Member

Mr. Corrado believes the ordinance should be tabled and wishes the communication had been better. He feels the board members should have been consulted.

Mike Clarke

Mr. Clarke stated that as a previous Zoning Board member he believes the ordinance is being rushed and should be tabled. He wonders if the Council knows the different functions of the board and he feels the members should have been consulted. Mr. Clarke asked if there is a Resolution Committee, to which the Mayor answered there is not.

Ray Cywinski

Mr. Cywinski stated as a former Mayor he knows that it is sometimes hard to find board members and that training in both Planning and Zoning issues could present an obstacle.

Dorothy Hayden

Ms. Hayden stated that training is required for Board members within 6 months of appointment. She feels with a combined board you may lose some expertise.

There being no other members of the public wishing to speak on the ordinance, a motion was made by Councilmember Collins and seconded by Council President Slowikowski to close the meeting to the public.

Mayor Bernstein then spoke about the process and noted that Borough Counsel, Borough Engineer, Borough Planner, and Borough Affordable Housing have all endorsed a combined board for Demarest. Mayor Bernstein then spoke of his personal knowledge as a Planning Board member and having observed several Zoning Board meetings as well as talking to residents that have been before the boards. He clarified that the idea of the board has nothing to do with any chatter online or feedback that the board is conservative. The Mayor also noted that he reached out to both chairs and has heard from several board members who reached out. He answered many questions of

those board members and he had many discussions with the professionals. He also noted that despite the efforts of most of the board members, he is concerned about any exposure of the Borough. He noted that 8 meetings of the board were cancelled, and he feels that a new board would be made up of new resident volunteers and current board members. Mayor Bernstein noted that he was disappointed with the process of the 95 County property and many of the people in the audience tonight also spoke in opposition to the project. He does not feel the current project would have come to fruition if there had been a combined board. He feels a combined board would improve consistency of application of zoning criteria. He noted that members of the Zoning Board came before the governing body to request they intervene with a decision of the Zoning Officer and while he does not doubt that they made that request in good faith, he was troubled by the request. He feels the board requesting the governing body to make a decision in regard to the boards' implied intent is improper and could expose the Borough to liability. The combined board was recommended to the Mayor and has been considered and discussed and not rushed. Mayor Bernstein noted that 23 towns in Bergen County have joint boards and have not converted back. He clarified that despite the comments about the members not being aware of the concept, he had conversations in late November and early December with both chairs and neither Chair placed a discussion item on their December agendas. He also noted that neither Chair made any recommendation from their membership for any new appointments.

A member of the public interrupted the Mayor and was told that the meeting was not open to the public.

The Mayor asked for a motion to adopt ordinance #1152-24 with notice of final passage to be published in the Bregen Record.

A motion was offered by Council President Slowikowski.

Councilmember Fox then offered a motion to table the vote. She explained that she feels that they have only heard from the Mayor and that she doesn't feel that they are listening to the people. She continued that the ordinance should have been reviewed and vetted by the Ordinance Committee. Councilmember Fox feels it is rushed and there should be more review by the Council, not just the Mayor.

The Borough Attorney noted that the proper procedure had been followed for introduction and adoption of the ordinance.

Ms. Falkenstern explained that the motion to table would take precedence but explained to the Council that if the ordinance was tabled, it would have to be reintroduced since an ordinance needs to be introduced and adopted in the same calendar year.

The Council discussed this option and Councilmember Reiss seconded the motion to table.

**Roll Call:**

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

**Nays:** Council President Slowikowski, Councilmember Jiang

Councilmember Fox then made a motion to commit the ordinance to the ordinance committee. A discussion ensued on whether the motion was appropriate.

Councilmember Fox then asked for a motion to open to the public. Mayor Bernstein reminded her that the meeting would be open to the public at the end of the meeting.

Councilmember Fox made a point of order objection that the Mayor chose not to acknowledge her motion to commit.

Councilmember Fox then stated that she withdrew her motion to open to the public, but her motion to commit remains.

**Resolution 213-24 Resolution to Authorize the Readvertisement and Issuance of RFQs for Certain Professional Appointments for 2025**

Ms. Falkenstern explained that since the ordinance for the joint board was not adopted the positions of Zoning Board Counsel and Planning Board Counsel would be added to the resolution along with Conflict Counsel.

A motion was made by Councilmember Collins and seconded by Councilmember Fox to adopt Resolution 213-24 as amended.

**Roll Call:**

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

**Nays:** None

**Resolution 216-24 Resolution to Authorize the Promotion of Officer Brian Hampton to Sergeant in the Demarest Police Department**

A motion was made by Councilmember Reiss and seconded by Councilmember Collins to adopt Resolution 216-24.

**Roll Call:**

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

**Nays:** None

**Resolution 217-24 Resolution to Authorize the Promotion of Officer Michael Krynicki to Sergeant in the Demarest Police Department**

A motion was made by Councilmember Reiss and seconded by Councilmember Fox to adopt Resolution 217-24.

**Roll Call:**

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

**Consent Agenda:**

Resolution No. 214-24                      Budget Transfers  
Resolution No. 215-24                      Bill Lists

A motion was made by Councilmember Collins and seconded by Council President Slowikowski to adopt the consent agenda.

**Roll Call:**

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

**Minutes for Approval:**

November 25, 2024 Closed Session

A motion was made by Council President Slowikowski and seconded by Councilmember Collins to approve the minutes.

**Roll Call:**

**Ayes:** Council President Slowikowski, Councilmember Collins, Councilmember Marks, Councilmember Reiss  
**Nays:** Councilmember Fox noted that she was voting no due to a typo that she is not able to clarify during public session  
**Abstain:** Councilmember Jiang

Ms. Falkenstern noted that the motion to approve the minutes passed, however a grammatical error will be fixed in the final version.

December 9, 2024 Closed Session

A motion was made by Councilmember Collins and seconded by Councilmember Reiss to approve the minutes.

**Roll Call:**

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

December 9, 2024 Work Session

A motion was made by Councilmember Collins and seconded by Council President Slowikowski to approve the minutes.

## **Roll Call:**

### **Mayor's Report**

Mayor Bernstein reported that the Borough received final number of funds received from BC Open Space for the gazebo and Neglia Engineering is working a new plan given the new budget. He advised that once the Council has reviewed the new plan they will work with the Woods family to finalize.

### **Council Committee Reports**

#### **Finance & Personnel (Slowikowski)**

Council President Slowikowski reported that the Environmental Commission was beginning the neighborhood composting initiative and would be reaching out to the community. They will need 22 families to participate.

#### **Ordinance (Fox)**

Councilmember Fox reported that the Ordinance Committee would review the Joint Planning Board ordinance and report back to the Council.

#### **DPW & Recreation (Marks)**

Councilmember Marks reported that DPW had finished leaf pick up and thanked them for their excellent work during leaf season as well as with the snow that had fallen early last week. Additionally he thanked the recreation commission for their work on the successful tree lighting event and the upcoming Menorah lighting event scheduled for December 29 at 7 pm. He thanked Leigh Barker, Chair of the Recreation Commission whose term is ending for her dedication to the Commission.

#### **Economic Development (Jiang)**

Councilmember Jiang report that while he has no report, hopes to have an update from the Economic Development Committee in January.

#### **Police and OEM (Reiss)**

Councilmember Reiss detailed the Police Department's monthly activity report in the Chief's absence. He also congratulated Officer Vincent Quintana on breaking the record for push ups at the Bergen County Police Academy that had stood for 7 years by doing 119 push ups in one minute. He also noted that Acting Chief Visaggio had asked him to acknowledge the Fire Department, DPW, EMS and Council for their support throughout the year.

#### **Fire and EMS (Collins)**

Councilmember Collins thanked the Fire Department for escorting Santa around town on Sunday.

Councilmember Fox then thanked Council President Slowikowski for opening her home to all Borough Employees for a Holiday Celebration.

Mayor Bernstein then noted that before the reports of the Borough Officials he would like to return to Councilmember Fox's motion to commit and asked her to clarify her motion.

Councilmember Fox made a motion to commit the Joint Planning Board Ordinance to the Ordinance Committee for review. The motion was seconded by Councilmember Collins.

**Roll Call:**

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

**Nays:** None

**Reports of Borough Officials**

**Borough Administrator**

Ms. Falkenstern talked about the newsletter that went out to the town and explained that it is a new style that includes a calendar that she hoped would be helpful to the residents and noted that the Borough welcomes any feedback. She reminded residents of the due date for 2025 dog licenses and that the application was included in the newsletter along with the date for the free rabies clinic. She also noted that the two upcoming Wednesday Recycling pickups would be moved to Friday due to Christmas and New Years Day.

Ms. Falkenstern then thanked the Mayor and Council for their kind words said at the last meeting. She noted that if she was doing a good job is was because of the entire team at Borough Hall and thanked them for their work. She then stated that she would like to thank Michael Greco specifically, who serves as both the Deputy Borough Clerk and the Planning and Zoning Secretary. She noted that his motives and qualifications had been questioned over the last week in public, through the rumor mill and behind closed doors and stated that the things said were unfair and untrue. She noted the things said about him at a public meeting were offensive and unwarranted. She stated that none of the staff work alone that they are a good team, and she felt it was important because he was chastised at a public meeting, it should be acknowledged at a public meeting that he didn't do anything wrong to warrant the things said.

**Borough Attorney**

No report

**Borough Treasurer**

No report

**Ambulance**

No report

**Fire Chief**

Chief McLoughlin reported on the month's activity and noted that there was an increase in calls. He thanked his department for spending a very long, cold day escorting Santa on 1/22.

Councilmember Collins thanked the DPW for their work on the small snowfall. He felt it was a tough call given the small amount of snow, but he noted that Demarest's roads were in better condition than surrounding towns.

Mayor Bernstein then thanked the Borough Council for their work throughout the year along with all the volunteers that serve the community and the Borough staff.

Councilmember Fox then noted that since Mr. Gangi attends the public meetings each month, he should be listed to give a report. Mayor Bernstein asked Mr. Gangi to think about whether he would like to have a spot on the agenda and let him know.

Council President Slowikowski then noted that after working with Mayor Bernstein for a few years she noted that he is the hardest working Mayor and one of the smartest Mayors and that

she appreciates that his intentions are always to serve the residents even when that is difficult and she thanked him for that approach.

### **Meeting Open to the Public**

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

James Tabacchi

Mr. Tabacchi noted that even though the Mayor may have spoken to the Chairs he should have spoken to the boards directly or insisted that the Chairs inform the entire board. He further stated that even though the professionals were consulted, weight should be given the volunteers that serve the Borough.

Marian Hayden

Ms. Hayden disputed the number of cancelled meetings that the Mayor mentioned. She then stated that the meeting on 11/29 that she requested was to address a separate very serious issue and that the concept of the joint board was only mentioned in passing and the Mayor did not inform her that an ordinance had been introduced. She was unaware that she should share any information with the board. She also feels that the volume of work would be the same and that there would be no cost savings or administrative savings.

Ms. Rosendahl then asked Ms. Falkenstern to confirm that the introduction of the ordinance was handled correctly. Ms. Falkenstern explained the process and the times that the ordinance was advertised and posted and available for review.

Ms. Hayden questioned the process.

Mayor Bernstein then noted that he had two meetings with Ms. Hayden, one being 3 hours long and one being 1 hour long and he did not think it was appropriate for him to tell her as Chair how to run her meeting. A discussion ensued between Ms. Hayden and Mayor Bernstein on who should have been responsible for speaking to the Board members about the Joint Board. Ms. Rosendahl noted that it would be inappropriate for the Mayor to direct the Boards on what they should discuss.

Dorothy Hayden

Ms. Hayden disputed the number of applications that the Zoning Board heard. She also said she initiated her discussions with the Mayor after hearing about the Board from her sister. Additionally, she does not think we should always follow the advice of the professionals since they have a different perspective than the residents.

Mayor Bernstein noted that he has a different recollection of how the information on the proposal of a combined board was conveyed to Ms. Hayden and who initiated the conversation.

Mike Clarke

Mr. Clarke clarified a question he asked early about a resolution committee that he misspoke and was asking if there was an ordinance committee. He then stated that he felt the Mayor chastised the Chairs. Mr. Clarke asked if the Mayor shared the

information obtained from professionals with the Council. Mayor Bernstein stated that he shared that information with the Council and several council members confirmed that.

David McLain

Mr. McLain disputed the number of applications that the Mayor noted the Zoning Board had reviewed in 2024. He noted that a few applications took many meetings to come to a resolution. He stated that the Board did a lot of good work and stated he believed the idea of the consolidated board had not been communicated to the board members. He asked for more direct communication. He asked how the Board would function with the uncertainty of the proposed ordinance. Councilmember Fox noted that the Board should proceed as usual.

Additionally, he asked about the status of reports to 2-foot bridges and noted he was concerned about the conditions of the streets around the 95 County project.

Ms. Falkenstern explained that there are some DEP issues with repairing the bridges, but she would follow up with the Borough engineer to see if the repairs were permitted.

Mr. McLain noted that some towns post the video of their meetings, and he wondered if Demarest would consider that. Mayor Bernstein noted that he found the conduct of the Zoning Board at the December meeting objectionable. He suggested that the Board members may want to view the meeting themselves.

Jim Carroll

Mr. Carroll asked if the newsletter was printed in house and what the cost was. Ms. Falkenstern answered that her recollection was that the printing cost \$3,200 plus postage. He then asked what the percentage increase was in the new police contract.

Ms. Falkenstern and Ms. Rosendahl answered that the percentage increase was 3% for the first year and second year and 3.25% for the last two years. Additionally, in lieu of clothing allowance, education allowance and move to Tier 4 healthcare contribution there is one \$5,000.00 payment in the first year. He then asked how many officers the department has and how many ranked officers. Councilmember Reiss noted there are 18 officers and the Borough Administrator said there are no current sergeants but there will be 2 as of 1/1/25, three lieutenants, one captain, and one deputy/acting chief. Mr. Carroll then asked the percentage of increase year to year of the police budget. The Mayor then explained that the promotions are necessary to support the new 12-hour Pitman Schedule and then the schedule was implemented. A discussion ensued on the benefits of the schedule.

Ray Cywinski

Mr. Cywinski asked if the Borough had considered joining the multitown lawsuit against the Affordable Housing legislation. Mayor Bernstein asked Mr. Cywinski if he knew the cost to each town. He stated he believed it was \$5,000. Mayor Bernstein stated that it was \$20,000, which was the initial request. Mr. Cywinski stated that he believed the Council should consider whether that was a good investment. Lastly, he asked if there was any follow up to his request about Styrofoam recycling. The Mayor said that he had not had any other residents request that service.

While Mr. Cywinski was speaking to the council about doing a better job of enforcing ordinances, Ms. Falkenstern noted that Councilmember Jiang dropped off the call and was no longer participating in the meeting.

Marian Hayden

Ms. Hayden asked about the birthday announcements she has seen on Borough's electronic sign. Mayor Bernstein and Councilmember Collins explained that it was a fundraiser for the PTO.

Ray Cywinski

Mr. Cywinski asked if the Art School was paying rent. The Mayor noted that there was a signed lease agreement.

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

**Closed Session Resolution 2024-011** Professional Appointments (no action to be taken)

Councilmember Fox made a motion to adjourn to closed session to discuss 2025 Professional Appointments. The motion was seconded by Councilmember Collins.

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

**Nays:** None

**Absent:** Councilmember Jiang

The Council returned to open session where Councilmember Collins made a motion to adjourn, seconded by Councilmember Reiss and approved by all.

Respectfully submitted,

Julie Falkenstern  
Acting Borough Clerk