

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 15, 2022 at 7:00 p.m.

Present

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

Absent

Councilman Michael Cecere
Councilwoman Maggie O'Connor

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 Sullivan seconded approval of the minutes of February 15, 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		Maggie O'Connor
John King	<u>Abstain</u>	
William Sullivan	None	

Councilman Hindy moved, Councilman Sullivan seconded approval of Application for a Blue Light Permit, New Jersey Motor Vehicle for *Lionel Autret, 295 Roseland Avenue*

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		Maggie O'Connor
John King	<u>Abstain</u>	
William Sullivan	None	

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

January 2022 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report
- Comcast – Use of Municipal Right of Way - \$10,197.14
- Verizon Franchise Fee - \$29,298.85
- Zoning Board of Adjustment - Annual Report 2021
- Morris County Joint Insurance Fund - Annual Elected Officials Seminar

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

Mayor Davis announced introduction on first reading of Ordinance 2022-1054

Councilman King moved, Councilman Sullivan seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1054, BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$865,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$865,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION, hearing to be held on April 5, 2022 at 7:00 p.m.

BE IT ORDAINED, 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 improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Essex Fells, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$865,000, such sum includes the sum of \$565,000 expected to be received as a grant from the New Jersey Department of Transportation, No down payment is required by the Local Bond Law in connection with the Improvement described in Section 3(a)(1) as the purpose authorized herein involves an Improvement funded by a State grant in the amount of \$565,000 from the Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$865,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$865,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Average Period of Usefulness</u>
(1) Road improvements to various roads, including but not limited to Devon Road, Oval Road and Hawthorne Road, including excavation and replacement of existing pavement, curbing, sidewalks, and drainage improvements, and including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	865,000	865,000	20 years
TOTAL:	\$865,000	\$865,000	20

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$865,000.

(c) The estimated cost of the Improvements is \$865,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$865,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$865,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

And was carried on call of the roll:

Ayes
BJ D'Avella
Greg Hindy
John King
William Sullivan

Nays
None

Abstain
None

Absent
Michael Cecere
Maggie O'Connor

Mayor Davis announced a public hearing on second reading of Ordinance 2022-1052

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of February 10, 2022

The public hearing was held and **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**

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:

Ayes
BJ D’Avella
Greg Hindy
John King
William Sullivan

Nays
None
Abstain
None

Absent
Michael Cecere
Maggie O’Connor

Mayor Davis announced a public hearing on second reading of Ordinance 2022-1053

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of February 10, 2022

The public hearing was held and 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:

Ayes
BJ D’Avella
Greg Hindy
John King
William Sullivan

Nays
None
Abstain
None

Absent
Michael Cecere
Maggie O’Connor

Public Comment:

NJDOT Municipal Road Aid Project

- James Hargrove – 22 Fellscrest Road
- James Bernaiche – 30 Fellscrest Road
- Joyce Kim – 153 Fells Road
- Sandra Hargrove – 22 Fellscrest Road
- MaryEllen Bernaiche - 30 Fellscrest Road

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

2022-47

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:
Luke Tamburello	Police Officer	\$45,457.60	March 15, 2022

2022-48

BE IT RESOLVED by the Council of the Borough of Essex Fells that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough of Essex Fells an agreement to provide a dental insurance program from March 1, 2022 to February 28, 2023 for all eligible full-time Borough and Water Utility employees.

2022-49

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND PETRY ENGINEERING, LLC

WHEREAS, there exists the need for professional engineering services in connection with the 2022 Borough Road Improvement Program; and

WHEREAS, the maximum amount of the contract for design and inspection is \$61,000.00 for design and up to \$24,000.00 for inspection/construction observation; and

WHEREAS, The Borough has received a proposal dated November 30, 2021 and determined that it is in the best interest of the Borough to accept the proposal submitted by Borough Engineers Petry Engineering, LLC.

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 Petry Engineering, LLC for engineering and inspection services for the Borough of Essex Fells for the 2022 Road Improvement Program for a total amount not to exceed \$61,000.00 for design and up to \$24,000 for inspection/construction observation as set forth in a proposal dated November 30, 2021.

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.

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	\$457,919.93
Borough Capital	03	\$22,797.31
Water	05	\$0
Grant	04	\$0
Water Capital	06	\$0
Animal Control	10	\$0
Trust	11	\$9,990.35
Payroll	13	\$321,153.11

And was carried on call of the roll:

Ayes
BJ D'Avella
Greg Hindy
John King
William Sullivan

Nays
None
Abstain
None

Absent
Michael Cecere
Maggie O'Connor

On motion made by Councilman Hindy, seconded by Councilman King and approved unanimously by the Council, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk