

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 April 4, 2023 at 7:00 p.m.

Present

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

Absent

Councilman Greg Hindy

Also Present

Borough Administrator/Borough Clerk Francine T. Paserchia  
Borough Attorney James Parisi

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 Sullivan seconded approval of the minutes of:

February 21, 2023

March 7, 2023 – Mayor changed *discussion to decision*

March 21, 2023 – Mayor added – *NJDEP Correspondence received today ...*

And was carried on call of the roll:

Ayes

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

Nays

None

Absent

Greg Hindy

Abstain

Michael Cecere

Committee Discussions

Water

- Flood Plain Ordinance

The Borough Engineer addressed the Mayor and Council and advised them of the pending Flood Plain Ordinance. Discussion ensued, the engineer based on what he read advised as to where he believed the effected areas might be. Once further study is done and properties effected are confirmed, the governing body along with the engineer will decide the next steps in the process.

*No decision was made.*

## Finance & Personnel

- **NJDOT Municipal Road Aid Project Status**

The Borough Engineer informed the Governing Body of the Close Out of the Fellswood/Fellscrest Project. In his opinion the project was done according to the specifications and will now close out the project with the State of New Jersey.

*All were in Agreement.*

- **Annual Financial Disclosure Statement Filing**

The Administrator reminded the governing body of the Annual Filing of the Financial Disclosure Statement and that the deadline is April 30<sup>th</sup>.

*All were in Agreement.*

- **Current Tax Appeal List**

The Administrator distributed the Tax Appeal List. This was just for informational purposes no action taken.

## Public Works

- **2022 Safety Incentive Program Awards**

The Administrator informed council of the Morris County Municipal Joint Insurance Fund 2022 Safety Incentive Program Awards. The Borough was awarded \$750.00 after the insurance company observed our DPW Staff and found that they do an outstanding job in regard to safety. This money will go toward the purchase of new safety equipment.

*All were in Agreement.*

- **Landscaper and Tree Removal Companies Annual Registration List**

The Administrator advised council that on January 3<sup>rd</sup> reminders were sent out to all companies that they must register every year. In 2022, 89 companies registered, this year 50 companies have registered to date.

The Mayor asked the administrator to have her office send out another reminder to those companies that have not registered this year. He also asked that the Spring Leaf pickup information be sent as well.

*All were in Agreement.*

## Public Affairs

- **Decamp Bus line**

The Mayor spoke on this topic and advised council and residents that it was discussed on his Essex County Mayors Call.

New Jersey Transit has announced that they will be running some emergency bus routes, which are posted on the borough website. The Mayor asked that residents reach out to their county and state representatives on this issue letting them know how it is effecting them.

*All were in Agreement.*

*Mayor Davis announced introduction on first reading of Ordinance 2023-1073*

**Councilman King moved, Councilman Sullivan seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2023-1073, ORDINANCE AMENDING CHAPTER 221, SECTION 221-1, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR SEWER SERVICE, hearing to be held on May 2, 2023 at 7:00 p.m.**

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

**Section 1.** Chapter 221, Section 221-1, of the Revised General Ordinances of the Borough of Essex Fells shall be amended to read in its entirety as follows:

**§ 221-1. Schedule of rates.**

The rate for sewer usage within the Borough of Essex Fells shall be an annual rate of **\$450.00 per connection**, effective January 1, 2023. A penalty of 8% per annum up to \$1,500.00 delinquency, 18% per annum over \$1,500.00 delinquency if not paid within 30 days of the bill. A 6% additional penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

**And was carried on call of the roll:**

**Ayes**  
Michael Cecere  
BJ D'Avella

**John King**  
Maggie O'Connor  
William Sullivan

**Nays**  
None

**Abstain**  
None

**Absent**  
Greg Hindy

*Mayor Davis announced introduction on first reading of Ordinance 2023-1074*

**Councilman Cecere moved, Councilman King seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2023-1074, CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Essex Fells in the County of Essex finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$45,877.71 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Essex Fells, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Essex Fells shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$160,571.97, and that the CY 2023 municipal budget for the Borough of Essex Fells be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director on the FAST System within 5 days after such adoption.

**And was carried on call of the roll:**

Ayes  
Michael Cecere  
BJ D'Avella  
John King  
Maggie O'Connor  
William Sullivan

Nays  
None

Absent  
Greg Hindy

Abstain  
None

**Public Comment**

- *Mr. & Mrs. Hargrove, 22 Fellscrest Road* *DeCamp Bus*  
*Fellswood/Fellscrest Paving Program*
- *Ken Monroe, 44 Buttonwood Road* *Flood Plain Ordinance*

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

**2023-55**

**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 for the following:

*Permanent PFAS Treatment*

**2023-56**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A 40A:5-29 to accept bequests, legacies and gifts made to support planting trees throughout the Borough; and,

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations – Tree Planting Program are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or another legal requirement:

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Essex Fells, County of Essex, New Jersey as follows:

1. **The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Donations – Tree Planting Program / N.J.S.A 40A:5-29**
2. **The Clerk of the Borough of Essex Fells, County of Essex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.**

**2023-57**

**WHEREAS**, the Borough of Essex Fells has a need for services relating to the coordination and billing off-duty employment of police officers for police related activities; and

**WHEREAS**, Jobs4Blue has agreed to provide such services; and

**WHEREAS**, the anticipated term of this contract with Job4Blue is until April 1, 2024 for said services for an administrative fee of no more than 8% of any off-duty revenue assessed to the vendor requesting the off-duty police services at no cost at all to the borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Essex Fells, in the county of Essex, New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute such documents as necessary to implement this contract.

**2023-58**

**WHEREAS, the local school district tax for the year July 1, 2022 to June 30, 2023 was raised in the 2022 tax levy in the sum of \$5,505,199.00; and**

**WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy to \$2,752,599.50;**

**NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Essex Fells that the cash liability for the local school district tax be deferred in the sum of \$399,615.50.**

**BE IT FURTHER RESOLVED that a certified copy of this resolution be uploaded to the FAST System for the Director of the Division of Local Government Services and one copy with the Chief Financial Officer of the Borough of Essex Fells.**

**2023-59**

**WHEREAS, the regional high school district tax for the year July 1, 2022 to June 30, 2023 was raised in the 2022 tax levy in the sum of \$3,059,164.00; and**

**WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy to \$1,529,582.00;**

**NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Essex Fells that the cash liability for the regional high school district tax be deferred in the sum of \$1,406,803.57.**

**BE IT FURTHER RESOLVED that a certified copy of this resolution be uploaded on the FAST System for the Director of the Division of Local Government Services and one copy with the Chief Financial Officer of the Borough of Essex Fells.**

**2023-60**

**BOROUGH OF ESSEX FELLS  
COUNTY OF ESSEX, NEW JERSEY  
SELF-EXAMINATION OF BUDGET RESOLUTION  
*[as required by DCA]***

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Essex Fells has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Essex Fells that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
2.
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be uploaded to the FAST System for the Director of the Division of Local Government Services upon adoption.

**2023-62**

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

1. The following named person/employee of the Borough of Essex Fells, in the title, at the rate of pay, on the effective date set forth opposite his/her name:

Name:	Title:	Rate of Pay:	Effective Date:
Kevin Esposito	Tax Assessor	\$16,240.00	January 1, 2023
Lauren Moussab	Recreation Director	\$26,000.00	January 1, 2023
Terry King	Administrative Assistant	\$52,721.06	January 1, 2023
Brittany Gonzalez	Tax Collector/Building Assistant	\$70,000.00	January 1, 2023
Francine T. Paserchia	Administrator/Municipal Clerk	\$120,931.70	January 1, 2023
Scott Jones	Police Captain	\$159,363.66	January 1, 2023
Darren Volker	Police Chief	\$179,344.15	January 1, 2023

**2023-63**

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	\$5,744.00
Current	3-01	\$913,028.85
Borough Capital	C-04	\$0
Water	2-05	\$18,573.28
Water	3-05	\$44,725.17
Grant	04	\$0
Water Capital	C-06	\$35,368.00
Animal Control	T-10	\$0
Trust	T-11	\$3,328.28
Payroll	T-13	\$785,253.73

And was carried on call of the roll:

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

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

2023-61

**Municipal Budget of the Borough of Essex Fells, County of Essex for the Fiscal Year 2023**

*BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023:*

*BE IT FURTHER RESOLVED that said Budget be published in The Progress in the issue of April 13, 2023.*

*The Governing Body of the Borough of Essex Fells does hereby approve the following as the Budget for the year 2023:*

*Summary of Current Fund Section of Approved Budget Year 2023*

**General Appropriations For:**

- |   |                |
|---|----------------|
| 1. Appropriations within "CAPS"   |                |
| (a) Municipal Purposes  | \$4,743,721.66 |
| 2. Appropriations excluded from "CAPS"  |                |
| (a) Operations  | \$873,350.71   |
| (b) Capital Improvements  | \$56,000.00    |
| (c) Municipal Debt Service  | \$320,900.00   |
| (d) Total Deferred Charges  | \$350,000.00   |
| Total General Appropriations excluded from "CAPS"   | \$1,600,250.71 |
| 3. Reserve for Uncollected Taxes-Based on Estimated Percent of Tax Collections  | \$430,000.00   |
| 4. Total General Appropriations   | \$6,773,972.37 |
| 5. Less: Anticipated Revenues Other Than Current Property Tax (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes) | \$2,471,988.24 |
| 6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)  |                |
| (a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes  | \$4,301,984.13 |
| (b) Addition to Local District School Tax   |                |

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Essex Fells, County of Essex, on April 4, 2023.

A Hearing on the Budget and Tax Resolution will be held at the Borough of Essex Fells, on May 2, 2023 at 7:00 o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2023, may be presented by taxpayers or other interested persons.

And was carried on call of the roll:

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

**2023-64**

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase; Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- X (7) Matters Relating Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (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 April 4, 2023 at 8:27 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 D'Avella, seconded by Councilman Sullivan and approved unanimously by the Council, the meeting adjourned at 8:57 p.m.**

**Respectfully submitted,**

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