

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 June 21, 2022 at 7:05 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.

Committee Discussions

Finance & Personnel

- Request from the Essex Fells Elementary School

The Building Department received a request from Steve Lella, School Business Administrator/Board Secretary of the Essex Fells Elementary School asking that building fees in the amount of \$23,776.00 be waived.

Discussion ensued and the council asked that the administrator reach out to Mr. Lella asking if fees were waived where and how would that monies be used.

The Administrator will report back at the next council meeting for further discussion.

All were in Agreement.

- Energy Tax Receipts Restoration/Property Tax Relief

The Mayor explained the above to council and also encouraged them to reach out to the legislators advising of their support.

No formal action taken just for informational purposes.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

May 2022 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report
- Thank you note from the family of Jeffrey W. Volker

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 a public hearing on second reading of Ordinance 2022-1063

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of June 16, 2022

The public hearing was held and **ORDINANCE AMENDING CHAPTER 72 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELS AND PROVIDING FOR A LIQUOR LICENSE FEE**

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

Section 1. Chapter 72 of the Revised General Ordinances of the Borough of Essex Fells, Section 72-2 entitled "Fees," shall be amended to read in its entirety as follows:

72-2. Fees.

Effective January 1, 2022, the sum to be paid annually for a plenary retail consumption license is \$3,071.16 in accordance with N.J.S.A. 33:1-12. All fees collected pursuant to this section are nonrefundable.

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
Greg Hindy

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

2022-83

A RESOLUTION AUTHORIZING THE PURCHASE OF A 310SL BACKHOE LOADER FOR THE ROAD DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase a 310SL backhoe loader for use by the Road Department; and

WHEREAS, this equipment can be purchased under Sourcewell Cooperative Pricing as contract 032119-JDC; and

WHEREAS, Public bids are not required when the purchase is made under a cooperative contract in accordance with N.J.S.A 40A:11-17 of the Local Public Contracts Law; and

WHEREAS, the maximum amount of the contract is \$137,704.23 and the Borough's Chief Financial Officer has certified that the funds are available; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the backhoe loader from Jesco

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 as follows:

1. A contract is hereby awarded to Jesco for the purchase of a 310SL backhoe loader for use in the Road Department in an amount not to exceed \$137,704.23 inclusive of the trade in of a 55D Ford NH backhoe 1995 with 6571 hours.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in Sourcewell Cooperative Pricing contract 032119-JDC in an amount not to exceed \$137,704.23 inclusive of trade in.
3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2022-84

A RESOLUTION AUTHORIZING THE PURCHASE OF 2022 FORD F550 REGULAR CAB/CHASSIS 4 X 4 DRW (SALT TRUCK) FOR THE ROAD DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase 2022 Ford F550 Regular Cab/Chassis 4x4 Pick-Up Salt Truck or use by the Road Department; and

WHEREAS, this equipment can be purchased under the Morris County Cooperative Purchasing Council – Contract 15C, Item 17; and

WHEREAS, Public bids are not required when the purchase is made under a cooperative contract in accordance with N.J.S.A 40A:11-17 of the Local Public Contracts Law; and

WHEREAS, the maximum amount of the contract is \$67,979.75 and the Borough's Chief Financial Officer has certified that the funds are available; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the vehicle from DFFLM,LLC., t/a Ditschman/Flemington Ford.

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 as follows:

1. A contract is hereby awarded to DFFLM,LLC., t/a Ditschman/Flemington Ford. for the purchase of 2022 Ford F550 Regular Cab/Chassis 4x4 Pick-Up Salt Truck for use in the Road Department in an amount not to exceed \$67,979.75
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in the Morris County Cooperative Purchasing Council – Contract 15C, Item 17 in an amount not to exceed \$67,979.75.

3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2022-85

A RESOLUTION AUTHORIZING THE PURCHASE OF 2022 FORD F350 SUPER CAB 4 X 4 PICK-UP UTILITY TRUCK FOR THE WATER DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase 2022 Ford F350 Super Cab 4x4 Pick-Up Utility Truck or use by the Water Department; and

WHEREAS, this equipment can be purchased under the Morris County Cooperative Purchasing Council – Contract 15C, Item 12; and

WHEREAS, Public bids are not required when the purchase is made under a cooperative contract in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the maximum amount of the contract is \$72,670.25 and the Borough’s Chief Financial Officer has certified that the funds are available; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the vehicle from DFFLM,LLC., t/a Ditschman/Flemington Ford.

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 as follows:

1. A contract is hereby awarded to DFFLM,LLC., t/a Ditschman/Flemington Ford. for the purchase of 2022 Ford F350 Super Cab 4x4 Pick-Up Utility Truck for use in the Water Department in an amount not to exceed \$72,670.25
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in the Morris County Cooperative Purchasing Council – Contract 15C, Item 12 in an amount not to exceed \$72,670.25.
3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2022-86

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CARNER BROS FOR SANITARY SEWER MAIN REPAIRS AT FOREST WAY ON AN EMERGENCY BASIS

WHEREAS, due to a sanitary sewer main repair on January 27, 2022, on Forest Way, an emergency repair was necessary; and

WHEREAS, Carner Bros. was able to respond to the scope of this emergency and provided the lowest proposal for completion of the project; and

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the repair 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 required the immediate performance of the repair service; and

WHEREAS, the repairs were limited to the emergency and completion of repairs 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 Carner Bros. based on an invoice dated January 27, 2022 in the amount not to exceed \$15,392.50 for sanitary sewer main repairs on Forest Way is hereby authorized.

2022-87

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CARNER BROS FOR ROAD REPAIRS ON FOREST WAY ON AN EMERGENCY BASIS

WHEREAS, due to roadway issues on January 19, 2022, on Forest Way, an emergency repair was necessary; and

WHEREAS, Carner Bros. was able to respond to the scope of this emergency and provided the lowest proposal for completion of the project; and

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the repair 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 required the immediate performance of the repair service; and

WHEREAS, the repairs were limited to the emergency and completion of repairs 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 Carner Bros. based on an invoice dated January 27, 2022 in the amount not to exceed \$7,890.00 for roadway repairs on Forest Way is hereby authorized.

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CARNER BROS FOR CURB BOX REPAIRS AT 56 OAK LANE ON AN EMERGENCY BASIS

WHEREAS, due to a water leak at the curb box at 56 Oak Lane April 16, 2021, an emergency repair was necessary; and

WHEREAS, Carner Bros. was able to respond to the scope of this emergency and provided the lowest proposal for completion of the project; and

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the repair 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 required the immediate performance of the repair service; and

WHEREAS, the repairs were limited to the emergency and completion of repairs 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 Carner Bros. based on an invoice dated April 19, 2021 in the amount not to exceed \$7,950.00 for emergency curb box repairs at 56 Oak Lane is hereby authorized.

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO JOHN GARCIA CONSTRUCTION CO., INC. FOR EMERGENCY 6" WATER MAIN BREAK REPAIRS ON RUNNYMEDE ROAD ON AN EMERGENCY BASIS

WHEREAS, due to an emergency 6" water main break on May 13, 2022, on Runnymede Road, an emergency repair was necessary; and

WHEREAS, John Garcia Construction Co., Inc. was able to respond to the scope of this emergency and provided the lowest proposal for completion of the project; and

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the repair 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 required the immediate performance of the repair service; and

WHEREAS, the repairs were limited to the emergency and completion of repairs 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 John Garcia Construction Co., Inc. based on an invoice dated May 13, 2022 in an amount not to exceed \$11,815.24 for emergency water main break repairs on Runnymede Road is hereby authorized.

2022-90

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

WHEREAS, currently the Mayor and four councilmembers are also members of the Essex Fells Country Club, and

WHEREAS, the Essex Fells Country Club will apply to the Division of Alcoholic Beverage Control for the renewal of its Plenary Retail Consumption License (Number 0706-33-001-002) for 2022-2023, and

WHEREAS, the Council is not aware of any circumstances or provisions of law or local ordinance which prohibit the issuance of such license.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that they have no objections to the renewal of Plenary Retail Consumption License Number 0706-33-001-002 to the Essex Fells Country Club by the Division of Alcoholic Beverage Control, Richard J. Hughes Justice Complex, CN 087, Trenton, New Jersey, and consents to such an issuance of license by the Division.

2022-91

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 | 1-01 | \$2,130.76 |
| Water | 1-05 | \$32,943.00 |
| Current | 2-01 | \$938,503.29 |
| Water | 2-05 | \$32,079.91 |
| General Capital | C-04 | \$55,228.40 |
| Grant | G-02 | \$1,422.23 |
| Water Capital | 06 | \$0 |
| Animal Control | 10 | \$0 |
| Other Trust | T-11 | \$18,006.88 |
| Payroll | T-13 | \$119,506.01 |

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
Greg Hindy

On motion made by Councilman D'Avella, seconded by Councilman King and approved unanimously by the Council, the meeting adjourned at 7:19 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk