

MINUTES OF THE MEETING OF THE COUNCIL OF THE BOROUGH OF ESSEX
FELLS, ESSEX COUNTY, NEW JERSEY

Held at the Essex Fells Municipal Building in said Borough on January 18, 2022 at 8:00 p.m.

Present

Mayor Edward A. Davis
Councilman BJ D'Avella
Councilman Greg Hindy
Councilman John King
Councilwoman Maggie O'Connor
Councilman William Sullivan

Absent

Councilman Michael Cecere

Also Present

Borough Administrator/Borough Clerk Francine T. Paserchia
Borough Attorney James Parisi

Mayor Davis called the meeting to order. He stated that in compliance with the Open Public Meetings Law (Chapter 231, Public Laws of 1975) notice of this meeting was transmitted to The Progress and The Star Ledger and was filed with the Borough Clerk and is posted on the Bulletin Board of the Borough Hall.

Mayor Davis led the Council in the Pledge of Allegiance and gave the Invocation.

Councilman King moved, Councilman Hindy seconded approval of the minutes of December 21, 2021 and January 4, 2022

And was carried on call of the roll:

Ayes

BJ D'Avella

Greg Hindy

John King

Maggie O'Connor

William Sullivan

Nays

None

Abstain

None

Absent

Michael Cecere

Committee Discussions

Finance & Personnel

• Resignation

The Mayor advised the council of the retirement of the Captain of the Police Department.

All were in Agreement.

• Special School Election

The Administrator advised the Mayor and Council that she received a letter from the Essex Fells Elementary School Bond Counsel that the Board is planning on holding a Special Election on March 8th, 2022.

Council had questions on this matter, the Mayor directed them to attend a board meeting or contact the Board of Education Members for details.

All were in Agreement.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

December 2021 Department Reports:

- o **Construction Department Cash Receipt & Permit Fee Log Report**
- o **Police Department Report**
- o **Annual Police Department Report for 2021**

Mayor Davis said if there were no objections to the above, they will be placed on file. Hearing no objection, it was so ordered.

Councilman King moved, Councilman Sullivan seconded, approval of the following resolutions on consent:

2022-34

REFUND OF TAX OVERPAYMENT DUE TO TAX COURT JUDGEMENT

WHEREAS, the State of New Jersey Tax Court have rendered judgments on appeals made by tax payers regarding the property assessment, and,

WHEREAS, the following property had their assessment reduced by the State of New Jersey Tax Court,

WHEREAS, said judgement resulted in an overpayment of taxes to be refunded to the property owner,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Essex Fells, County of Essex that the Tax Collector be authorized to refund the following:

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Recipient</u>
2020	6.03 \$15,631.00	7	Maher, Basil & Duffy, Miriam E. 10 Hawthorne Road Essex Fells NJ 07021

2022-35

RESOLUTION OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-20 IN THE AMOUNT OF \$596,390.00 TO FUND A TEMPORARY PFAS TREATMENT SYSTEM FOR THE WATER UTILITY

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Borough of Essex Fells, in the County of Essex, New Jersey (the "Borough") hereby authorizes and approves an emergency temporary appropriation pursuant to N.J.S.A. 40A:4-20 in the amount of \$596,390.00 to fund a temporary PFAS treatment system, including all work and materials necessary therefor and incidental thereto.

Section 2. The emergency temporary appropriation provided for herein is necessary in order to meet a pressing need for public expenditures to protect or promote the public health, safety, morals or welfare of the inhabitants of the Borough.

Section 3. As required by N.J.S.A. 40A:4-20, the Borough Clerk shall send a certified copy of this resolution to the Director of the Division of Local Government Services.

Section 4. The emergency temporary appropriation shall be provided for by adoption of a bond ordinance prior to the adoption of the 2022 Borough budget, and if not so adopted, by provision in the 2022 Borough budget.

Section 5. This resolution shall take effect immediately.

2022-36

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE BOROUGH OF ESSEX FELLS AND SUBURBAN
CONSULTING ENGINEERS, INC.**

WHEREAS, there exists the need for professional engineering services in the Borough of Essex Fells in connection with plans and permit application for the temporary treatment system and I-Bank application technical support; and

WHEREAS, the maximum amount of the contract is \$27,500.00

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified the availability of funds

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex, and State of New Jersey, as follows:

Section 1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Suburban Consulting Engineers, Inc. for engineering services for the Borough of Essex Fells (for plans and permit application for the temporary treatment system and I-Bank application technical support) in an amount not to exceed \$27,500.00 as set forth in those portions of the proposal dated January 13, 2022 subject to final clarification of the scope of services by Borough representatives.

Section 2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO COPPOLA WATER INFRASTRUCTURE AND SERVICES FOR PURCHASE AND SERVICE OF A TEMPORARY PFAS TREATMENT SYSTEM PHASES TWO AND THREE ON AN EMERGENCY BASIS

WHEREAS, the NJ Department of Environmental Protection has established a maximum contaminant level of 14 parts per trillion for perfluorooctanoic acid (PFOA) in drinking water systems, effective in 2021; and

WHEREAS, due to PFOA levels at certain locations in the Essex Fells water system, it is necessary to purchase and service a temporary per- and polyfluorinated alkyl substances (PFAS) treatment system for Wells 1A and 5 on the grounds of the main pumping station on Runnymede Road; and

WHEREAS, Coppola Water Infrastructure and Services is able to respond to the scope of this emergency and provided a proposal dated December 18, 2021 for completion of phase one, phase two and phase three of the temporary treatment project; and

WHEREAS, on December 21, 2021, the Borough Council approved Resolution 2021-123, authorizing the award of contract to Coppola Water Infrastructure and Services for purchase and service of a temporary treatment system on an emergency basis, in an amount not to exceed \$250,000, which was for phase one of the temporary treatment project; and

WHEREAS, it is necessary to authorize phase two and three of the temporary treatment project;

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the purchase was authorized; and

WHEREAS, an emergency existed requiring the performance of the service pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, N.J.S.A. 40A:11-6 permits the Borough to award a contract without bidding in the event of an emergency which requires the immediate performance of the service; and

WHEREAS, the Borough Council finds that an emergency condition which may affect the public safety and welfare requires the immediate performance of the purchase and service; and

WHEREAS, the temporary PFAS treatment of Wells 1A and 5 at the Runnymede Site –phase two and phase three – is limited to the emergency and completion of once commenced; and

WHEREAS, the CFO has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that a contract with Coppola Water Infrastructure and Services based on a quotation dated December 18, 2021 in the amount not to exceed \$568,890.00 for phase two and phase three temporary PFAS treatment of Wells 1A and 5 at the Runnymede Site is hereby authorized.

2022-38

Authorization for Payment of Bills

BE IT RESOLVED by the Council of the Borough of Essex Fells that;

WHEREAS, the bill list as attached has been presented by the Chief Finance Officer for payment.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Essex Fells that the bill list as presented is approved.

<u>Fund</u>	<u>Fund No.</u>	<u>Amount</u>
Current	01	\$850,982.33
Borough Capital	03	\$63,132.17
Water	05	\$83,064.00
Grant	04	\$0
Water Capital	06	\$0
Animal Control	10	\$0
Trust	11	\$1,552.39
Payroll	13	\$0

And was carried on call of the roll:

Ayes

BJ D'Avella

Greg Hindy

John King

Maggie O'Connor

William Sullivan

Nays

None

Abstain

None

Absent

Michael Cecere

Councilman Hindy moved, Councilman Sullivan seconded, approval of the following resolution:

2022-39

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Mayor and Council of the Borough of Essex Fells is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor & Council of the Borough of Essex Fells to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase; Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, assembled in public session on January 18, 2022 at 8:32 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
BJ D'Avella	None	Michael Cecere
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

On motion made by Councilman King, seconded by Councilman Hindy and approved unanimously by the Council, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk