

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 February 1, 2022 at 7:00 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 Robert Oostdyk

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 January 18, 2022.

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	

Appointments:

- Essex Fells Police Department – Captain Position

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

2022-40

BE IT RESOLVED by the Council of the Borough of Essex Fells that the following Personnel action is hereby authorized;

1. The following named person/employee of the Borough of Essex Fells, in the title, at the rate of pay, on the effective date set forth opposite his/her name:

Name:	Title:	Rate of Pay:	Effective Date:
Scott M. Jones	Police Captain	\$154,722.00	February 1, 2022

WHEREAS, the Mayor and Council of the Borough of Essex Fells hereby approves a Memorandum of Agreement for the Essex Fells Police Department’s Captain’s Position with Scott M. Jones; and

WHEREAS, this agreement shall be commencing on February 1, 2022 for a term of one year; and

Now Therefore Be It Resolved, by the Mayor and Council of the Borough of Essex Fells that a contract with Scott M. Jones, in the position of Police Captain of the Borough of Essex Fells is hereby approved.

And was carried on call of the roll:

<u>Ayes</u> BJ D’Avella Greg Hindy John King Maggie O’Connor William Sullivan	<u>Nays</u> None <u>Abstain</u> None	<u>Absent</u> Michael Cecere
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Oath of Office – Oath Administered by Mayor Davis

Mayor Davis announced introduction on first reading of Ordinance 2022-1052

Councilman King moved, Councilman Sullivan seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1052, ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A PARKING PROHIBITION THROUGHOUT THE BOROUGH WHEN ROADS ARE SNOW COVERED, hearing to be held on February 15, 2022 at 7:00 p.m.

BE IT ORDAINED 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 Revised General Ordinances of the Borough of Essex Fells, Chapter 10 “Vehicles and Traffic” shall be amended by the inclusion of new Article XI, Subchapter 10.25, entitled “Prohibition on Parking for Snow Plowing and Removal” which shall read, in its entirety, as follows:

§ 10.25 Prohibition on parking for snow plowing and removal.

10.25.010 Prohibition on parking when roads are snow covered. No vehicle shall be parked on any street, highway, or portion thereof within the Borough whenever snow or ice has fallen and the accumulation is such that the Borough determines that roads must be treated. This prohibition shall remain in effect until the streets have been plowed to the extent that parking will not interfere with the normal flow of traffic. It shall be a violation of this chapter to park a vehicle in violation of this Chapter.

10.25.020 Prohibition on parking in municipal lots when lots are snow covered. No vehicle shall be parked by the general public in any Borough parking lot whenever snow or ice has fallen and the accumulation is such that the Borough determines that Borough parking lots must be treated. This prohibition shall remain in effect until the weather event has ended and the lot has been fully plowed. It shall be a violation of this chapter to park a vehicle in violation of this Chapter.

10.25.030 Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any peace officer may provide for the removal of such vehicle. the owner shall pay the reasonable costs of the removal and storage which may result from such removal, before regaining possession of the vehicle.

10.25.040 Signs shall be placed at appropriate locations indicating that street and Borough lot parking is prohibited throughout the Borough when roads are snow or ice covered.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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	

Mayor Davis announced introduction on first reading of Ordinance 2022-1053

Councilman Hindy moved, Councilman King seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1053, AN ORDINANCE TO AMEND FEES IN ARTICLE 1, RECREATION FEES, CHAPTER 125, RATES AND FEES, OF THE REVISED ORDINANCES OF THE BOROUGH OF ESSEX FELLS

BE IT ORDAINED, by the Council of the Borough of Essex Fells in the County of Essex and State of New Jersey, as follows:

ATICTLE 1, CHAPTER 125, SECTION 1, Rates and fees, the following fees are hereby amended:

Spring Registration

All Sports – Grades 3 to 8 \$150.00 per child

All Fees Collected pursuant to this Ordinance are Non-Refundable.

The Ordinances of the Council, when duly and properly adopted, shall become and be part of this ordinance by reference, to the same effect and with the same force as if set forth here in full and at length.

Section 2. All other ordinances or parts of ordinances inconsistent with the provisions of this ordinance, are hereby repealed.

Section 3. This ordinance shall take effect after final passage and publication according to law.

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	

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

2022-42

BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Borough Clerk be and is hereby authorized to advertise for the receipt of bids on February 24, 2022 at 10:00 am for the following:

Regular Unleaded Gasoline & Diesel Fuel

2022-43

WHEREAS, the bank at the address listed has requested a refund for overpayments made for taxes,

WHEREAS, the Tax Collector has determined that the homeowner is entitled to said refund,

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>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Recipient</u>	<u>Amount</u>
11.07	11	46 Hathaway Lane	Dovenmuehle Mortgage, Inc. 1 Corporate Drive, Suite 360 Lake Zurich, IL 60047	\$27,083.14

2022-44

RESOLUTION AUTHORIZING THE EXECUTION OF A "SERVICE AGREEMENT" BETWEEN THE BOROUGH OF ESSEX FELLS AND LAMONT FINANCIAL SERVICES CORPORATION

WHEREAS, Lamont Financial Services Corporation has generously offered to volunteer its financial advisory services to the Borough of Essex Fells to assist the Borough in reviewing options for financing water system infrastructure upgrades; and

WHEREAS, while the services are being donated it is still desirable to enter into a "Service Agreement", as attached hereto, to appropriately articulate the respective obligations of the parties; and

WHEREAS, there is no need for the Chief Financial Officer has certify the availability of funds because no expenditure of funds is anticipated under the Agreement and no need to follow the procedures for the award of a contract for professional services because the Local Public Contracts Law does not apply because no expenditure of funds or other consideration is anticipated under the Agreement.

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, that the Mayor and Clerk are hereby authorized and directed to execute a "Service Agreement" with Lamont Financial Services Corporation. for financial advisory services for the Borough of Essex Fells in the form attached hereto.

2022-45

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	\$379,314.77
Borough Capital	03	\$31,394.26
Water	05	\$261,193.00
Grant	04	\$0
Water Capital	06	\$0
Animal Control	10	\$0
Trust	11	\$169,262.89
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 King seconded, approval of the following resolution:

2022-46

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 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 February 1, 2022 at

7:20 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.

On motion made by Councilman Hindy, seconded by Councilman King and approved unanimously by the Council, the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk