

**BOROUGH OF DEMAREST
PLANNING BOARD**

MINUTES

REGULAR MEETING

August 2nd, 2023, 7:30 PM

The Chairperson opened the meeting at 7:31 pm with the following announcement:

Public Announcement of Meeting: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this public meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings is posted at the Borough Hall, was mailed to The Newark Star-Ledger and The Record, is posted on the Borough website, and was filed with the Borough Clerk of Demarest on December 23, 2022.

Roll Call

Mr. Alevrontas – Absent

Mayor Bernstein – Present

Ms. Brenner – Present

Councilmember Fox – Absent

Chair Hayden – Present

Vice Chair Keane – Present

Mr. Parlamis - Present

Mr. Rifkind - Present

Mayor Schooler - Present

Mr. Tabacchi – Present

Pledge of Allegiance

PUBLIC MEETING:

The Chairperson thanked everyone for attending the meeting this evening.

Two items are on the agenda:

Approval of Minutes: May 3rd, 2023

Adoption of the Professional Service Contract for Planning Board Planner Colliers Engineering /Darlene Green

VOTE to Approve Minutes: August 2nd, 2021

A motion was made to approve the minutes with three minor changes, which were pointed out by the Chair, and are highlighted in yellow: correction of a typo and the addition of two words. None of the changes are substantive.

Motion: Mayor Schooler

Seconded by: Mr. Rifkind

YES: Bernstein, Hayden, Parlamis, Rifkind, Schooler

NO: 0

ABSENT: Alevrontas, Fox (absent this evening)

ABSTAIN: Keane, Brenner Tabacchi (Not present at the May 3rd meeting)

The Minutes are approved

New Business:

Adoption of the Professional Service Contract for Planning Board Planner Colliers Engineering /Darlene Green

The Chair discussed various aspects and reason for a Professional Service Contract for the Planning

Board Planner:

Background: After the appointment of the Board professionals (including the Board Planner, Darlene Green,) at the January 2023 annual re-organization meeting, the Chairperson asked the Planner why the Board members had not received the RFQ material from the Planner, like they did for the Board engineer and the Board attorney. Ms. Green replied that the Borough did not post an RFQ for the Planner and to the best of her knowledge Demarest never has posted as RFQ for a Planner. The Chairperson asked if that was the usual case for a Planning Board Planner. Ms. Green replied that some of her towns formally appoint a Planner for the Planning Board, and some do not. The Chairperson thought given the importance and the extent of the work the Planner does exclusively for the Planning Board, and that the Planner's contract with the governing body does not include work for the Planning Board, the Planner should have a contract with the Planning Board, just like the other Board professionals.

A contract was prepared by the Board attorney, Mr. Bern, and reviewed by the Board members:
The following points were discussed:

- A Board member asked why we would increase the Planning Board budget. This is a formality and does not increase expenses in any way. The Planner is paid only for work performed, as has always been the case.
- The Planner's compensation is in accordance with the 2023 Borough of Demarest rate schedule (attached to the contract), she is paid for the number of hours she works for the Planning Board. Most of the Planner's bills are paid from escrow accounts applicants are required under MLUL (Municipal Land Use Law) to set up. Consequently the Planning Board accounts for and pays very little of Ms. Green's billing.

Mayor Bernstein correctly stated Ms. Green was appointed at the 2023 Re-organization meeting. (see note in 'Background' regarding the RFQ process, and hence the lack of a contract) Mayor Bernstein asked how the contract will benefit the Borough and Ms. Green.

- The contract is beneficial to the Borough of Demarest by ensuring our Planner is formally recognized with a contract, as the Planner for the Demarest Planning Board to prevent challenges to our decisions and documents, based on the Planners recommendations. (Master Plan, Reexamination Report, Affordable Housing Plans, Downtown Redevelopment Plan etc.,)
- Benefits to the Planner: this is a professional formality.
- Questions and concerns were raised regarding who the contract is actually with; Colliers or Darlene Green. It was stated the contract is with Collier's Engineering, who will provide Planning services to the Demarest Planning Board, and designates Ms. Green as our Planner based on her past performance, knowledge and history of the town.
- It was discussed that a solution could be to amend either the Borough's contract with Ms. Green, or the Board engineer's contract to include Ms. Green.
- It was stated that the appointment and contract are annual processes and will need to be done again, shortly as we are towards the end of the year.
- The Chair stated she will speak to Collier's about amending the existing contracts.

