



Borough of Demarest
Planning Board Regular Meeting
MINUTES

February 5, 2025
7:30 PM
DEMAREST BOROUGH HALL

The Borough of Demarest Planning Board held a special meeting on WEDNESDAY, FEBRUARY 5, 2025, at 7:30 p.m. located at 118 Serpentine Road Demarest, NJ 07627.

CALL TO ORDER

Meeting was called to order at 7:30 PM by Chair Tabacchi.

FLAG SALUTE

The Board was led in a salute to the flag by Chair Tabacchi.

ROLL CALL

MEMBERS PRESENT: Theodore Alevrontas, Mayor Brian Bernstein, Jodi Brenner, Councilwoman Daryl Fox, Fatemah Mamdani, Lynn Paulison, James Tabacchi, Mary Hamilton

MEMBER(S) ABSENT: -

ALSO PRESENT: Michael Greco – Secretary

APPOINTMENT OF PROFESSIONALS
Appointing a 2025 Board Attorney

Chair Tabacchi explained that the board received two RFQs for the board attorney and confirmed that the board had a chance to look over them. He named the two RFQs and stated that the new submission he felt was a little inexperienced. He stated that he spoke with the zoning board about their attorney, and stated that he contacted Mark Madaio, the zoning board attorney, and interviewed him.

Mayor Bernstein stated that an RFQ went out for this position and Mark Madaio did not respond to this RFQ. He expressed concern about inviting him in as a candidate when other qualified candidates submitted for the position. He then explained that in his review of the candidates, the current board attorney is sitting on a lot of boards, and this is a reason to consider a new attorney who has less and can be more dedicated. Mayor Bernstein stated that he does not believe a vote tonight is necessary, as the current attorney remains until an appointment is made, and he does not think it is fair to bring in a third candidate who did not submit.

Councilwoman Fox stated that a non-fair and open appointment could be made to appoint a different candidate.

Mayor Bernstein stated that he disagrees, because if a non-fair and open is allowed, but because the governing body already dedicated to a fair-and-open that he would not be comfortable making that appointment without legal counsel to discuss.

Chair Tabacchi stated that he believes that this could be allowed because the client has been with the town for some time.

Mayor Bernstein expressed concern, stating that no other member of this board has seen any information on this candidate, and cannot make an informed decision.

Vice Chair Brenner agreed that she had not seen a CV for Mr. Madaio.

Chair Tabacchi stated that he could ask for a CV from Mr. Madaio, and stated that he is not rushing the appointment, but would agree to have Mr. Madaio's CV sent out and a vote could be had next time.

Mayor Bernstein stated his disagreement with the procedure and would hazard to get legal counsel on if the board can select a non-fair-and-open after an RFQ was sent out.

Vice Chair Brenner asked if we would be asking Mr. Bern for his legal counsel on this.

Councilwoman Fox suggested taking a vote subject to the counsel's recommendation.

Mayor Bernstein stated that a vote would feel rushed, and inappropriate to the process.

Chair Tabacchi stated that the board could take in the new information and discuss and vote on this at the next meeting. He explained that he was recommending Mark Madaio because it would help with the problem of consistency between the boards.

Vice Chair Brenner asked if there is any new business coming up that would require legal counsel.

Councilwoman Fox stated that there is the affordable housing obligations and the redevelopment, but she does not know when that would be coming to the planning board.

Vice Chair Brenner stated that right now there is nothing pressing that would require legal counsel.

NEW/OLD BUSINESS

Update on the Joint Planning Board Ordinance

Chair Tabacchi explained that a group of current and former members of the planning board and zoning board of adjustment met with the ordinance committee, and that there is a report being written up by the ordinance committee in respect to the joint board. He stated that the group did not seem to have significant conviction in either direction. He stated that if you wish to change a process then there should be clear conviction to make that change.

Vice Chair Brenner asked who is writing the report. Councilwoman Fox stated that the ordinance committee is which consists of Councilman Reiss, Councilman Jiang, and herself.

Vice Chair Brenner asked if these people were invited to this discussion by the ordinance committee and Councilwoman Fox answered that they were.

Mayor Bernstein asked who chaired the meeting, and Chair Tabacchi stated that he did. Mayor Bernstein asked when the meeting was, and Councilwoman Fox stated it was on Wednesday, March 15, 2025, and Chair Tabacchi confirmed this. Mayor Bernstein asked how many current members of the planning board, and the zoning board were present. Chair Tabacchi stated that one member of the current zoning board, David, and two members of the current planning board, Councilwoman Fox and Chair Tabacchi. Mayor Bernstein confirmed that there was not a quorum present of either board, it was not recorded, and it took place in the train station. Councilwoman Fox clarified that it was an ordinance committee meeting that she was the chair over, and it was called at the request of Chair Tabacchi.

APPROVAL OF MINUTES

A motion was made to approve the August 7, 2024, meeting minutes, by Councilwoman Fox and was seconded by Mayor Bernstein.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Mr. Alevrontas:	Abstain	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Tabacchi:	Abstain
Mrs. Hamilton:	Abstain				

Motion passed

Councilwoman Fox stated her appreciation of the secretary to expand the minutes as requested.

Mary Hamilton stated that there was a small correction on the minutes of a date.

A motion was made to approve the amended January 8, 2025, reorganization meeting minutes, by Councilwoman Fox and was seconded by Chair Tabacchi.

On a roll call, the vote was recorded as follows *n/e = not eligible*

Mr. Alevrontas:	Abstain	Mayor Bernstein:	Yes	Vice Chair Brenner:	Yes
Councilwoman Fox:	Yes	Ms. Mamdani:	Yes	Chair Tabacchi:	Yes
Mrs. Hamilton:	Yes				

Motion passed

RESOLUTIONS

NEW/CONTINUING APPLICATIONS

NEW/OLD BUSINESS

Vice Chair Brenner asked what the process is for changing or extending an RFQ.

Mayor Bernstein stated that he is not positive, but he intends to ask Borough Counsel. He then explained the RFQ process, and that the Mayor and Council can decide to go back out for a new RFQ.

Councilwoman Fox stated that she knows that there is the ability with an RFQ process to decline the people who submitted and report a different professional that the board is aware of.

Mayor Bernstein clarified that the board has not accepted or rejected the other candidates first and that would need to happen prior to a decision on a different candidate.

Chair Tabacchi stated that he thinks that Mr. Madaio is the best candidate.

Vice Chair Brenner asked why Mr. Madaio did not respond to the RFQ.

Mr. Tabacchi asked the Mayor if knows Mr. Madaio and what he thinks of him.

Mayor Bernstein stated that he knows from others that Mr. Madaio knows land use, and if he was to be asked if he is a good land use attorney, he would likely say yes, but he does not know if he would make a good board attorney, especially considering some things that have occurred at the zoning board of adjustment hearings.

PUBLIC COMMENT PERIOD – CORRESPONDENCE

A motion was made to open the meeting to the public by Councilwoman Fox and seconded by Mayor Bernstein.
All in Favor – Motion Passed

With no public seeking to make comment a motion was made to close the meeting to the public by Councilwoman Fox and seconded by Mayor Bernstein.

All in Favor – Motion Passed

ADJOURNMENT

With no further business presented, a motion to adjourn the meeting was made by: Mayor Bernstein and seconded by Councilwoman Fox.

All in Favor – Motion Passed

The meeting was adjourned at 7:54 PM.

Respectfully Submitted,
Michael Greco, Planning Board Secretary