

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 July 19, 2022 at 7:00 p.m.

Present

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

Absent

Councilman Greg Hindy

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 D'Avella seconded approval of the minutes of June 7, 2022 and June 21, 2022.

And was carried on call of the roll:

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

Councilman Cecere moved, Councilwoman O'Connor seconded, approval of the following Appointment:

- Application for Membership to the Essex Fells Volunteer Fire Department
Rohit K. Bawa, 38 Bloomfield Avenue, Essex Fells

And was carried on call of the roll:

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

Committee Discussions

Water

- **NJ DEP – Inventory of Lead or Galvanized Service Lines**
The Mayor, Borough Attorney Robert Oostdyk and Licensed Water Operator Bill Ryden gave a brief overview of the inventory process Mr. Ryden is conducting. This project is ongoing and will update council as needed.

All were in Agreement.

Public Works

- **2022 NJDOT Municipal Road Aid Program**

The Borough Engineer discussed with the council and the Chief Financial Officer about the current funding in place and what is needed to award this project.

- **2023 NJDOT Municipal Road Aid Program**

The Borough Engineer advised council that sections of both Fells Road and Hawthorne Road will be submitted to the state for paving in 2023.

All were in Agreement.

- **Landscaper and Tree Contractor Permit List**

The current list was distributed to council, no formal action was taken.

Finance & Personnel

- **Energy Tax Receipts Funding**

Mayor Davis updated the council on the status of the above mentioned and urged Council Members to reach out to our elected officials.

All were in Agreement.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

June 2022 Department Reports:

- **Construction Department Cash Receipt & Permit Fee Log Report**
- **Police Department Report**

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 2022-1064

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 221,**

**SECTION 221-1, OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR SEWER
SERVICE**

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. Chapter 221, Section 221-1, of the Revised General
Ordinances of the Borough of Essex Fells shall be amended to read in its entirety
as follows:

§ 221-1. Schedule of rates.

The rate for sewer usage within the Borough of Essex Fells shall be
an annual rate of \$350.00. A penalty of 10% of the amount of the bill
shall be added to every bill that is not paid within 30 days of the date
on which it is due.

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

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

2022-92
**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE BOROUGH OF ESSEX FELLS AND MILLENNIUM
STRATEGIES, LLC.**

WHEREAS, there exists the need for professional consulting services in the
Borough of Essex Fells in connection with FEMA disaster recovery administration;
and

WHEREAS, the maximum amount of the contract is \$5,000.00

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 Millennium Strategies, LLC. for FEMA disaster recovery administration services for the Borough of Essex Fells as set forth in the proposal dated February 21, 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 to practice a recognized profession that is regulated by law.

2022-93

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, on the effective date set forth opposite his/her name:

Name:	Title:	Effective Date:
Anthony Sorisi	Deputy Public Works Superintendent Recycling Coordinator Clean Communities Coordinator	July 20, 2022

2022-94

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	2-01	\$1,143,502.39
Borough Capital	C-04	\$1,025.00
Water	1-05	\$84,264.35
	2-05	128,327.89
Grant	04	\$0

Water Capital	C-06	\$63,559.50
Animal Control	T-10	\$10.20
Trust	T-11	\$9,812.77
Payroll	T-13	\$212,078.52

And was carried on call of the roll:

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

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

2022-95

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.

X (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 July 19, 2022 at 8:13 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>
Michael Cecere	None	Greg Hindy
BJ D'Avella		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

On motion made by Councilman King, seconded by Councilman Sullivan and approved unanimously by the Council, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk