

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 January 3, 2023 at 7:07 p.m.

Present

Mayor Edward A. Davis
Councilman Michael Cecere
Councilman BJ D'Avella
Councilman Greg Hindy
Councilman John King *
Councilwoman Maggie O'Connor

Absent

Councilman William Sullivan

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.

The Certification of Election was read by the Borough Clerk.

The Oath of Office was administered by Mayor Davis to:

Gregory J. Hindy, Council Member
For a 3 Year Term

Margaret D. O'Connor, Council Member
For a 3 Year Term

The Mayor welcomed everyone to the Organizational Meeting of the Borough of Essex Fells his State of the Borough Address is as follows:

Good evening, Happy New Year and welcome to the Borough of Essex Fells' 2023 Reorganization Meeting.

I'd like to congratulate Greg Hindy and Maggie O'Connor, who were just sworn in for new three-year terms on the Borough Council. I thank them for renewing their commitment to the Borough and its residents. Residents are fortunate to have them as representatives and I look forward to working with them during their new terms of office.

The oath of office that Councilman Hindy and Councilwoman O'Connor have just taken is an important reminder of our fundamental task as elected officials, and the principles that will guide the Council's deliberations in 2023 and beyond. We volunteer our time in these roles not for monetary gain, or in pursuit of personal agendas or influence, but for the benefit of the citizens of Essex Fells. In electing us to act as their representatives, our residents have put their faith in us, confident that we will apply our efforts, our judgment, and their tax dollars "faithfully, impartially and justly," in pursuit of what is in the best interests of the Borough and all of its residents.

As we begin a new year of service, I would like to highlight several 2022 accomplishments and preview a few of our priorities for 2023. Later this evening, the Chairperson of each Council Committee will provide a 2022 committee report, which will provide additional details regarding the Council's and the Borough's efforts.

Wholesale Water Supply Contracts

In 2022, we entered into new wholesale water supply agreements with Caldwell, North Caldwell and Roseland. Negotiating these contracts was a multi-year process and took a lot of effort, but in the end, we reached a result that is very positive for the Borough and our wholesale customers. Each contract has a 25-year initial term, with provision for additional 10-year renewal terms. Thus, the contracts provide generational value to our residents and our wholesale customers. From the Borough's perspective, the contracts contain important improvements to our prior wholesale agreements. These include longer terms and minimum purchase requirements, which provide financial stability and support our short- and long-term capital planning for the water system. In addition, we have also eliminated the arbitrage risk that existed in the prior agreements, which in certain circumstances required us to purchase water from New Jersey American Water at approximately \$10 per 1,000 gallons and sell it to our wholesale customers at less than \$3.00. We have also modified the rate-setting process, providing greater transparency while ensuring that all users of the water system are paying their fair share to support the utility's operations and long-term health.

I would like to thank our Borough Attorney, Bob Oostdyk, and our Water Committee Chairman, Councilman D'Avella for their help in achieving these results. I'd also like to thank our partners in Caldwell, North Caldwell and Roseland for their continued trust in Essex Fells to responsibly manage this important resource for the benefit of all parties and our respective residents.

Shared Services Agreements for Municipal Court and Joint Emergency Dispatch

We also entered into new shared services agreements with North Caldwell in 2022 for our shared municipal court and North Caldwell's provision of emergency dispatch services.

The Borough originally entered into a shared municipal court agreement with North Caldwell in 1990. That agreement expired on December 31, 1991. Since then, the governing bodies of Essex Fells and North Caldwell consented each year to operate the court on the same terms.

North Caldwell has been providing emergency dispatch services to Essex Fells since 2005. Our most recent dispatch agreement was effective from January 1, 2011 to December 31, 2015. Since then, the parties have been operating under the terms of that expired agreement.

It was important to move away from these year-to-year arrangements and modernize both contracts. Accordingly, we and North Caldwell signed a new 5-year shared court agreement (commencing June 1, 2022 and expiring May 31, 2027) and a new 4-year dispatch contract (commencing January 1, 2022 and expiring December 31, 2025).

Both contracts contain a number of improvements. Important elements include clarifying how decisions on capital improvements will be made and how additional municipalities may be added to what have historically been bilateral shared service arrangements. As the Council knows, North Caldwell will begin providing dispatch services to Caldwell in 2023, and we look forward to working with Caldwell and North Caldwell to achieve greater efficiencies for the benefit of all three parties.

Shared service arrangements are important to our goal of keeping Essex Fells taxes low, and we will continue to consider areas where new or modified shared services arrangements would make sense for the Borough. We are open to potential opportunities where we can lower the Borough's costs while maintaining or improving the level of service for residents.

Sewer Agreement with Caldwell

In the fall of 2022, we executed a new Customer Service Agreement with the Caldwell Sewerage Utility. As you know, Caldwell operates and maintains a wastewater treatment plant that serves Caldwell, Essex Fells, North Caldwell, Roseland, West Caldwell, and a portion of Fairfield.

Executing a new sewer agreement was a positive and necessary step for us, but an important open issue for 2023 is whether Caldwell's sewer treatment plant must be expanded to accommodate current and future needs. Caldwell has told user communities in recent years that additional capacity is needed, and two of its proposed alternatives for expanding the plant are estimated to cost more than \$30 million. However, the proposed plant expansion and other sewer-related matters are subject to ongoing litigation among Caldwell's sewer utility, West Caldwell, Roseland, property developers and the Fair Share Housing Authority.

In connection with the litigation, we and the other municipalities in Caldwell's service area remain subject to a scarce resources order issued by the Superior Court of the State of New Jersey on March 14, 2022, which restricts our ability to issue sewer service connection permits. In 2023, we anticipate progress on this litigation and hope for a resolution of the outstanding questions.

PFAS Water Treatment Facilities

We spent an extraordinary amount of time in 2022 on matters related to recent changes in New Jersey law. Unfortunately, unfunded or partially funded State mandates continue to expand local obligations and impose significant costs on the Borough.

The first and most important of these requirements are New Jersey's strict drinking water regulations regarding PFAS chemicals, which went into effect in 2021. In response to the new regulations and a third quarter 2021 exceedance of the 14 parts per trillion standard for PFOA, in September and October of 2021 we shut down wells with higher levels of PFOA and changed the way we blend the water sources that remained in service. This quickly brought PFOA levels down below the 14 parts per trillion maximum, but it reduced our supply capacity.

Accordingly, in 2022 we constructed a PFAS treatment facility on Runnymede Road, with a goal of completing it before the summer, when water demand rises. In May 2022, this interim facility began operating. The facility allowed us to return some of the wells that were taken offline to service, while keeping overall PFOA levels in the water being delivered within the New Jersey standard while we finalized plans, obtained regulatory approvals and constructed permanent treatment facilities. That remains our current operating status.

Plans for a larger, permanent PFAS treatment facility that will remove PFOA and other PFAS from the water drawn from 13 of our 16 wells were submitted to the NJ Department of Environmental Protection in the summer of 2022 and are awaiting various engineering and financing approvals. As previously discussed, this permanent facility will be constructed adjacent to our existing water treatment plant (the air stripper facility) in the Trotter Tract. Although we had initially hoped that the new facility would begin operating in April 2023, the NJDEP's engineering and financial review process is taking longer than expected. As a result, subject to receiving final NJDEP approvals shortly, we now anticipate awarding procurement and construction contracts for the 13-well permanent treatment facility in the next several months and having the facility completed in early 2024.

With the help of Suburban Consulting Engineers, we also made progress in 2022 on the design of two additional PFAS treatment facilities, which would treat the water supplied by our remaining three wells. These additional facilities are approximately at the 30% design stage. In 2023, as design plans are finalized, the Council will be evaluating these two projects in more detail.

The estimated cost of these treatment projects is approximately \$9 million, an amount that is subject to change as the projects go to bid and the procurement and construction processes are completed. We have applied for financing from the New Jersey Water Bank and hope to take advantage of funding or loan forgiveness opportunities to offset some of the long-term costs.

Lead and Galvanized Service Line Inventory and Replacement Program

In compliance with another recent change in New Jersey law, during 2022 we developed an initial inventory of water service lines at homes directly served by the Borough's water utility. To the extent any galvanized or lead service lines are identified, the law requires that they be replaced by 2031. The ownership of service lines in Essex Fells is split between private homeowners and the Borough. Homeowners own the section of pipe from the water meter in their house out to the curb stop near the edge of the street. The Borough owns the portion between the curb stop and the water main.

Toward the end of 2022, a vendor hired by the Borough began inspecting service lines in the basements of properties that were developed before 1960. To date, only about one-third of those homes have been inspected. Galvanized pipes or components have been found in approximately 10% of the pre-1960 homes inspected. No lead lines have been found. Once the inspection phase is complete, the Council will determine our next steps, including the schedule for replacing galvanized lines, whether financing support from the state or federal government is feasible and how to fairly allocate the cost of this program.

Water and DPW Operations and Capital Planning

Following up on our reorganization of the Water Department in 2021, the Water Committee and I continued to focus on our water operations in 2022, assisted by DeBlock Environmental and Bill Ryden of Anderson & Denzler Associates. The Borough made important capital investments in the water utility, including infrastructure and telemetry upgrades, and refined its long-term capital plans. We have also streamlined operations and taken steps to ensure that our water utility is well-integrated with the Borough's overall financial operations. These efforts will continue in 2023.

The Borough also made changes in the Department of Public Works that have made operations more efficient and improved our capital planning and budgeting processes. DPW

has upgraded its asset and work management efforts, in part with the assistance of software upgrades approved by the Council in 2022.

Trotter Tract Forest Stewardship Program

During 2022 the Borough continued to execute the 10-year forest stewardship plan for the Trotter Tract that the Council adopted in 2019. In cooperation with professional consulting foresters, a dedicated group of local volunteers, supplemented occasionally by tree contractors, have made substantial progress in improving the forested areas of the Trotter Tract in accordance with the stated goals of our stewardship plan and established best forest management practices.

Improvements to Borough Properties

In 2022, under the leadership of the Department of Public Works, the Borough re-landscaped the areas behind Borough Hall, after making similar improvements to the front and Fire Department-side of Borough Hall in 2021. Our DPW also improved the exterior of the Post Office property and began to make improvements in and around the Service Building, an effort that will be expanded in 2023.

2023 Initiatives

I would like to outline a few priorities for the Borough as we begin 2023. Many of these projects or initiatives have already been discussed with the Council, and I expect the Council's newly appointed committees to be heavily involved in the review and execution of these matters in the first half of the year:

- **Water Treatment Facilities**

- *As mentioned earlier, we expect to award contracts and begin construction of our main PFAS treatment facility in 2023 and complete it in early 2024. The specific timing depends on NJDEP approvals and is subject to the usual contingencies that accompany large construction projects.*
- *We also expect to finalize the design of two additional PFAS treatment facilities in 2023. Subject to the Council's evaluation and approval and the availability of financing from the NJ Water Bank, plans for one or both of those facilities would then be submitted to the NJDEP for approval. The two additional facilities will likely be done sequentially.*

- **Lead Service Line Inspections and Replacement Program**

- *Once we have completed enough water service line inspections to provide a reliable estimate of how many galvanized service lines there are in the Borough, the Council will determine the Borough's next steps, including the schedule for replacing lines and the allocation of costs. We will also investigate the possibility of obtaining grants or favorable financing terms from the NJ Water Bank to help offset the costs of this State mandate, though we recognize that we are competing with all other NJ municipalities for this funding support.*

- **Public Safety**

- **Traffic Calming**
 - *With the help of the Public Safety Committee, the Council will be evaluating our next steps in the realm of traffic calming and pedestrian safety. This has been a priority for the Council and I over the last 5 years, but additional work can and should be done. With the help of professional traffic engineers, we will be considering the installation of additional speed humps and other potential design changes to our roadways to manage existing and anticipated traffic volumes and speed. We will also be evaluating the desirability of installing sidewalks along sections of certain roadways, including Runnymede Road and Roseland Avenue, though funding will be a key challenge.*

- Auto Thefts and Burglaries
 - *The rise in car thefts and car burglaries by roaming groups has been a trend in NJ for several years and, unfortunately, we and suburban communities like ours have been directly affected. Based on what we and other towns have seen, there are a few key factors driving the increase in theft in NJ and locally. Home burglaries are less common and much more aggressive, but they do happen and there are similar dynamics at work. As we have discussed many times, the important factors include: (a) insufficient consequences as a result of NJ's criminal justice reforms, (b) increased State restrictions on local police that lower the risk of getting caught and embolden criminals, (c) opportunity, including the opportunities presented by unlocked doors and key fobs left in unattended vehicles, which encourage criminals to view suburban towns as ready sources of higher-end cars that can be easily stolen.*

Until NJ policy changes and effectively alters the incentives, we are focused locally on deterring these criminals. Informing residents and enlisting their support and their proactive efforts will continue to be a priority. Our police officers will also continue with targeted enforcement actions. In addition, the Council will continue its 2022 discussions regarding the possibility of adding license plate readers, including evaluating funding opportunities for these devices.

- **Infrastructure improvements**

- *We will continue to focus on stormwater management and making paving and drainage improvements to our roadways. In 2023, we are scheduled to improve Oval Road, Devon Road (between Old Eagle Rock Avenue and Oval Road) and the section of Hawthorne Road closest to Essex Fells School.*
- *Later in the year, we also expect to improve the balance of Hawthorne Road and Fells Road between Gordon Road and Forest Way. We are in the process of finalizing the scope of drainage improvements we will make on that section of Fells Road.*

- **Code Updates/Modernizing Land Use Regulations**

- *With the help of the Public Affairs Committee and our professionals, I expect the Council and I will spend a fair amount of time in 2023 considering potential updates to the Borough Code, including our land use ordinances and various quality of life laws. We have done this periodically over the last 5 years, but I believe it is time for a more comprehensive effort. I look forward to working with Council members on this initiative.*

In accomplishing our objectives in 2022 and 2023, I cannot overstate the importance of the work done by the Department heads and other professionals who work for the Borough on a day-to-day or regular basis, including but not limited to:

- Francine T. Paserchia, Borough Administrator
- Police Chief Darren Volker and Captain Scott Jones
- Chris Battaglia, our Chief Financial Officer
- Bob Oostdyk and Jim Parisi, Borough Attorneys
- Mike Petry, Borough Engineer
- Bill Ryden, Consulting Engineer on Water Matters
- Jim DeBlock and DeBlock Environmental, Water Operations
- Roger Kerr, Superintendent of Public Works
- Anthony Sorisi, Deputy Superintendent of Public Works
- Brittany Thunell, our Tax Collector and Building Department representative
- Terry King
- Kevin Esposito, Tax Assessor

- Carl Thunell, Construction Official
- Lauren Lombardy, Recreation Director

As a Borough, we are very fortunate to have them. On behalf of the Council and myself, I want to tell each of them that we are very grateful for their contributions and we look forward to working with them in 2023.

I would also like to thank the many residents who volunteer their time on behalf of our community. We manage the Borough on a very tight budget. We staff leanly, which requires many of our employees to work in multiple roles. We also share services with our neighboring municipalities and, where feasible, utilize officials who split their time between Essex Fells and other communities.

This approach is consistent with our residents' desire to keep taxes low. But we must remain cognizant that our commitment to lean staffing and tight budgeting also means that we rely to a great extent on the assistance of our residents in volunteering their skills and their time toward the welfare of our community. Volunteering can no doubt be challenging. The time commitment is often great, and the thanks can be few and far between. However, the value these citizens provide to our community is immeasurable, and their contribution is greatly appreciated by me and all members of the Borough Council.

In closing, I want to take this opportunity to remind you of the over-arching goals that will continue to guide our efforts:

- *to honor our history and preserve those qualities that make our community unique;*
- *to maintain and improve our infrastructure and properties, and continue to ensure that our services and programs are up to date;*
- *to remain fiscally responsible and keep taxes in check, recognizing that this often requires us to make difficult choices; and*
- *to ensure that the long-term future of Essex Fells remains bright.*

Councilman Hindy nominated John A. King for President of the Council for 2023, Councilwoman O'Connor seconded the nomination

Mayor Davis asked if there were any more nominations. Hearing none, he asked the Clerk to poll the Council.

And was carried on call of the roll:

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

Committee Reports

Public Safety (Police & Fire)

Councilman O'Connor reported on Public Safety for 2022.

Water

Submitted by Councilman D'Avella -

[As you've heard from the mayor's comments,] When we met last year, the good news out of the water department was that we'd not only learned that "PFAS" is far easier to pronounce than the ten syllables of "perand poly-fluoroalkyl substances," but that we'd wrapped our arms around not just the problem, but the solution to the PFAS issue that is faced by every water system in the state. At the time, we'd acted quickly to identify options and determine the best long-term solution, and we'd planned an interim solution that would keep the utility in service and producing fully-compliant drinking water to our residents and neighboring communities until the long term solution is implemented. I'm glad to report that significant progress was made over the past twelve months – not only on the PFOA mitigation front, but on several others as well. PFOA COMPLIANCE PROGRAM Temporary PFOA Treatment System for Wells 1A & 5 – In May, we completed installation of a granulated activated carbon treatment system – visible near the Water Department building on Runnymede Road – to treat the water from Wells 1A and 5. The system treats 580 GPM and removes PFOA to near zero levels. This treated water is blended with water from the other 11 wells currently online to deliver water below the 14 ppt minimum contaminant level (MCL). The system was completed by Coppola Services in May 2022. Air stripper treatment plant – We completed the design of a 3,000 GPM granulated activated carbon (GAC) treatment system for the removal of PFAS from the water produced from the bulk of our system (13 wells) was completed and submitted to NJ DEP for review, and we're awaiting DEP approval to go out to bid for the project. NJ iBank Funding – applications have been submitted for \$9,000,000 in funding and/or loans from The New Jersey Water Bank - NJWB (formerly New Jersey Environmental Infrastructure Financing Program - NJEIFP) While it is perhaps inevitable that rates will go up as a result of the increased infrastructure costs that the utility will bear as a result of the regulatory changes, we have been and continue to be committed to right-sizing the solution and obtaining all available funding from state and federal sources to minimize that impact. BULK SALES CONTRACTS We negotiated and executed new water supply contracts with our neighbors in Roseland, Caldwell, and North Caldwell. While I won't go into the details, this was no small feat. The terms and conditions of the contracts will help ensure continuous provision of high-quality Essex Fells water to our residents and our neighboring communities for a generation, and mean that our mutually-beneficial relationships with our neighbors around the provision of water will continue well beyond the 100 year mark. LEAD SERVICE LINE REPLACEMENT PROGRAM An inventory of all service lines has been completed and posted on the Borough website; written and telephone notices have been sent to homeowners regarding inspection of service lines. The inspection work is underway; we will keep the Council posted on progress and come back to you to discuss next steps. OTHER PROJECTS Telemetry Control System – We upgraded radios and cellular communications devices for reliable system-wide control and data acquisition. Well 17 Generator – installation of a standby emergency generator is underway at Well 17 on Harrison Avenue – our highest-producing well, at 685 GPM – which has never had a standby power system. Well 9 Rehabilitation – we installed a new well pump and motor assembly at Well 9, along with improvements to the pump controls, the piping system, and raising the wellhead above floor level. I am incredibly proud of the effort that has gone into getting us to this point, and am just as grateful for the expertise available to us to help get here. At this time last year, we were rethinking how we operate the utility within the broader context of the town's services, and had engaged experts to assess the utility's overall infrastructure and operations. As a direct result, we made significant improvements in certain areas – a number of which I've mentioned already – that have greatly increased our ability to operate the water utility safely, effectively, and continuously. Due to the tireless contributions and flexibility of our DPW, our Water Operator Bill Ryden, Jim DeBlock and his expert team of water consultants, and the engineering team at Suburban Consulting Engineers, and others, we have come even further along than we did last year – when we also made significant improvements to the operations and physical plant of the water department. Kudos and thanks to everyone involved on all fronts - it been a ton of work, but it has been far more bearable and the outcomes have been far better because it has been a great team effort. That team effort will continue into this New Year as we finalize financing options and funding sources for the PFAS-driven improvements, and hopefully receive remediation permits from the state that will enable us to implement our permanent PFAS remediation plans. All of this is being done so we can continue to provide the amazing natural resource that is Essex Fells water to our neighbors' residents and our own, and to keep the water department (and the water itself) running smoothly in 2023 and beyond, as it has continuously since 1893.

Public Works

Submitted by Councilman King -

The DPW continued to maintain and landscape the Borough properties and the fields at the Egan field complex, from April through November.

We have made many improvements to Borough Hall including repairing the roof, adding a new stone wall and putting new plants in the back of the building while better maintaining the plants in the front of the building. All Borough Hall signs were upgraded.

DPW building had numerous repairs including replacing fascia all over the building and repairing the roof.

Post Office also received many improvements to the building. Including ripping off all the brush on the building.

All municipally owned parking lots were painted including; Post Office, DPW, Boro Hall and School Lots.

All Borough owned signs are currently put in and we would like to order the remaining signs to complete the project in 2023

We picked up a total of approximately 1098 tons of recycling throughout the year

During November leaf pickup in 2021 we collected 10,900 cubic yards of leaves from the borough streets which will be composted and recycled back to the Residents

The Recycling Center has been operating 2 days a week ensuring compliance from residents with one employee overseeing the operation.

An ongoing storm inlet cleaning program continues to be a work-in-progress throughout the borough.

Implementing a pothole / catch basin maintenance plan. Repairing 22 catch basins this year. Including an ongoing problem at the end of Beakman Hill

Fellswood and Fellcrest, were milled and paved and drainage was added to alleviate icing.

*Belgium Block was added to the bottom of Gordon Road to help addressing drainage
Improvements were made to the Bridge / Culvert on Oval Road by the country club to improve drainage.*

DPW paved the Intersection of Hawthorne and Rensselaer Road to alleviate complaints of potholes

DPW was able to recuperate \$19,000 by filing a claim to PSEG for breaking our sewer line.

All DPW employees received training in the following areas through JIF:

*Personal Protective Equipment
Lockout/Tagout, HazCom w/GHS
Bloodborne Pathogens,
Confined Space,
Driving Safety Awareness*

We implemented Pub Works. This software allows us to improve / track individual projects, lead and copper service lines, valve turning, FEMA storms, work orders, general maintenance of all Boro owned equipment and radically increases the effectiveness of our mapping.

Public Affairs

Councilman Cecere reported on Public Affairs for 2022.

Recreation

Submitted by Councilman Hindy –

- ***Essex Fells Recreation continues to notice an increase of young children in town, especially at the Pre-K/K level. Our programs are growing each season and an increase in teams at certain grade levels has been noticed.***

- ***EFRD extends deadlines to include all interested participants. One of our goals is to keep all children involved in recreation sports as they move from grades Pre-K-8.***
- ***Essex Fells continues to plan and schedule each season with surrounding towns: Roseland, North Caldwell, Fairfield and other local towns when needed (Verona, Cedar Grove, etc).***
- ***The EFRD works with Sports Universe to offer a Pre-School-K soccer program in the fall and baseball clinics in the spring.***
- ***We continue to work closely with the West Essex Junior Girl's and Boy's Lacrosse Club personnel in the implementation of their training program for girls and boys in grades 1-8 during the Spring.***
- ***We continued to provide field space for the Fall/Spring for the travel soccer programs, the West Essex Girl's and Boy's Lacrosse Clubs and West Essex Soccer Club. In addition, we rent out our fields to private groups that offer both lacrosse and soccer clinics for our residents as well as West Essex residents. All must provide proper insurance certificates and pay field use fees.***
- ***EFRD receives compliments on how well-maintained the fields are and overall how beautiful our field complex is. We appreciate all that DPW does to maintain the fields.***
- ***The EFRD added a multi-sports in between season clinic for young children (ages K-2).***
- ***The EFRD and the New Jersey Basketball Academy work together to offer a K-2 basketball clinic.***
- ***The EFRD combined camps with North Caldwell Recreation Department during the Summer of 2022. It was an overall great experience and there was only positive feedback from parents/kids. We plan to do the same for the upcoming summer of 2023.***
- ***The EFRD continues to present championship teams with trophies shirts to celebrate their achievements.***
- ***The EFRD & The EF Police Department worked together to organize a holiday toy drive for Toys for Tots.***
- ***The EFRD continued our annual Soccer Day tradition- we had a great turnout.***
- ***The EFRD & The EF Recreation Foundation upgraded the front baseball field at EF School to make it the appropriate playing size for our programs.***
- ***The EFRD appreciates the support from the volunteers on the Recreation Foundation.***

Finance & Personnel

Councilman Sullivan was Absent

Mayor Davis then made the following appointments for 2023, pointing out that, with respect to the Committees of the Council, the first named is the Chairman of the Committee.

Public Safety

Greg Hindy
BJ D’Avella
Maggie O’Connor

Finance & Personnel

Maggie O’Connor
Michael Cecere
William Sullivan

Water

BJ D’Avella
Greg Hindy
John King

Recreation

Michael Cecere
BJ D’Avella
Greg Hindy

Public Works

William Sullivan
John King
Maggie O’Connor

Public Affairs

John King
Michael Cecere
William Sullivan

**The Chairman is the first named member of a committee.*

Zoning Board of Adjustment

| | | |
|------------------|---------|------|
| Oscar M. Bate | 4 years | 2026 |
| Michael Spellman | 4 years | 2026 |

Alternates

| | | |
|----------------|----------------------|------|
| William Kovacs | Alternate #2 2 years | 2024 |
|----------------|----------------------|------|

The Zoning Board now consists of:

| <u>Member</u> | <u>Full Term</u> | <u>Term Expires 12/31</u> |
|---|------------------|---------------------------|
| Thomas J. O’Beirne | 4 years | 2025 |
| Michael Candido | 4 years | 2025 |
| Oscar M. Bate | 4 years | 2026 |
| Michael Spellman | 4 years | 2026 |
| Bernard J. D’Avella, Jr. (FILLING UNEXPIRED TERM OF MICHAEL SPELLMAN) | 4 years | 2023 |
| Christopher Shearin (FILLING UNEXPIRED TERM OF BERNARD J. D’AVELLA, JR.) | 4 years | 2024 |
| MJ Jolda-Crawford (FILLING UNEXPIRED TERM OF CHRISTOPHER SHEARIN) | 4 years | 2024 |

Alternates

| | | |
|---|----------------------|------|
| Allison Semaya (FILLING UNEXPIRED TERM OF CHRISTOPHER SHEARIN) | Alternate #1 2 years | 2023 |
| William Kovacs | Alternate #2 2 years | 2024 |

Planning Board

| <u>Member</u> | <u>Full Term</u> | <u>Class</u> | <u>Term Expires 12/31</u> |
|------------------|------------------|--------------|---------------------------|
| Robert Burchell | 4 years | IV | 2026 |
| Brittany Thunell | 1 year | II | 2023 |
| John King | 1 year | III | 2023 |

Alternates

| | | | |
|--|--------|----|------|
| Bernard J. D’Avella, Jr. Alternate #2 | 1 year | IV | 2023 |
|--|--------|----|------|

The Planning Board now consists of:

| <u>Member</u> | <u>Full Term</u> | <u>Class</u> | <u>Term Expires 12/31</u> |
|-------------------|------------------|--------------|---------------------------|
| Robert Burchell | 4 years | IV | 2026 |
| Brittany Thunell | 1 year | II | 2023 |
| John King | 1 year | III | 2023 |
| James Irwin | 4 years | IV | 2025 |
| Edward Davis | 4 years | I | 2025 |
| Jody James | 4 years | IV | 2025 |
| Peter S. McMullen | 4 years | IV | 2023 |

Alternates

| | | | |
|--|---------|----|------|
| David Isabel Alternate #1 | 2 years | IV | 2023 |
| Bernard J. D’Avella, Jr. Alternate #2 | 1 year | IV | 2023 |

SKATING POND COMMITTEE

| <u>Member</u> | <u>Full Term</u> | <u>Term Expires 12/31</u> |
|--------------------|------------------|---------------------------|
| John Haydu - Chair | 1 year | 2023 |
| Dennis Cusack | 1 year | 2023 |
| Jody James | 1 year | 2023 |
| Pat Miczak | 1 year | 2023 |
| Alair Muzatti | 1 year | 2023 |
| Chris Boeckel | 1 year | 2023 |
| Michael Desiderio | 1 year | 2023 |
| Chris Nowak | 1 year | 2023 |
| Brian Mazzei | 1 year | 2023 |
| Erik Dykema | 1 year | 2023 |
| Vacancy | 1 year | 2023 |

Councilman King made a motion to accept the 2023 Appointments and Councilman Hindy seconded the motion.

And was carried on call of the roll:

Ayes
Michael Cecere
BJ D’Avella
Greg Hindy
John King
Maggie O’Connor

Nays
None

Abstain
None

Absent
William Sullivan

Councilman D'Avella moved, Councilman King seconded approval of the minutes of December 20, 2022.

And was carried on call of the roll:

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

Mayor Davis announced introduction on first reading of Ordinance 2023-1070

Councilman King moved, Councilman Hindy seconded a motion to introduce on First reading and publish according to law an ordinance entitled 2023-1070, AN ORDINANCE AMENDING CHAPTER 205 THE CODE OF THE BOROUGH OF ESSEX FELLS TO COMPLY WITH STATUTORY REQUIREMENTS FOR VACANT AND FORECLOSURE PROPERTY REGISTRATION ORDINANCES hearing to be held on January 17, 2022 at 7:00 p.m.

WHEREAS, P.L. 2021, Chapter 444, approved January 18, 2022, (the "Act") required that existing municipal ordinances that address vacant property registration programs be amended to make them consistent with the Act; and

WHEREAS, Essex Fells has an existing ordinance which must be amended to conform with this newly adopted State law.

NOW, THEREFORE, 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 205, "Property, Abandoned" of the Revised General Ordinances of the Borough of Essex Fells shall be amended by the addition of the following new subsection c. to the definition of "Abandoned Property" set forth in Section 205-1, "Definitions" which shall read, in its entirety, as follows:

c. A residential property shall not be considered "vacant and abandoned" if there is an unoccupied building which is undergoing construction, renovation, or rehabilitation and the building is in compliance with all applicable ordinances, codes, regulations, and statutes; if there is a building occupied on a seasonal basis, but otherwise secure; or if there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

Section 2. Chapter 205, "Property, Abandoned" of the Revised General Ordinances of the Borough of Essex Fells, Article II "Buildings Pending Foreclosure", Sections 205-9 through 205-15 shall be amended to read, in their entirety, as follows:

Article II

Buildings Pending Foreclosure

205-9 Buildings and Properties Pending Foreclosure; Purpose

The purpose of Sections 205-9 through 205-15 is to:

- (1) create a property registration program for the purposes of identifying and monitoring properties within the Borough for which a summons and complaint in an action to foreclose on a mortgage has been filed;
- (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned properties for which a summons and complaint in an action to foreclose has been filed; and
- (3) impose property registration fees on the creditor of properties on an annual basis.

205-10 Creditor Registration

- (1) As used in this section:

“Creditor” means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

- (2) A creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the Borough pursuant to section 17 of P.L.2008, c. 127 (C.46:10B-51) or section 2 of P.L.2021, c. 444 (C.40:48-2.12s2), register the residential or commercial property with the Borough's property registration program as a property in foreclosure and, as part of that registration: (a) provide the Borough with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c. 444 (C.40:48-2.12s2); (b) identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and (c) identify whether the property is vacant and abandoned;
- (3) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor following the filing of the summons and complaint, the creditor shall update the property registration program within 10 days of the change in that information;
- (4) A creditor filing a summons and complaint in an action to foreclose shall, if the registered property becomes vacant and abandoned after the property is initially registered with the Borough, update the property registration with the Borough to reflect the change in the property's status.
- (5) a creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor;

205-11 Creditor Responsibility

- (1) A creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program.

- (2) The care, maintenance, security, and upkeep of the exterior of the property includes, but is not limited to, securing the property against unauthorized entry, posting a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process, acquiring and otherwise maintaining liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program.

205-12 Definition of "Vacant and Abandoned"

a property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple windowpanes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

205-13 Enforcement

The Borough Administrator may designate an officer or employee with the responsibility to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

205-14 Fees

The annual fee for a creditor required to register a property pursuant to this ordinance shall be:

- (1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and
- (2) an additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned at any time thereafter while the property is in foreclosure.

205-15 Violations

- (1) An out-of-State creditor found by the municipal court or by any other court of
- (2) competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine

of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c. 444 (C.40:48-2.12s2) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

(2) A creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (1) of this subsection, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

(3) No less than 20 percent of any money collected pursuant to this section shall be utilized by the Borough for municipal code enforcement purposes.

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

Councilman Cecere moved, Councilman D'Avella seconded, approval of the following resolutions on consent:

2023-01

BE IT RESOLVED by the Council of the Borough of Essex Fells that the *Meetings* of the Borough Council for the year 2023 will be held in the Council Chambers of the Essex Fells Borough Hall at 7:00 p.m., unless otherwise noted and formal action will be taken on the following dates:

| | |
|--------------------------|-----------------------------|
| <i>January 3, 2023</i> | <i>Organization Meeting</i> |
| <i>January 17, 2023</i> | <i>Regular Meeting</i> |
| <i>February 7, 2023</i> | <i>Conference Meeting</i> |
| <i>February 21, 2023</i> | <i>Regular Meeting</i> |
| <i>March 7, 2023</i> | <i>Conference Meeting</i> |
| <i>March 21, 2023</i> | <i>Regular Meeting</i> |
| <i>April 4, 2023</i> | <i>Conference Meeting</i> |
| <i>April 18, 2023</i> | <i>Regular Meeting</i> |
| <i>May 2, 2023</i> | <i>Conference Meeting</i> |
| <i>May 16, 2023</i> | <i>Regular Meeting</i> |
| <i>June 6, 2023</i> | <i>Conference Meeting</i> |
| <i>June 20, 2023</i> | <i>Regular Meeting</i> |
| <i>July 18, 2023</i> | <i>Regular Meeting</i> |
| <i>August 15, 2023</i> | <i>Regular Meeting</i> |

September 19, 2023
 October 3, 2023
 October 17, 2023
 November 7, 2023
 November 21, 2023
 December 5, 2023
 December 19, 2023

Regular Meeting
 Conference Meeting
 Regular Meeting
 Conference Meeting
 Regular Meeting
 Conference Meeting
 Regular Meeting

2023-02

BE IT RESOLVED by the Council of the Borough of Essex Fells that the following newspapers be designated as the *Official Newspapers of the Borough of Essex Fells*:

The Progress
 P.O. Box 72
 Caldwell, New Jersey 07006

The Star Ledger
 One Star Ledger Plaza
 Newark, New Jersey 07102

2023-03

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, said temporary appropriations are limited to 26.25% of the total appropriations in the 2022 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells, in the County of Essex, State of New Jersey, that the following appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

| ACCOUNT | 2022 BUDGET | TEMPORARY BUDGET |
|----------------------------------|---------------|------------------|
| ADMINISTRATION & EXECUTIVE S&W | \$ 87,630.00 | \$ 23,002.88 |
| ADMINISTRATION & EXECUTIVE O/E | \$ 27,875.00 | \$ 7,317.19 |
| INFORMATION TECHNOLOGY - O/E | \$ 31,000.00 | \$ 8,137.50 |
| ELECTIONS - O/E | \$ 3,500.00 | \$ 918.75 |
| FINANCIAL ADMINISTRATION - S&W | \$ 20,000.00 | \$ 5,250.00 |
| FINANCIAL ADMINISTRATION - O/E | \$ 56,120.00 | \$ 14,731.50 |
| ANNUAL AUDIT | \$ 26,000.00 | \$ 6,825.00 |
| COLLECTION OF TAXES - S&W | \$ 27,545.00 | \$ 7,230.56 |
| COLLECTION OF TAXES - O/E | \$ 10,000.00 | \$ 2,625.00 |
| ASSESSMENT OF TAXES - S&W | \$ 15,000.00 | \$ 3,937.50 |
| ASSESSMENT OF TAXES | \$ 5,000.00 | \$ 1,312.50 |
| LEGAL - O/E | \$ 54,000.00 | \$ 14,175.00 |
| ENGINEERING O/E | \$ 60,000.00 | \$ 15,750.00 |
| ZONING BOARD O/E | \$ 15,500.00 | \$ 4,068.75 |
| PLANNING BOARD O/E | \$ 10,300.00 | \$ 2,703.75 |
| CONSTRUCTION CODE OFFICIAL - S&W | \$ 55,650.00 | \$ 14,608.13 |
| CONSTRUCTION CODE OFFICIAL - O/E | \$ 6,300.00 | \$ 1,653.75 |
| OTHER INSURANCE | \$ 84,829.50 | \$ 22,267.74 |
| EMPLOYEE GROUP HEALTH | \$ 653,000.00 | \$ 171,412.50 |

| | | |
|----------------------------------|------------------------|------------------------|
| POLICE - S&W | \$ 1,618,573.00 | \$ 424,875.41 |
| POLICE - O/E | \$ 93,175.00 | \$ 24,458.44 |
| FIRST AID CONTRIBUTION | \$ 7,000.00 | \$ 1,837.50 |
| FIRE - S&W | \$ 6,630.00 | \$ 1,740.38 |
| FIRE - O/E | \$ 26,275.00 | \$ 6,897.19 |
| STREETS AND ROADS - S&W | \$ 387,208.00 | \$ 101,642.10 |
| DEPARTMENT OF PUBLIC WORKS - O/E | \$ 207,000.00 | \$ 54,337.50 |
| SNOW REMOVAL - S&W | \$ 15,000.00 | \$ 3,937.50 |
| SNOW REMOVAL - O/E | \$ 27,000.00 | \$ 7,087.50 |
| SEWER SYSTEM - O/E | \$ 26,000.00 | \$ 6,825.00 |
| SANITARY SEWER - O/E | \$ 30,000.00 | \$ 7,875.00 |
| BOARD OF HEALTH - O/E | \$ 5,600.00 | \$ 1,470.00 |
| RECREATION - S&W | \$ 24,000.00 | \$ 6,300.00 |
| RECREATION - O/E | \$ 31,975.00 | \$ 8,393.44 |
| ELECTRIC & GAS | \$ 60,000.00 | \$ 15,750.00 |
| PHONES | \$ 19,000.00 | \$ 4,987.50 |
| SEWER SERV VERONA | \$ 28,000.00 | \$ 7,350.00 |
| SEWER SERVICES | \$ 340,000.00 | \$ 89,250.00 |
| GASOLINE | \$ 45,000.00 | \$ 11,812.50 |
| CONTINGENCY | \$ 15,000.00 | \$ 3,937.50 |
| LIBRARY | \$ 3,500.00 | \$ 918.75 |
| UNEMPLOYMENT COMPENSATION FUND | \$ 2,500.00 | \$ 656.25 |
| FICA | \$ 75,000.00 | \$ 19,687.50 |
| PERS | \$ 77,900.00 | \$ 20,448.75 |
| PFRS | \$ 535,185.00 | \$ 140,486.06 |
| BUDGET GRANTS | \$ 19,013.79 | \$ 4,991.12 |
| NORTH CALDWELL - POLICE DISPATCH | \$ 120,000.00 | \$ 31,500.00 |
| WEST ORANGE - HEALTH SERVICES | \$ 13,000.00 | \$ 3,412.50 |
| WEST ORANGE - ANIMAL CONTROL | \$ 7,000.00 | \$ 1,837.50 |
| NORTH CALDWELL - MUNICIPAL COURT | \$ 100,000.00 | \$ 26,250.00 |
| CAPITAL IMPROVEMENT FUND | \$ 20,000.00 | \$ 5,250.00 |
| BOND PRINCIPAL | \$ 150,000.00 | \$ 39,375.00 |
| BAN PRINCIPAL | \$ 236,500.00 | \$ 62,081.25 |
| BOND INTEREST | \$ 14,500.00 | \$ 3,806.25 |
| BAN INTEREST | \$ 8,500.00 | \$ 2,231.25 |
| UNFUNDED ORDINANCE | \$ 220,000.00 | \$ 57,750.00 |
| EMERGENCY AUTHORIZATION | \$ - | \$ - |
| RESERVE FOR UNCOLLECTED TAXES | \$ 430,000.00 | \$ 112,875.00 |
| TOTAL | \$ 6,294,284.29 | \$ 1,652,249.64 |
| | | |
| WATER S&W | \$ 511,764.00 | \$ 134,338.05 |
| WATER O/E | \$ 2,041,585.50 | \$ 535,916.19 |
| PERS | \$ 51,180.00 | \$ 13,434.75 |
| UNEMPLOYMENT FUND | \$ 2,500.00 | \$ 656.25 |
| SOCIAL SECURITY | \$ 40,000.00 | \$ 10,500.00 |
| BOND PRINCIPAL | \$ 156,000.00 | \$ 40,950.00 |
| BOND INTEREST | \$ 14,650.00 | \$ 3,845.63 |
| INTEREST ON NOTES | \$ 8,650.00 | \$ 2,270.63 |
| TOTAL | \$ 2,826,329.50 | \$ 741,911.50 |

2023-04

BE IT RESOLVED by the Council of the Borough of Essex Fells that the interest rate on delinquent Taxes and Sewer be fixed as follows:

8% per annum up to \$1,500.00 delinquency

18% per annum over \$1,500.00 delinquency

**6% additional penalty for a delinquency over \$10,000.00
if not paid prior to the end of the calendar year.**

BE IT FURTHER RESOLVED, that any taxes not paid when due shall be called delinquent taxes ten days after due date.

2023-05

BE IT RESOLVED by the Council of the Borough of Essex Fells that the following banks and/or savings and loan associations and/or their branch offices be designated depositories of the accounts and funds of the Borough of Essex Fells:

TD Bank, West Caldwell, NJ

Valley National Bank, Caldwell, NJ

BE IT FURTHER RESOLVED that the custodian of each of said several funds and accounts shall be Christopher Battaglia, Chief Financial Officer, and in his absence Francine T. Paserchia, Administrator/Borough Clerk.

BE IT FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized to certify the authority granted by these resolutions to the several banks and/or savings and loan associations in the form required by the several banks and/or savings and loan associations and to furnish said several banks and/or savings and loan associations with certified copies of these resolutions.

AND BE IT FURTHER RESOLVED that a copy of the above resolution be sent to the surety company.

2023-06

AUTHORIZING THE TAX COLLECTOR TO CANCEL CERTAIN BALANCES OF \$10.00 OVER/UNDER

WHEREAS, N.J.S.A. 40A: 5-17 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than \$10.00; and

WHEREAS, the enactment of P.L. 2013, c.54 has expanded the scope of this statute to encompass any delinquent charges or fees imposed by the municipality, so long as the delinquency is less than \$10.00.

WHEREAS, the Governing Body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax refunds or delinquencies, or any charges and fees imposed by the municipality of Less than \$10.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Essex Fells, County of Essex, State of New Jersey, hereby authorize the Tax Collector to cancel said tax amounts and charges and fees as deemed necessary for current year.

2023-07

BE IT RESOLVED by the Council of the Borough of Essex Fells that the Chief Financial Officer, or in his or her absence, the Assistant Financial Officer, is hereby authorized to invest such funds of the Borough of Essex Fells as may be temporarily in excess of the funds needed to meet the Borough's obligations.

BE IT FURTHER RESOLVED that at the meeting of the Council of the Borough of Essex Fells next succeeding the investment of the said temporarily excess funds of the Borough, the Chief Financial Officer, or in his or her absence, the Assistant Financial Officer, shall report to the Council of the Borough of Essex Fells:

1. *The date of the investment.*
2. *The amount of funds invested.*
3. *Where invested.*
4. *The interest rate.*
5. *The date of maturity.*

2023-08

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

WHEREAS, from time to time the Borough Office is required to make change for cash payments received for Tax, Water, Dog and Sewer Payments; and

WHEREAS, there exists a need to maintain such a fund for use of operation of the Tax/Administrative Offices and the custodian shall be Terry King and the amount shall be \$100.00;

NOW THEREFORE, BE IT RESOLVED, that the listed custodian be responsible for the maintenance of corresponding Change Fund.

2023-09

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

WHEREAS, the Borough of Essex Fells 2023 Paid Holiday Schedule is as follows:

Paid Holiday Policy:

All **Full Time Employees** of the Borough are entitled to fourteen (14) paid holidays. The holiday schedule for all unionized employees may be found in the respective labor agreements between the Borough and said labor unions. The holiday schedule for all Full-Time Non-Unionized employees is as follows:

- ♦ *New Year's Day*
- ♦ *Dr. M.L. King's Birthday*
- ♦ *Lincoln's Birthday*
(For 2023 – 2/13)
- ♦ *Washington's Birthday*
(For 2023 – 2/20 - President's Day)
 - *Good Friday*
 - *Memorial Day*
 - *Juneteenth*
 - *Independence Day*
 - *Labor Day*
 - *Columbus Day*
 - *Veteran's Day*
 - *Thanksgiving Day*
 - *Day after Thanksgiving*
 - *Christmas Day*

Should any of these holidays fall on a Saturday, it shall be celebrated on the preceding Friday. If a holiday falls on a Sunday, it shall be celebrated on the following Monday or as the Borough Administrator deems necessary. Under such circumstances, the Friday or the Monday shall be considered the holiday and paid accordingly.

2023-10

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

WHEREAS, the Borough of Essex Fells has filed a Recycling Tonnage Report with the New Jersey Department of Environmental Protection (NJDEP) for 2022, and

WHEREAS, the Borough of Essex Fells desires to make application to the NJDEP for a municipal recycling tonnage grant for 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that the Deputy Public Works Superintendent is hereby authorized to file an application for said recycling grant.

2023-11

BE IT RESOLVED by the Council of the Borough of Essex Fells that the Chief Financial Officer is hereby authorized to keep an adequate balance in the postage account and secure postage as necessary to meet the day to day needs of the operation of the Borough of Essex Fells.

2023-12

WHEREAS, the Borough of Essex Fells has a need to obtain legal services and has determined to award this contract as a Professional Service without obtaining competitive bids or quotes as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Chief Financial Officer has determined and will certify in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is *one year*; and

WHEREAS, *Robert H. Oostdyk, Jr. and Murphy McKeon, PC* have submitted a proposal indicating he will provide the legal services for the annual fee of \$54,000.00 per year plus \$150.00 per hour for all matters for which the Borough has collected escrow accounts; and

WHEREAS, *Robert H. Oostdyk, Jr. and Murphy McKeon, PC* have completed and submitted a Business Entity Disclosure Certification which certifies that *Robert H. Oostdyk, Jr. and Murphy McKeon, PC* have not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit *Robert H. Oostdyk, Jr. and Murphy McKeon, PC* from making any reportable contributions through the term of the contract, and

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 in writing to the Governing Body that there are adequate funds in the amount of \$54,000.00 which are specifically designated as Legal, Operating Expenses, in the local budget to complete this contract.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with *Robert H. Oostdyk, Jr. and Murphy McKeon, PC* as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-13

WHEREAS, the Borough of Essex Fells has a need to acquire a Registered Municipal Accountant as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is *one year*; and

WHEREAS, Joseph J. Faccone of the firm of Samuel Klein and Company, holding a license as a Registered Municipal Accountant has submitted a proposal indicating they will provide *Municipal Accountant Services for January 1, 2023 thru December 31, 2023*; and

WHEREAS, Joseph J. Faccone has completed and submitted a Business Entity Disclosure Certification which certifies that Samuel Klein and Company has not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit Samuel Klein and Company from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief financial Officer will certify in writing to the Governing Body that there are adequate funds in the amount of \$22,650.00 which are specifically designated as Auditing in the local budget to complete this contract and \$20,965.00 for the Municipal Utility.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with Samuel Klein and Company, as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-14

WHEREAS, the Borough of Essex Fells has a need to acquire a Consulting Engineer as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and

WHEREAS, the Chief Financial Officer has determined and will certify in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is *one year*; and

WHEREAS, William Ryden of the firm Anderson & Denzler Associates, Inc., has submitted a proposal indicating they will provide *Engineering Services and Licensed Wastewater Sewer Operator Services* as the *Water System Consultant for January 1, 2023 thru December 31, 2023*; and

WHEREAS, William Ryden has completed and submitted a Business Entity Disclosure Certification which certifies that Anderson & Denzler Associates, Inc., has not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit Anderson & Denzler Associates, Inc., from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify in writing to the Governing Body that there are adequate funds in the amount of \$40,000.00 which is the not to exceed amount.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with Anderson & Denzler Associates, Inc., as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-15

WHEREAS, the Borough of Essex Fells has a need to Bond Counsel Services and has determined to award this contract as a Professional Service without obtaining competitive bids or quotes as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is *one year*; and

WHEREAS, this contract shall not exceed \$30,000.00; and

WHEREAS, John D. Draikiwicz has completed and submitted a Business Entity Disclosure Certification which certifies that John D. Draikiwicz has not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit John D. Draikiwicz from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with John D. Draikiwicz of Gibbons P.C., as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-16

WHEREAS, the Borough of Essex Fells has a need to acquire financial management services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, the initial term of this contract is from January 1, 2023 to December 31, 2023.

WHEREAS, Battaglia Associates, LLC has submitted a proposal indicating they will provide financial management services to the Borough of Essex Fells for a fee of \$102,000.00; and

WHEREAS, Battaglia Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Battaglia Associates, LLC has not made any reportable contributions to a political or candidate committee in the County of Essex and Borough of Essex Fells in the previous one year, and that the contract will prohibit the Battaglia Associates, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, The Mayor and Council of the Borough of Essex Fells pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells authorizes a contract with Battaglia Associates, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-17

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 Fund Commissioner who must be either a member of the Governing Body or an employee of the municipality.

WHEREAS, the Risk Manager shall attend all Meetings of the JIF and MEL as required, on behalf of the Fund Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that Borough Administrator Francine T. Paserchia is hereby appointed as the Borough's Insurance Fund Commissioner for 2023 and Anthony Sorisi as the Borough's Alternate Fund Commissioner and they also shall serve as the Essex Fells representatives to these two joint insurance funds.

2023-18

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a ***Qualified Purchasing Agent*** is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Francine T. Paserchia possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Borough of Essex Fells desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Essex Fells, in the County of Essex, in the State of New Jersey hereby increases its bid threshold to \$40,000.00; and

BE IT FURTHER RESOLVED, that the governing body hereby appoints Francine T. Paserchia as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the Municipal Clerk, is hereby authorized and directed to forward a certified copy of this resolution and a copy of Francine T. Paserchia's, Qualified Purchasing Agent certification to the Director of the Division of Local Government Services.

2023-19

BE IT RESOLVED, by the Council of the Borough of Essex Fells that the following Personnel action is hereby authorized;

WHEREAS, the State of New Jersey, Department of Treasury, Division of Contract Compliance & Equal Employment Opportunity in Public Contracts requires that every year each municipality designates a Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, the Borough hereby names Brittany L. Thunell as the Public Agency Compliance Officer (P.A.C.O.).

NOW FOR BE IT RESOLVED, that a copy of this resolution shall be sent to the Division of Contract Compliance & Equal Opportunity Office as required by law.

2023-20

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

WHEREAS, the Borough Council authorized Essex Fells' participation in the Essex County Community Development Block Grant Program; and

WHEREAS, each participating municipality is expected to appoint two representatives to the CDBG Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that the following named persons shall serve as the Borough's Community Development Block Grant representatives for 2023:

*Michael Cecere
Councilman*

*Francine T. Paserchia
Borough Administrator*

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a certified copy of this resolution to the Essex County Division of Housing and Community Development.

2023-21

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

WHEREAS, the Borough Council authorized Essex Fells' participation in the Essex County Solid Waste Advisory Committee; and

WHEREAS, each participating municipality is expected to appoint one representative to the Solid Waste Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that the following named persons shall serve as the Borough's Solid Waste Advisory Member and Alternate (Voting Member) for 2023:

**Anthony Sorisi - Member
*Department of Public Works - Deputy Superintendent***

**Michael Tardibuono - Alternate Member
*Department of Public Works***

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a certified copy of this resolution to the Essex County Planning Board.

2023-22

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

WHEREAS, the Borough Council authorized Essex Fells' participation in the Essex County Pre-Disaster Mitigation Committee; and

WHEREAS, each participating municipality is expected to appoint one representative to the Essex County Pre-Disaster Mitigation Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that the following named person shall serve as the Borough's Essex County Pre-Disaster Mitigation Committee Member:

***Anthony Sorisi - Member
Department of Public Works Deputy Superintendent***

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a certified copy of this resolution to the Essex County Office of Emergency Management.

2023-23

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

WHEREAS, the Borough Council hereby authorizes Essex Fells' participation in the Essex County Recycling Committee; and

WHEREAS, Anthony Sorisi the Department of Public Works Deputy Superintendent is serving as the Essex Fells Recycling Coordinator since 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that Anthony Sorisi is hereby authorized to serve as the Borough's representative on the Essex County Recycling Committee and the Borough Clerk is hereby directed to forward a certified copy of this resolution to the Essex County Planning Board.

2023-24

WHEREAS, the Borough of Essex Fells has a need to obtain legal services, Special Labor Counsel and has determined to award this contract as a Professional Service without obtaining competitive bids or quotes as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Chief Financial Officer has determined and will certify in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is *one year*; and

WHEREAS, *Stephen E. Trimboli of Trimboli & Prusinowski, LLC* have submitted a proposal indicating he will provide the legal services at a rate of \$190.00 per hour and \$115.00 per hour for paralegals and law clerks; and

WHEREAS, *Stephen E. Trimboli of Trimboli & Prusinowski, LLC* have completed and submitted a Business Entity Disclosure Certification which certifies that *Stephen E. Trimboli of Trimboli & Prusinowski, LLC* have not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit *Stephen E. Trimboli of Trimboli & Prusinowski, LLC* from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with *Stephen E. Trimboli of Trimboli & Prusinowski, LLC* as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-25

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 on January 25, 2023 at 10:00am for the following:

Regular Unleaded Gasoline & Diesel Fuel

2023-26

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

WHEREAS, the Borough of Essex Fells has a need for health officer and health inspection services; and

WHEREAS, the Borough of Essex Fells and the Township of West Orange are renewing their Shared Service Agreement; and

WHEREAS, the parties have an agreement whereby the Township of West Orange provides municipal health services to the Borough of Essex Fells; and

WHEREAS, the Agreement is due for renewal and both parties have agreed to a three (3) year period from *January 1, 2023 to December 31, 2025*; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that a Shared Service Agreement, in accordance with the terms of the contract attached hereto, between the Borough of Essex Fells and the Township of West Orange for municipal health services, be and it is hereby approved and renewed effective *January 1, 2023 through December 31, 2023 in the amount of \$12,749.00 and January 1, 2024 to December 31, 2024 in the amount of \$13,004.00 and January 1, 2025 to December 31, 2025 in the amount of \$13,264.00*.

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

WHEREAS, the Borough of Essex Fells has a need for Animal Control Services; and

WHEREAS, the Borough of Essex Fells and the Township of West Orange are renewing their Shared Service Agreement; and

WHEREAS, the parties have an agreement whereby the Township of West Orange provides Animal Control Services to the Borough of Essex Fells; and

WHEREAS, the Agreement is due for renewal and both parties have agreed to a three (3) year period from *January 1, 2023 to December 31, 2025*; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that a Shared Service Agreement, in accordance with the terms of the contract attached hereto, between the Borough of Essex Fells and the Township of West Orange for Animal Control Services, be and it is hereby approved and renewed effective *January 1, 2023 through December 31, 2023 in the amount of \$6,163.00 and January 1, 2024 to December 31, 2024 in the amount of \$6,286.00 and January 1, 2025 to December 31, 2025 in the amount of \$6,412.00.*

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

WHEREAS, New Jersey Statutes Annotated, Appendix A:9-41, requires that the Mayor of every Municipality appoint an Emergency Management Council (EMC) to coordinate all disaster control activities on behalf of the citizens and government of the Municipality; and

WHEREAS, the EMC is to be chaired by the Emergency Management Coordinator and is to be comprised of no fewer than 15 members representing five specific groups; and

WHEREAS, it is in the best interest of the Borough of Essex Fells that such a functional group be formalized and updated; and

WHEREAS, the Mayor has recommended a list of appointees to serve in the various capacities required by the Statute.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that the Mayor’s nominations to serve on the Emergency Management Council of this Municipality are hereby confirmed and shall be as follows:

| <u>NAME</u> | <u>WORKING TITLE</u> | <u>GROUP REPRESENTED</u> |
|------------------------------|-------------------------------|--------------------------|
| <i>James M. Egan</i> | EM Coordinator | Emergency Management |
| <i>Scott Jones</i> | Deputy EM Coordinator | Emergency Management |
| <i>Scott Cohen</i> | Communications | Emergency Management |
| <i>Edward Davis</i> | Mayor | Elected Official |
| <i>Francine T. Paserchia</i> | Borough Administrator | Emergency Management |
| <i>Darren Volker</i> | Chief of Police | Police |
| <i>Ken Monroe</i> | Fire Chief | Fire |
| <i>William Ryden</i> | Licensed Water/Sewer Operator | Water Department |
| <i>Anthony Sorisi</i> | Deputy Superintendent | Public Works Department |
| <i>Michelle Gadeletta</i> | Superintendent of Schools | Elementary School |
| <i>Theresa DeNova</i> | Health Officer | Health/Environment |
| <i>Jocelyn Gilman</i> | Disaster Coordinator | Red Cross |
| <i>David Black</i> | First Aid Squad Captain | First Aid |
| <i>Brett Friedensohn</i> | Newspaper Reporter | NJ Hills Media |
| <i>Greg James</i> | Assistant to OEM Coordinator | Resident |

BE IT FURTHER RESOLVED, that this list of members of the Essex Fells Emergency Management Council be transmitted to the NJ Department of Law and Public Safety, Emergency Management Section, and to the Essex County Office of Emergency Management along with an explanation that James M. Egan also will serve as the Borough’s SARA Title-III alternate representative since no SARA facilities exist in Essex Fells.

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

WHEREAS, the Essex Fells Borough Code, Chapter 29, Article 2, Section 29-2 Members, states that a maximum of *50 volunteer firemen*, shall only become effective when confirmed by resolution of the Borough Council; and

WHEREAS, the following list has been submitted to the Borough Clerk by the Chief of the Essex Fells Volunteer Fire Department, and with doing so, confirms that all background checks and any other requirements to comply with the Borough Code have been completed:

| Regular Firefighters | <i>(D) = Driver</i> |
|---|--|
| 1. Abbot, Ed 2. Adams, Matt 3. Anchak, Noelle 4. Aronson, Lance 5. Bawa, Ro 6. Belai, Jamal 7. Bertoli, Bob (D) 8. Boeckel, Chris (D) 9. Cesar, George 10. Cusack, Dennis 11. D'Avella, BJ (D) 12. Davis, Ed (D) 13. Donnefeld, Neil 14. Dykema, Erik 15. Egan, Jim (D) 16. Farrell, John (D) 17. Gerson, Nate 18. Kearney, Jim (D) 19. King, John 20. Lavezzo, Ed | 21. Lopez, Brian 22. Monroe, Ken (D) 23. Morris, Greg (D) 24. Moskowitz, Cliff 25. O'Connor, Mark (D) 26. Parisi, Brett 27. Plunkett, Brendan (D) 28. Roppatte, Jason 29. Rothschild, Gary (D) 30. Shearin, Chris 31. Shih, Ming 32. Sorsi, Anthony 33. Steiner, Ben 34. Strathearn, Glen (D) 35. Taylor, Tim (D) 36. Torter, Tom 37. Vega, Santiago 38. Ward, Steve (D) 39. Woods, Greg |
| | |
| Junior Firefighters | |
| 1. Cusack, Ava 2. Caplan, Simon 3. Himawan, Jonas 4. Ruane, Riley 5. Roppatte, Michael 6. Shih, Madeline 7. Woods, Abby | |

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Fire Department Members are hereby confirmed for 2023.

2023-30

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

WHEREAS, the Essex Fells Borough Code, Chapter 29, Article 3, Section 29-3 Chief of Fire Department and Chapter 29, Article 4, Section 29-4 Powers and duties, requires the appointing of a Fire Chief, Assistant Fire Chief, Captain and Lieutenants; and

WHEREAS, the following list has been submitted to the Borough Clerk by the Essex Fells Volunteer Fire Department:

| | |
|-----------------------------------|----------------------|
| Chief: | Ken Monroe |
| Assistant Chief: | Jim Egan |
| Captain: | BJ D'Avella |
| 1st Lieutenant: | Chris Boeckel |
| 2nd Lieutenant: | Tim Taylor |
| 3rd Lieutenant: | Mark O'Connor |
| 4th Lieutenant: | Bob Bertoli |

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Essex Fells Fire Department Chief, Assistant Fire Chief, Captain and Lieutenant appointments are hereby confirmed pending the Oath of Office being administered and signing off on the Personnel and Polices Handbook for 2023.

2023-31

WHEREAS, the Borough of Essex Fells has a need for a Consulting Engineer, this contract is being awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Chief Financial Officer has determined and will certify in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is *one year*; and

WHEREAS, Michael Petry of Petry Engineering, LLC , has submitted a proposal indicating they will provide *Engineering Services from January 1, 2023 thru December 31, 2023*; and

WHEREAS, Michael Petry of Petry Engineering, LLC , has completed and submitted a Business Entity Disclosure Certification which certifies that Michael Petry of Petry Engineering, LLC , has not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit Michael Petry of Petry Engineering, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify in writing to the Governing Body that there are adequate funds in the amount of \$40,000.00 which is the not to exceed amount.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with Michael Petry of Petry Engineering, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

2023-32

WHEREAS, it is the policy of the Borough of Essex Fells to treat employees and prospective employees in a manner consistent will all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough Council has determined that there is a need for personnel policies and procedures to ensure that employees, volunteers and prospective employees are treated in a manner consistent with these laws and regulations.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council that the Personnel Policy and Procedure Manual is hereby amended: and

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by the Borough of Essex Fells employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the Borough of Essex Fells shall operate under the legal doctrine known as "employment at will".

BE IT FURTHER RESOLVED, that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices.

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

WHEREAS, the Essex Fells Borough Code, Chapter 5, Article III, Section 5-9 Appointment of Board and Director, states that the mayor may, in his discretion and with the advice and consent of the Borough Council, annually appoint not less than three nor more than 12 persons, employees or citizens and residents of the Borough as members of the Board of Recreation. He may also, in his discretion, annually appoint a Director of Recreation; and

WHEREAS, the following list has been submitted to the Borough Clerk by the Mayor:

| <u>Member</u> | <u>Full Term</u> | <u>Term Expires 12/31</u> |
|---|------------------|---------------------------|
| Mike Desiderio - Chair | 1 year | 2023 |
| John Toth | 1 year | 2023 |
| BJ D'Avella | 1 year | 2023 |
| Chris Nowak | 1 year | 2023 |
| Chris Boeckel | 1 year | 2023 |
| Rick Coughlin | 1 year | 2023 |
| Gary Buccino | 1 year | 2023 |
| Eiler Marcher | 1 year | 2023 |
| Debra Tedesco | 1 year | 2023 |
| Vacancy | 1 year | 2023 |
| Vacancy | 1 year | 2023 |
| Vacancy | 1 year | 2023 |
| Lauren Lombardy, Director | 1 year | 2023 |
| Michael Cecere - Council Appointment | | |

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Essex Fells Board of Recreation Appointments are hereby confirmed for 2023 pending the submission of their Citizen Leadership Form.

And was carried on call of the roll:

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

On motion made by Councilman Hindy, seconded by Councilwoman O'Connor and approved unanimously by the Council, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk