

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 August 16, 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

Absent

Councilman Michael Cecere
Councilman William Sullivan

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 Hindy moved, Councilman King seconded approval of the minutes of July 19, 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		William Sullivan
John King	<u>Abstain</u>	
Maggie O'Connor	None	

Councilman Hindy moved, Councilman D'Avella seconded approval of a Member, Essex Fells Volunteer Fire Department

- Gregory J. Morris, 4 Westbrook Drive, Caldwell

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		William Sullivan
Maggie O'Connor	<u>Abstain</u>	
	John King	

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

July 2022 Department Reports:

- **Construction Department Cash Receipt & Permit Fee Log Report**
- **Police Department and Municipal Court Report**
- **2022 Primary Election Costs (Invoice) for the Borough of Essex Fells**
- **Public Notification – 465 Eagle Rock Avenue, Roseland**

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 2022-1065

Councilman King moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1065, ORDINANCE AMENDING CHAPTER 221, SECTION 221-1, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS PERTAINING TO INTEREST RATES FOR DELINQUENT PAYMENTS, hearing to be held on October 4, 2022 at 7:00 p.m.

WHEREAS, Ordinance 2022-1064, adopted on July 19, 2022, which amended Section 221-1 of the Revised General Ordinances and established the sewer usage rate also provided for a penalty for delinquent payments; and

WHEREAS, the penalties for delinquent payments of municipal sewer charges are set forth in Section 221-3 and established by annual resolution of the Governing Body and should not have been set forth in Section 221-1.

NOW, THEREFORE, 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, of the Revised General Ordinances of the Borough of Essex Fells entitled “Schedule of Rates” shall be amended by the deletion of the second sentence which read “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:

Ayes
BJ D'Avella
Greg Hindy
John King
Maggie O'Connor

Nays
None

Abstain
None

Absent
Michael Cecere
William Sullivan

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

2022-96

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HAWTHORNE ROAD AND FELLS ROAD IMPROVEMENT PROJECT

BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that Borough formally approves the grant application for the above-stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023 Fells Road and Hawthorne Road Improv-00660 to the New Jersey Department of Transportation on behalf of the Borough of Essex Fells; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Essex Fells and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

2022-97

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 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 PFOA removal treatment design; and

WHEREAS, the Borough previously awarded a professional service contract to Suburban Consulting Engineers, Inc.; and

WHEREAS, it is necessary to amend that contract to add additional services to the contract as set forth in the amendment proposal dated July 15, 2022

WHEREAS, the maximum amount of amendment to the contract is \$9,000.00

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 amendment to the contract with Suburban Consulting Engineers, Inc. for engineering services for the Borough of Essex Fells (PFOA removal treatment design – bid phase service) in an amount not to exceed \$9,000.00 as set forth in the proposal dated July 15, 2022.

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.

2022-98

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

WHEREAS, the Borough Clerk is in receipt of a Social Affairs Permit from St. Peter's Episcopal Church, 271 Roseland Avenue, Essex Fells, which will be holding a Fallfest on September 18, 2022 at the Church; and

WHEREAS, approval from the Borough Clerk and Police Chief are mandatory as per the Division of Alcoholic Beverage Control.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Essex Fells hereby authorize the Borough Clerk and Police Chief to sign the Social Affairs Permit.

2022-99

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:
John C. Farrell	Crossing Guard	\$18.00/hr.	September 8, 2022

2022-100

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

WHEREAS, the Borough of Essex Fells has determined that it is in the public interest to join with other municipalities to jointly provide insurance coverage; and

WHEREAS, effective May 1, 1987 the Borough became a member of the Morris County Municipal Joint Insurance Fund (JIF) and the Municipal Excess Liability Joint Insurance Fund (MEL); and

WHEREAS, each fund requires that participating municipalities appoint an Insurance Risk Manager, and

WHEREAS, the borough shall appoint IMAC Insurance Agency, LLC as their Risk Management Consultant from July 1, 2022 to June 30, 2023 at an annual fee of \$10,000.00. The Consultant shall attend all meeting on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that IMAC Insurance Agency, LLC, is hereby appointed as the Borough’s Insurance Fund Risk Management Consultants.

2022-101

RESOLUTION TO CANCEL GRANT BALANCES

WHEREAS, certain balances remain on the State & Federal Grants balance sheet dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells that the following unexpended and dedicated balances of the State & Federal Grants fund be canceled:

<u>PROGRAM</u>	<u>RECEIVABLE</u>	<u>APPROPRIATIC</u>
HAZARD MITIGATION GRANT	\$ 8,070.00	\$ 4,005.54
NJ DOT - 2014	\$ 66,789.32	\$ 66,789.32
NJ DOT - 2015	\$ 741.35	\$ 48,470.54
NJ DOT - 2016 - CHESTNUT/RENSELAER/WOOTON	\$ 65,655.87	\$ 64,128.37
NJ DOT - 2017 - FELLS RD SECTION 2	\$ 51,512.99	\$ 51,512.99
NJ DOT - 2018 - FOREST WAY	\$ 116,080.59	\$ 60,542.80
NJ DOT - 2019 - DEVON ROAD	\$ 110,788.89	\$ 42,820.99
NJ DOT - 2020 - AVON, WINDSOR, HOLTON	\$ 201,448.07	\$ 200,404.19
ESSEX COUNTY CARES GRANT - COVID 19	\$ -	\$ 49,133.64
ESSEX COUNTY LOCAL AID 2014	\$ -	\$ 4,131.79
SILICON VALLEY COMM FOUNDATION - 2018	\$ -	\$ 300.00
TOTAL	\$ 621,087.08	\$ 592,240.17

2022-103

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF NORTH CALDWELL FOR SHARED MUNICIPAL COURT SERVICES

WHEREAS, N.J.S.A. 40:65-1, et seq., known as the “Uniform Shared Services and Consolidation Act,” authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement for the provision of municipal services (the “Agreement”); and

WHEREAS, N.J.S.A. 2B:12-1, et seq., required a municipality to establish a municipal court and provide for its administration; and

WHEREAS, N.J.S.A. 2B:12-1(c), et seq., allows two or more municipalities, by ordinance, to enter into an agreement establishing a single shared municipal court and provide for its administration; and

WHEREAS, in December of 1990, the Parties duly adopted ordinances authorizing the making of a Shared Municipal Court Services Agreement; and

WHEREAS, the original Shared Municipal Court Services Agreement expired on December 31, 1991, and the Parties consented to operate the shared municipal court on the same terms to the present date; and

WHEREAS, the Parties now wish to enter into a Shared Municipal Court Services Agreement with each other; and

WHEREAS, the Borough has reviewed the proposed Agreement, a copy of which is attached hereto and finds it to be in the financial best interest the Borough to pursue.

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 Borough endorses undertaking a shared municipal court services agreement with North Caldwell which establishes a single shared municipal court and provides for the administrative and financial responsibilities for each member for a period beginning on June 1, 2022 and terminating on May 30, 2027.

Section 2. The Borough Administrator is hereby authorized to take all legal and necessary actions to facilitate the Borough's participation in this Agreement.

Section 3. The within Resolution and subject Agreement shall be maintained on file and available for public inspection in the office of the Borough Clerk.

Section 4. A copy of this Resolution be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).

WHEREAS, N.J.S.A. 40:65-1, et seq., known as the “Uniform Shared Services and Consolidation Act,” authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement for the provision of municipal services (the “Agreement”); and

WHEREAS, the Borough of North Caldwell (“North Caldwell”), provides regional Public Safety Answering Point and dispatch services for its residents pursuant to N.J.S.A. 52:17C-7, and offers to provide said services to other municipalities at such terms that are mutually agreeable; and

WHEREAS, the Borough of Essex Fells (“Essex Fells”) is in need of Public Safety Answering Point, dispatch and 9-1-1 services for its residents; and

WHEREAS, the Parties have a pre-existing Agreement for these services that has been a success, which is set to expire; and

WHEREAS, the Parties now wish to enter into a Shared Services Agreement for enhanced 9-1-1 Service with each other wherein North Caldwell provides said services to Essex Fells and Essex Fells would purchase said services from North Caldwell; and

WHEREAS, the Borough Council finds that the Agreement is in the financial best interest the Borough to pursue.

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 Borough endorses undertaking a shared services agreement with North Caldwell for providing Public Safety Answering Point, dispatch and enhanced 9-1-1 services pursuant to the terms in the Agreement.

Section 2. The Borough Administrator is hereby authorized to take all legal and necessary actions to facilitate the Borough’s participation in this Agreement.

Section 3. The within Resolution and subject Agreement shall be maintained on file and available for public inspection in the office of the Borough Clerk.

Section 4. A copy of this Resolution be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND THE BOROUGH OF NORTH CALDWELL FOR WHOLESALE WATER SERVICE

WHEREAS, the Boroughs of Essex Fells and North Caldwell seek to identify economies and efficiencies in the operations of their respective roles of regional and local government that will both provide safe and efficient delivery of water to the Borough of North Caldwell and will thereby improve the effectiveness of services for residents and ratepayers; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.* (“the Act”) authorizes two local units to enter into a contract for any service or any consideration which any party to the agreement is empowered to render within its jurisdiction; and

WHEREAS, Essex Fells and North Caldwell have agreed that their mutual public purposes and the ultimate public interest will be promoted by the execution and delivery of this Agreement pursuant to the powers conferred by the Act; and

WHEREAS, both Boroughs are desirous of continuing to participate in a shared services agreement for the provision of such services as it is in the best interests of the taxpayers of the respective entities; and

WHEREAS, the Boroughs have negotiated additional and new terms for the continuation of the provision of wholesale water; and

WHEREAS, the water agreement satisfies the need of Essex Fells for a long-term contract in order to have long term predictable revenue streams to fund necessary capital improvements and as such the parties are mutually agreeable to the same

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, the appropriate municipal officials are hereby authorized to execute the wholesale water service agreement between the Borough of Essex Fells and the Borough of Caldwell. The Mayor, Borough Administrator, and Borough Attorney are authorized to make non-material modifications to the attached draft as needed to complete the Agreement. A copy of this Resolution shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE 2022 MUNICIPAL ROAD PROGRAM

WHEREAS, the Borough of Essex Fells solicited bids for the 2022 Municipal Road Program; and

WHEREAS, D&L Paving Contractors, Inc. submitted the lowest responsible and responsive bid pursuant to the Borough's Notice to Bidders for the above-referenced contract; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, D&L Paving Contractors, Inc. has submitted a bid that is in proper form and may be awarded by the Borough Council; and

WHEREAS, the Borough Council wishes to award the contract to D&L Paving Contractors, Inc., in accordance with its bid proposal dated June 28, 2022; and

WHEREAS, the Chief Financial Officer of the Borough of Essex Fells has certified that funds are available for this purpose.

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 for the 2022 Municipal Road Program is hereby awarded to D&L Paving Contractors, Inc. in accordance with its bid proposal for an amount of \$967,479.01
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with D&L Paving Contractors, Inc. in accordance with its bid proposal dated June 28, 2022.
3. This Resolution shall take effect immediately.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND THE BOROUGH OF CALDWELL SEWERAGE UTILITY FOR SEWERAGE TREATMENT SERVICE

WHEREAS, pursuant to its delegated powers and as provided by the Municipal and County Sewerage Act, N.J.S.A. 40A:26A-1, et seq., and acts amendatory and supplemental thereto, and exercising essential governmental functions to provide for the public health and welfare with all necessary powers to construct, operate, and maintain Sewerage Facilities for the relief of waters in and around the service area, Caldwell Sewerage Utility (hereinafter "CSU") owns, operates and maintains Sewerage Facilities for the purpose of treating and

disposing of sanitary sewage that is conveyed to it from sewerage collection facilities within the Borough of Caldwell and the sewerage collection systems of adjacent sewage sending municipalities; and

WHEREAS, CSU collects, treats, and disposes of sewage and other wastes from the Borough of Caldwell; and the sewage sending municipalities of West Caldwell; Borough of North Caldwell; Borough of Roseland; Borough of Essex Fells and Township of Fairfield; and

WHEREAS, Essex Fells is a customer and adjacent sewage sending municipality to the CSU; and

WHEREAS, as authorized by the Act, at different times since the initial construction of the CSU Sewerage Facilities by the Borough of Caldwell, CSU and the Customers entered into agreements, pursuant to governing law at the time of their adoption, for the provision of sewage conveyance, treatment and disposal services, pursuant to terms and conditions unique to each Customer; and

WHEREAS, the CSU and Essex Fells desire to establish the obligations of the Parties and to establish a uniform and equitable apportionment of the cost of operation and maintenance of the CSU Sewerage Facilities, and to amend, by execution of this 2022 Amended and Restated Customer Service Contract, all prior agreements, stipulations and understandings, and all amendments thereto, and to be bound by the terms of this 2022 Amended and Restated Customer Service Contract, in substitution for the prior agreements, stipulations and understandings, and all amendments thereto, as of the effective date of this 2022 Amended and Restated Customer Service Contract; and

WHEREAS, the CSU is a public body corporate and politic of the State of New Jersey organized and existing under said Act constituting a political subdivision of the State of New Jersey, established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate and use works for the relief of waters in, bordering or entering the territorial boundaries of the District from pollution or threatened pollution and for improvement of conditions affecting the public health; and

WHEREAS, Essex Fells has determined that it will be advantageous to it, and to its residents, to have sewage and other wastes originating from it or within its territorial boundaries and the District of the CSU, disposed of by the CSU pursuant to the terms of this 2022 Amended and Restated Customer Service

Contract and to be obligated to make payments for or with respect to any or all such service made or to be made available to it hereunder on the terms, in the amounts, and at the times herein provided for, and each Customer has duly authorized its proper officials to enter into and execute for it this 2022 Amended and Restated Customer Service Contract.

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, the appropriate municipal officials are hereby authorized to execute the “2022 Amended and Restated Customer Service Contract” agreement between the Borough of Essex Fells and the Borough of Caldwell Sewerage Utility in the form attached hereto. The Mayor, Borough Administrator, and Borough Attorney are authorized to make non-material modifications to the attached draft as needed to complete the Agreement. A copy of this Resolution shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).

2022-108

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND THE BOROUGH OF CALDWELL FOR WHOLESALE WATER SERVICE

WHEREAS, Essex Fells owns and operates a public water supply and distribution system; and

WHEREAS, Essex Fells has supplied the Borough of Caldwell with water to their distribution system pursuant to a written agreement, and continues to supply Caldwell with water; and

WHEREAS, Essex Fells and Caldwell have agreed upon the terms of an agreement to continue the water supply agreement under terms as modified; and

WHEREAS, the water agreement satisfies the need of Essex Fells for a long-term contract in order to have long term predictable revenue streams to fund necessary capital improvements.

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, the appropriate municipal officials are hereby authorized to execute the wholesale water service agreement between the Borough of Essex Fells and the Borough of Caldwell in the form attached hereto. The Mayor, Borough Administrator, and Borough Attorney are authorized to make non-material modifications to the attached draft as needed to complete the Agreement. A copy of this Resolution

shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).

2022-110

A RESOLUTION AUTHORIZING THE PURCHASE OF INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES FOR THE POLICE DEPARTMENT FROM ZEPHYR TECHNOLOGIES

WHEREAS, the Borough of Essex Fells requires updated information technology equipment and services for use by the Police Department; and

WHEREAS, two bids were obtained for the necessary equipment and services with the lower quotation obtained by Zaphyr Technologies, Parsippany, New Jersey, in the amount of \$35,869.36 as shown on the quotations ZPHQ1422-01, ZPHQ1424-01 and ZPHQ1421 dated June 21 and June 30, 2022 and

WHEREAS, Public bids are not required as the quotation does not exceed the bid threshold and Pay to Play documentation has been received; and

WHEREAS, the maximum amount of the contract is \$35,869.36 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 equipment and services from Zaphyr Technologies

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 Zaphyr Technologies for the purchase of information technology equipment and services for use by the Police Department in the maximum amount of \$35,869.36 as shown on the quotations ZPHQ1422-01, ZPHQ1424-01 and ZPHQ1421 dated June 21 and June 30, 2022.

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

2022-111

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 for the following:

6 GAC Vessels for the PFAS Removal Project at the Air Stripper Site

2022-112

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	\$18.56
Current	01	\$2,046,657.67
Borough Capital	03	\$56,174.64

Water	05	\$8,441.50
Water	05	\$50,555.20
Grant	04	\$12,683.88
Water Capital	06	\$12,000.00
Animal Control	10	\$199.00
Trust	11	\$7,454.50
Payroll	13	\$122,759.62

And was carried on call of the roll:

<u>Ayes</u> BJ D'Avella Greg Hindy John King Maggie O'Connor	<u>Nays</u> None <u>Abstain</u> None	<u>Absent</u> Michael Cecere William Sullivan
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Councilman Hindy moved, Councilman King seconded, approval of the following resolution

2022-102

RESOLUTION OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AUTHORIZING EMERGENCY APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-49 TO FUND ROAD IMPROVEMENTS

WHEREAS, an emergency has arisen with respect to the Borough's 2021 and 2022 road improvement programs and, no adequate provision was made in the 2022 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$500,000.00 and three (3) percent of the total operating appropriations in the budget for 2022 is \$235,854.41 and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2021,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for 2021 & 2022 Road Improvements in the amount of \$500,000.00
2. Said emergency appropriations shall be provided in full pursuant to a bond ordinance to be finally adopted prior to introduction of 2023 budget.
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services
4. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services
5. This resolution shall take effect immediately.

And was carried on call of the roll:

<u>Ayes</u> BJ D'Avella Greg Hindy	<u>Nays</u> None	<u>Absent</u> Michael Cecere William Sullivan
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Councilwoman O'Connor moved, Councilman D'Avella seconded, approval of the following resolution

2022-109

A RESOLUTION AUTHORIZING CHANGE ORDERS #1, #2 AND #3 IN A CONTRACT BETWEEN THE BOROUGH OF ESSEX FELLS AND ONORATI CONSTRUCTION CO., INC. (2021 ROAD IMPROVEMENT PROJECT - FELLSCREST ROAD AND FELLSWOOD DRIVE)

WHEREAS, the Borough of Essex Fells and Onorati Construction Co., Inc. have entered into a Contract for a project known as "2021 Road Improvement Project - Fellscrest Road and Fellswood Drive"; and

WHEREAS, the original Contract amount was \$322,890.70; and

WHEREAS, Borough Engineer, J. Michael Petry, has filed with the Borough Council a request for Change Order #1 in the amount of \$329,625.00, Change Order #2 in the amount of \$36,000.00 and Change Order #3 reducing the contract amount by \$54,231.86 Mr. Petry's certification accompanying the request for a Change Orders indicates that due to unforeseen increased rock excavation, additional police traffic direction as a result of the increased excavation, supplemental drainage excavation yet to be installed, and a reduced scope of work on future drainage elements, these Change Orders are required. A detailed listing of those items required by the Change Order was attached to the memo from Mr. Petry dated August 16, 2022.

WHEREAS, the cumulative effect of the three change orders is an increase in the Total Adjusted Contract Price to \$634,283.84; and

WHEREAS, as a result of Change Order #1 and #2, even as reduced in Change Order #3, the total Change Orders will exceed twenty percent of the original contract price; and

WHEREAS, the Borough Council of the Borough of Essex Fells finds that the certification of their Borough Engineer as explained with sufficient detail the factual circumstances justify the issuance of the proposed Change Orders.

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 the following Change Orders to a Contract between the Borough of Essex Fells and Onorati Construction Co. Inc. for the Essex Fells 2021 Road Improvement Project - Fellscrest Road and Fellswood Drive are hereby approved as follows:

Change Order #1 in the amount of \$329,625.00

Change Order #2 in the amount of \$36,000.00; and

Change Order #3 reducing the contract amount by \$54,231.86;

BE IT FURTHER RESOLVED that payment of Change Order #1 shall be made upon adoption of this resolution to Onorati Construction Co., Inc.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish in the official newspaper of the Borough of Essex Fells of the Borough Council's approval of the Change Orders and file a copy of the advertisement in her office for public inspection.

And was carried on call of the roll:

Ayes
BJ D'Avella
Greg Hindy
John King
Maggie O'Connor

Nays
None

Abstain
None

Absent
Michael Cecere
William Sullivan

On motion made by Councilman Hindy, seconded by Councilman D'Avella and approved unanimously by the Council, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk