

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 November 1, 2022 at 7:03 p.m.

Present

Mayor Edward A. Davis *(via phone)*
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

Council President King 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.

Council President King led the Council in the Pledge of Allegiance and gave the Invocation.

Council President King *announced introduction on first reading of Ordinance 2022-1067*

Councilman D'Avella moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1067, **ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR WHOLESALE WATER CONSUMPTION**, hearing to be held on December 6, 2022 at 7:00 p.m.

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 286, Section 286-34, of the Revised General Ordinances of the Borough of Essex Fells entitled "Per-gallon rate" shall be amended by the following amendment to subsection B which shall read in its entirety as follows:

B. The rate for contractual wholesale customers who have entered into agreements with the Borough that provide for an all-inclusive rate shall be \$3.20 for each thousand gallons of water purchased. This rate shall be effective beginning fourth quarter of 2022. The rate for all other

contractual wholesale customers shall remain \$2.776 for each thousand gallons of water purchased.

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

Council President King announced introduction on first reading of Ordinance 2022-1068

Councilwoman O'Connor moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1068, ORDINANCE AMENDING CHAPTER 232 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS CLARIFYING THE BOROUGH'S REGULATIONS CONCERNING YARD WASTE COLLECTION, hearing to be held on December 6, 2022 at 7:00 p.m.

BE IT NOW 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. Section 232-14 of the Revised General Ordinances of the Borough of Essex Fells, entitled "Yard Waste Collection", shall be amended to read, in its entirety, as follows:

§232-14 Yard waste collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not in containers or biodegradable paper bags at the curb or along the street is only permitted during Spring and Fall cleanup and then only in accordance with seasonal rules established by the Borough for the placement of yard waste in the street during these periods. Yard waste shall not be placed closer than 10 feet from any storm drain inlet or 20 feet from an intersection at any time. Placement of loose yard waste at the curb or along the street, except in accordance with seasonal rules, shall be a violation of this article. The owner of any property bordering the area in which the placement of yard waste occurs shall be responsible for placement of the yard waste and must remove the yard waste from the street or shall be deemed in violation of this article. Containers or biodegradable paper bags placed for yard waste collection shall conform to Borough collection requirements.

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> 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 D'Avella seconded, approval of the following resolutions on consent:

2022-132

REFUND OF TAX OVERPAYMENT DUE TO TAX COURT JUDGEMENT

WHEREAS, the State of New Jersey Tax Court have rendered judgments on appeals made by tax payers regarding the property assessment, and,

WHEREAS, the following property had their assessment reduced by the State of New Jersey Tax Court,

WHEREAS, said judgement resulted in an overpayment of taxes to be refunded to the property owner,

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>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Recipient</u>	<u>Amount</u>
2020	2.05	9	MIKULSKI,STANISLAW M + WANDA J 47 Avon Drive Essex Fells NJ, 07021	\$2,180.66

2022-133

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	\$344,695.07

Current	2-01	\$0
Borough Capital	C-04	\$29,924.86
Water	2-05	\$21,338.27
Grant	04	\$120.00
Water Capital	C-06	\$9,370.85
Animal Control	T-10	\$0
Trust	T-11	\$537.04
Payroll	T-13	\$196,206.58

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 D’Avella seconded, approval of the following resolution:

2022-134

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 November 1, 2022 at 7:08 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:

<p><u>Ayes</u> BJ D’Avella Greg Hindy John King Maggie O’Connor</p>	<p><u>Nays</u> None</p> <p><u>Abstain</u> None</p>	<p><u>Absent</u> Michael Cecere William Sullivan</p>
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On motion made by Councilman Hindy, seconded by Councilwoman O’Connor and approved unanimously by the Council, the meeting adjourned at 7:23 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk

