

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 December 6, 2022 at 7:00 p.m.

Present

Mayor Edward A. Davis
Councilman Michael Cecere
Councilman BJ D'Avella
Councilman Greg Hindy (*arrived at 7:07pm*)
Councilman John King
Councilwoman Maggie O'Connor
Councilman William Sullivan (*arrived at 7:02pm*)

Absent

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.

Committee Discussions

Public Works

- New Jersey Municipal Road Aid Projects 2021, 2022 and 2023
 - 2021 Fellscrest Road and Fellswood Drive \$276,766.00
 - 2022 Devon Road, Oval Road, Hawthorne Road \$565,000.00
 - 2023 Hawthorne Road and Fells Road \$369,650.00

Borough Engineer, *Michael Petry* updated the Governing Body on the New Jersey Municipal Road Aid projects (as listed above) and discussion ensued.

The Governing Body did discuss curbing and the fact that homeowners, if they desire can upgrade or make repairs to their curbing, but that is not something the borough has done in the past and moving forward that still is how they would like to proceed.

All were in Agreement.

- Fall Leaf Season Completion/Friday, December 2nd – Update

Discussion ensued about the process, and moving forward what each department will be responsible for in making sure everyone is in compliance with the ordinance.

All were in Agreement.

Water

- Treatment Facility Update

The Mayor gave an update on the Treatment Facility, what has been done to date and what the next steps are moving forward.

All were in Agreement.

- **Water Service Line Inspections**

The Mayor stated that letters that have gone out to residents that may be effected and the responses and inspections that have taken place thus far. There still is a lot of residents who have not scheduled inspections, so another letter and perhaps a reverse 911 will go out reminding everyone that received a letter should call to schedule an appointment.

All were in Agreement.

- **North Caldwell Wholesale Water Agreement**
- **North Caldwell/Essex Fells 9-1-1 Service Agreement**
- **North Caldwell/Essex Fells Shared Municipal Court Agreement**

The Mayor advised the governing body that all of the above contracts have been signed with North Caldwell.

All were in Agreement.

- **Class III Officer - Draft Agreement & School Security Policy**

As a follow-up to the last meeting, the administrator circulated to council for review and comment in the new year, a copy of the Policy, Shared Service Agreement and a copy of the Fairfield Ordinance. All have which have been forwarded to the Borough Attorney, Police Chief and Captain for review and comment as well.

After some discussion it was determined that the Police Chief would put together a cost analysis for this position to be shared Mayor and Council and for the Chief Financial Officer for the Budget 2023 Request. Ultimately this cost will be reimbursed in full by the Board of Education.

This Position is going to be funded 100% by the Board of Education, no cost will be passed on to the borough.

No formal action was taken.

Public Affairs

- **Borough Owned Properties**

Councilman Cecere is sphere heading the project to review all borough owned properties and report back to the Mayor and Council if any should be sold off in the coming year. He will advise once his review is complete.

No formal action was taken.

Mayor Davis announced introduction on first reading of Ordinance 2022-1069

Councilman Hindy moved, Councilman King seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1069, **BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF ESSEX**

**FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING
THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF THE APPROPRIATION, hearing to be held on
December 20, 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. Said Improvements were initially funded by an emergency appropriation by the Borough. For the said Improvements there is hereby appropriated the amount of \$600,000, such sum includes the sum of \$30,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$570,000 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 \$570,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements 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.	\$600,000	\$570,000	20 years
TOTAL:	\$600,000	\$570,000	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 \$570,000.

(c) The estimated cost of the Improvements is \$600,000 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 Chief Financial 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 \$570,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$180,000 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.

(e)

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 7:

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 \$570,000.

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:

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

Mayor Davis announced a public hearing on second reading of Ordinance 2022-1067

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

The public hearing was held and **ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELS AND ESTABLISHING A RATE FOR WHOLESALE WATER CONSUMPTION**

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:

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

Mayor Davis announced a public hearing on second reading of Ordinance 2022-1068

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

The public hearing was held and **ORDINANCE AMENDING CHAPTER 232 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS CLARIFYING THE BOROUGH'S REGULATIONS CONCERNING YARD WASTE COLLECTION**

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

Councilman D’Avella moved, Councilman Sullivan seconded, approval of the following resolutions on consent:

2022-139

RESOLUTION AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR THE SUPPLY OF MANPOWER AND EQUIPMENT TO EXCAVATE AND LOCATE A WATER MAIN TO CARNER BROS. IN AN AMOUNT TO EXCEED \$17,500

WHEREAS, the Borough of Essex Fells solicited quotes for the supply of manpower and equipment to excavate and locate the existing 8” cast iron main in the grass area in front of the pump house and Carner Bros. provided the lowest quote; and

WHEREAS, the quote obtained in \$19,867.83; and

WHEREAS, the New Jersey Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq. requires contracts in excess of \$17,500 to be issued in a fair and open or non-fair and open manner; and

WHEREAS, Carner Bros., has provided the required documentation, which is on file in the office of the Borough Clerk, for a non-fair and open contract to be awarded; and

WHEREAS, the Chief Financial Officer has certified that funds are available to make the award within the amount identified; and

WHEREAS, it is the recommendation of the Borough Administrator that the contract be authorized.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, County of Essex as follows:

1. The contract for the supply of manpower and equipment to excavate and locate the existing 8" cast iron main in the grass area in front of the pump house be issued to Carner Bros. in an amount not to exceed \$19,867.83
2. The appropriate Borough Officials are hereby authorized and directed to execute the necessary documents related to this award.

2022-140

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR TREATMENT WORKS APPROVAL WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough of Essex Fells is required to apply for a Treatment Works Approval from the State of New Jersey Department of Environmental Protection Division of Water Quality in connection with the PFOA removal treatment facility project.

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 Mayor and Borough Clerk are hereby authorized to execute the Consent by the Governing Body for the filing of an application for the Treatment Works Approval Permit.

2022-141

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND SUBURBAN CONSULTING ENGINEERS, INC. – ENGINEERING SERVICES IN CONJUNCTION WITH AN APPLICATION FOR TREATMENT WORKS APPROVAL FROM NJDEP

WHEREAS, there exists the need for professional engineering services in the Borough of Essex Fells in connection with the filing of an application for a Treatment Works Approval ("TWA") from the NJDEP as part of the PFOA removal treatment facility project; and

WHEREAS, the maximum amount of the contract is \$8,500.00

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 Suburban Consulting Engineers, Inc. for engineering services for the Borough of Essex Fells (engineering services in conjunction with the filing of an application for TWA approval with the NJDEP) in an amount not to exceed \$8,500.00 as set forth in a proposal dated December 2, 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.

2022-142

**RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS
PURSUANT TO N.J.S.A 401:4-58**

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated;

<u>ACCOUNT</u>	<u>TRANSFER IN</u>	<u>TRANSFER OUT</u>
FIRE - O/E	\$ 4,000.00	
FIRE - S&W		\$ 4,000.00
ELECTIONS - O/E	\$ 1,000.00	
COLLECTION OF TAXES - O/E	\$ 1,000.00	
RECREATION - S&W	\$ 3,000.00	
PHONES	\$ 5,000.00	
SEWER SERVICES	\$ 22,000.00	
GASOLINE	\$ 15,000.00	
FICA	\$ 12,000.00	
EMPLOYEE GROUP HEALTH		\$ 30,000.00
POLICE S&W		\$ 29,000.00
TOTAL	\$ 63,000.00	\$ 63,000.00

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Essex Fells, County of Essex, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts as listed above are authorized and that certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

2022-143

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	\$241,257.70
Borough Capital	C-04	\$892.50
Water	2-05	\$56,735.69
Grant	04	\$1,123.48
Water Capital	C-06	\$8,000.00
Animal Control	T-10	\$0
Trust	T-11	\$4,741.91
Payroll	T-13	\$98,492.08

And was carried on call of the roll:

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

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

2022-144

BOROUGH OF ESSEX FELLS

B. *RESOLUTION*

2022-144

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.
- X (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 December 6, 2022 at 8:55 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.

**On motion made by Councilman King, seconded by Councilman Sullivan
and approved unanimously by the Council, the meeting adjourned at 9:02 p.m.**

Respectfully submitted,

**Francine T. Paserchia
*Municipal Clerk***