

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 February 7, 2023 at 7:00 p.m.

Present

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

Absent

Councilman Michael Cecere

Also Present

Borough Administrator/Borough Clerk Francine T. Paserchia
Borough Attorney Robert Oostdyk

Mayor Davis called the meeting to order. He stated that in compliance with the Open Public Meetings Law (Chapter 231, Public Laws of 1975) notice of this meeting was transmitted to The Progress and The Star Ledger and was filed with the Borough Clerk and is posted on the Bulletin Board of the Borough Hall.

Mayor Davis led the Council in the Pledge of Allegiance and gave the Invocation.

Councilman King moved, Councilman Hindy seconded approval of the minutes of January 3, 2023 and January 17, 2023.

And was carried on call of the roll:

Ayes

BJ D'Avella
Greg Hindy
John King
Maggie O'Connor
William Sullivan

Nays

None

Absent

Michael Cecere

Abstain

None

Bids:

- Regular Unleaded Gasoline & Diesel Fuel

No Bids Received -

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1071

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of January 26, 2023

The public hearing was held and **ORDINANCE AMENDING CHAPTER 72 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND PROVIDING FOR A LIQUOR LICENSE FEE**

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 72 of the Revised General Ordinances of the Borough of Essex Fells, Section 72-2 entitled "Fees," shall be amended to read in its entirety as follows:

72-2. Fees.

Effective January 1, 2023, the sum to be paid annually for a plenary retail consumption license is \$3,685.39 in accordance with N.J.S.A. 33:1-12. All fees collected pursuant to this section are nonrefundable.

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

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1072

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of January 26, 2023

The public hearing was held and AN ORDINANCE FIXING THE SALARIES, COMPENSATION, RETAINERS AND ALLOWANCES FOR THE BOROUGH OF ESSEX FELLS.

BE IT ORDAINED by the Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, as follows:

Section 1. The base salaries, compensation, retainers and allowances of certain paid officers, employees and fire department volunteers of the Borough shall be at the following rates effective as of January 1, 2023, until subsequently amended, are hereby established as follows:

	MINIMUM	MAXIMUM
ADMINISTRATION & EXECUTIVE		
Borough Administrator	\$ 20,000.00	\$ 40,000.00
Borough Clerk	\$ 55,000.00	\$ 130,000.00
Administrative Assistant	\$ 25,000.00	\$ 60,000.00
Administrative Assistant Part-time	10.00	30.00
FINANCE		
Chief Finance Officer	\$ 5,000.00	\$ 80,000.00
TAX COLLECTION		
Tax Collector	\$ 25,000.00	\$ 80,000.00
TAX ASSESSOR		
Tax Assessor	\$ 10,000	\$ 18,000.00
FIRE DEPARTMENT STIPENDS		
All Members Receive		\$ 150.00
Additional:		
Fire Chief		\$ 400.00
Deputy Chief		\$ 225.00
Battalion Chief		\$ 150.00
Drivers		\$ 75.00
POLICE DEPARTMENT		
Police Chief	\$ 80,000.00	\$ 190,000.00
Police Captain	\$ 80,000.00	\$ 180,000.00
Crossing Guards (hourly)	\$ 10.00	\$ 25.00
Class III Officer	\$ 40,000.00	\$ 70,000.00
CONSTRUCTION CODE OFFICIAL		
Construction Official	\$ 15,000.00	\$ 35,000.00
Fire Protection Subcode Official (hourly)	\$ 25.00	\$ 35.00
Property Maintenance Worker	\$ 25.00	\$ 35.00
PUBLIC WORKS		
Public Works Superintendent	\$ 60,000.00	\$ 100,000.00
Deputy Public Works Superintendent	\$ 60,000.00	\$ 90,000.00
Part-time Seasonal Employee	\$ 10.00	\$ 18.00
RECREATION		
Recreation Director	\$ 8,000.00	\$ 32,000.00
Part-time/Seasonal Employees (hourly):		
Camp Counselors	\$ 5.00	\$ 15.00
Teachers	\$ 10.00	\$ 30.00
Site Manager	\$ 20.00	\$ 30.00
Umpires/Referees/Timers	\$ 10.00	\$ 100.00

Section 2. Longevity

Said salaries of non-uniformed full-time employees, hired before December 31, 1992, longevity pay shall be added at the following rates:

Less than 5 years	None
5 through 10 years	2% of base salary
11 through 15 years	4% of base salary
16 through 20 years	6% of base salary
21 through 24 years	8% of base salary
More than 24 years	10% of base salary

Said salaries uniformed members of the Police Department shall be as follows:

Period of continuous, uninterrupted service:

2023-40

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 February 28, 2023 at 10:00 am for the following:

Regular Unleaded Gasoline & Diesel Fuel

2023-41

WHEREAS, the recipient at the address listed has requested a refund for overpayments made for sewer; and

WHEREAS, the Tax Collector has determined that the recipient is entitled to said refund; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Essex Fells, County of Essex that the Tax Collector be authorized to refund the following:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Recipient</u>	<u>Amount</u>
3.03	2	133 Devon Road	Prestige Title Agency 130 Pompton Avenue Verona NJ 0744	\$300.00

2023-42

RESOLUTION AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR ELECTRIC SERVICE AT WELL 17 IN AN AMOUNT TO EXCEED \$17,500

WHEREAS, the Borough of Essex Fells solicited quotes for material and labor for the installation of electric service at Well 17 and CAP Electric Inc. provided the lowest quote; and

WHEREAS, the quote obtained in \$18,295.00; 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, CAP Electric, Inc. 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 Licensed Water Operator 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 material and labor for the installation of electric service at Well 17 be issued to CAP Electric Inc. in an amount not to exceed \$18,295.00
2. The appropriate Borough Officials are hereby authorized and directed to execute the necessary documents related to this award.

2023-43

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	\$52,444.11
Current	3-01	\$700,239.20
Borough Capital	C-04	\$11,160.00
Water	2-05	\$22,765.85
Water	3-05	\$17,548.72
Grant	04	\$0
Water Capital	C-06	\$15,685.00
Animal Control	T-10	\$0
Trust	T-11	\$4,681.59
Payroll	T-13	\$152,237.13

And was carried on call of the roll:

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

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

2023-44

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Mayor and Council of the Borough of Essex Fells is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor & Council of the Borough of Essex Fells to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase; Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, assembled in public session on February 7, 2023 at 8:00 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

And was carried on call of the roll:

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

Nays
None

Abstain
None

Absent
Michael Cecere

**On motion made by Councilman Sullivan seconded by Councilwoman
O'Connor and approved unanimously by the Council, the meeting adjourned at
8:45 p.m.**

Respectfully submitted,

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