

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 March 21, 2023 at 7:00 p.m.

Present

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

Absent

Also Present

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

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

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

Bids:

- Regular Unleaded Gasoline & Diesel Fuel

No Bids Received –

Committee Discussions

Public Affairs

- Garden Club Plant Sale - Signs
Signs at Corner of Roseland and Runnymede and at the Pond
Put up – May 1st – Removed – May 15th - by Department of Public Works

All were in Agreement

Finance & Personnel

- Tax Appeal List 2023

List of appeals was distributed to council –

No action taken.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

February 2023 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report

B. Oral:

Mayor advised that the NJDEP granted permission today to bid the PFAS Project

Mayor Davis said if there were no objections to the above, they will be placed on file. Hearing no objection, it was so ordered.

Public Comment

- **Kristin Ketner Pak** **21 Oak Lane** **Re: Treatment Facility/Site**
- **Debra Sammarone** **1 Oak Lane** **Re: Treatment Facility/Site**
- **Joe Panullo** **57 Holton Lane** **Re: Highlands Development**
- **Byron Elliot** **23 Oak Lane** **Re: Treatment Facility/Site**
- **Vince Mannino** **27 Oak Lane** **Re: Treatment Facility/Site**
- **Jill Janosi** **Re: Treatment Facility/Site**
- **John Haydu** **81 Avon Drive** **Re: Tree Donation**

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

2023-49

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

WHEREAS, the Borough Clerk is in receipt of a Social Affairs Permit from the Essex Fells Fire Company which will be holding a Picnic on Monday, May 29, 2023 from 12:00pm to 4:00pm at The Green on Oak Lane and Wootton Road in Essex Fells; and

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Essex Fells hereby authorize the Borough Clerk and Police Chief to sign the Social Affairs Permit, as well as allow the use of Borough Property for the event and the posting of signs.

2023-50

RESOLUTION AUTHORIZING 2023 APPROPRIATION RESERVE TRANSFERS

WHEREAS, various 2022 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2022 Budget in the last two months of 2022; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells, in the County of Essex, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$13,000 be made between the 2022 Budget Appropriation Reserves as follows:

CURRENT FUND

LEGAL - O/E	\$	8,000.00	\$	-
POLICE - O/E	\$	2,000.00	\$	-
SEWER SYSTEM - O/E	\$	3,000.00	\$	-
RECREATION O/E	\$	-	\$	(5,000.00)
ELECTRIC & GAS	\$	-	\$	(8,000.00)

TOTAL	\$	13,000.00	\$	(13,000.00)
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2023-51

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND UHL & ASSOCIATES LLC (PHASE 1- WATER DEPARTMENT DESKTOP STUDY ASSESSMENT)

WHEREAS, there exists the need for professional hydrogeological and environmental services in connection with the Water Department Phase 1, Desktop Study Assessment, Wells 2, 4A and 13; and

WHEREAS, the maximum amount of the contract for is \$8,682.00 for Phase 1 tasks; and

WHEREAS, The Borough has received a proposal dated March 14, 2023, and determined that it is in the best interest of the Borough to accept the proposal submitted by UHL & Associates, Inc. .

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex, and State of New Jersey, as follows:

Section 1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with UHL & Associates LLC for hydrogeological and environmental services for the Water Department Phase 1, Desktop Study Assessment, Wells 2, 4A and 13 for the for a total amount \$8,682.00 for Phase 1 tasks as set forth in a proposal dated March 14, 2023.

Section 2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

2023-52

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 POLICE INTERCEPTOR UTILITY, ALL WHEEL DRIVEN VEHICLE FROM WHITMOYER AUTO GROUP FOR THE ESSEX FELLS POLICE DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase a new 2023 Police Interceptor Utility, All Wheel Drive Vehicle for use by the Essex Fells Police Department; and

WHEREAS, said vehicle can be supplied by Whitmoyer Auto Group, Mount Joy, Pa.; and

WHEREAS, the maximum amount of the contract is \$41,900.00 and the Borough's Chief Financial Officer has certified that the funds are available and has supplied the attached quotes; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the 2023 Fire Interceptor Utility, All Wheel Drive Vehicle.

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

1. A contract is hereby awarded to Whitmoyer Auto Group for the purchase of a 2023 Police Interceptor Utility, All Wheel Drive Vehicle in an amount not to exceed \$41,900.00.
2. The contract is awarded for an amount not to exceed \$41,900.00.
3. Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2023-53

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	\$5,932.78
Current	3-01	\$1,426,342.83
Borough Capital	C-04	\$40,842.26
Water	2-05	\$11,938.93
Water	3-05	\$35,936.08
Grant	04	\$0
Water Capital	C-06	\$40,657.90
Animal Control	T-10	\$189.60
Trust	T-11	\$68,542.13
Payroll	T-13	\$114,931.08

And was carried on call of the roll:

Ayes
Michael Cecere
BJ D'Avella
Greg Hindy

Nays
None

Absent
None

John King
Maggie O'Connor
William Sullivan

Abstain
None

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

2023-54

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 March 21, 2023 at

8:45 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

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

**On motion made by Councilman Hindy, seconded by Councilman Sullivan
and approved unanimously by the Council, the meeting adjourned at 9:01 p.m.**

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk