

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 July 18, 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 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.

Committee Discussions

Public Safety

- Sidewalk Installation – Hawthorne Road

The Engineer advised the council that the sidewalk donation is set to begin this week.

All were in Agreement.

- Speed Hump Placement – Committee Recommendation

Chairman Hindy advised that his committee has come to a decision on where the Speed Humps should be placed within the borough. The list below is approximate locations. Also, it was decided to hold off on Fells Road and make that part of the paving project.

*178 Devon Road
155 Old Chester Road
93-97 Rensselaer Road
180-186 Forest Way
300 Fells Road (near skate shack)*

The Superintendent will also make the necessary repairs to the current speed humps in town if monies are available.

All were in Agreement.

Public Works

- **2024 Municipal Road Aid Grant – Committee Recommendation**

The Engineer along with, Council Sullivan the Public Works Chairman and the Superintendent have recommended that Sections of Gordon Road, Inwood Road and Hathaway Lane be submitted for the 2024 Municipal Road Aid Grant Project.

All were in Agreement.

Finance & Personnel

- **Essex Fells Elementary School – Request to Waive Dumpster Fee**

The Administrator received a request from Essex Fells Elementary School about waiving the \$50.00 fee for their dumpster.

All were in Agreement.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

June 2023 Department Reports:

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

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

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1081

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of June 15, 2023

The public hearing was held and **BOND ORDINANCE PROVIDING A SUPPLMENTAL APPROPRIATION OF \$3,600,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Essex Fells, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the supplemental amount of \$3,600,000. No down payment is

required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”) as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$3,600,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$3,600,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
Various improvements to the water treatment system for the water utility system, including but not limited to, design and installation of per- and poly fluorinated alkyl substances (“PFAS”) treatment systems, for compliance with State of New Jersey drinking water standards, including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (Supplements Bond Ordinance 2022-1057).	\$3,600,000	\$3,600,000	40 Years
TOTAL ALL PURPOSES	\$3,600,000	\$3,600,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$3,600,000.

(c) The estimated cost of the Improvements is \$3,600,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$3,600,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,080,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable

for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$3,600,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

And was carried on call of the roll:

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

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1082

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of June 29, 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 Confidential	\$ 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	\$ 10,000	\$ 18,000.00
Tax Assessor		
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:

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	11% of base salary

Said longevity pay shall take effect as of the employment anniversary date of the individual.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. This ordinance shall take effect in the manner provided by law.

And was carried on call of the roll:

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

**2023-101
WITHDRAWN**

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

2023-102

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO DPS PUMP SERVICE WATER PUMP REPLACEMENT AT WELL 16 ON AN EMERGENCY BASIS

WHEREAS, A water pump failure occurred in Well House 16 on June 2, 2023. The turbine shaft was locked into place. Due to the weather conditions and high water demands this incident was deemed an emergency. DPS Pump Service was called to do an emergency replacement of the submersible pump / shaft and motor.; and

WHEREAS, DPS Pump Service was able to respond to the scope of this emergency and provided an acceptable proposal in the amount of \$28,238.09; and

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the repair was authorized; and

WHEREAS, an emergency existed requiring the performance of the service pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, N.J.S.A. 40A:11-6 permits the Borough to award a contract without bidding in the event of an emergency which requires the immediate performance of the service; and

WHEREAS, the Borough Council finds that an emergency condition which may affect the public safety and welfare required the immediate performance of the repair service; and

WHEREAS, the repairs were limited to the emergency and completion of repairs once commenced; and

WHEREAS, the CFO has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that the following emergency expenditures are hereby authorized: DPS Pump Service in the amount of \$28,238.09.

2023-103

WHEREAS, NJSA 54:5-191.1 authorizes electronic tax sales pursuant to rules and regulations promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Borough of Essex Fells wishes to participate in an electronic tax sale for 2022 and prior year delinquencies.

WHEREAS, municipalities conducting online tax sales are permitted to add up to \$25.00 per mailing in lieu of advertisement. A maximum of two in lieu mailings totaling \$50.00 per parcel shall be permitted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Essex Fells, County of Essex, State of New Jersey, that the Tax Collector is hereby authorized to conduct an electronic tax sale and add the cost of mailing for a maximum of two in lieu of mailings.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector and Chief Financial Officer by the Borough Clerk.

2023-104

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2024 Roadway Improvements Project, consisting of sections of Gordon Road, Inwood Road and Hathaway Lane.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells formally approves the grant application for the above-referenced project.

BE IT FURTHER RESOLVED that the Mayor and Council and Borough Clerk are hereby authorized to submit an electronic grant application, identified as MA-2024, Gordon Road, Inwood Road and Hathaway Lane – 00661 to the New Jersey Department of Transportation, on behalf of the Borough of Essex Fells.

BE IT FURTHER RESOLVED that the Mayor and Council and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Essex Fells and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

2023-105

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF GRANULATED CARBON SYSTEMS FOR THE WATER DEPARTMENT

WHEREAS, the Borough of Essex Fells solicited bids for the purchase of granulated carbon systems for the Water Department; and

WHEREAS, bids were received on July 6, 2023; and

WHEREAS, Calgon Carbon Corporation, Inc. submitted the lowest responsible and responsive bid pursuant to the Borough's Notice to Bidders for the above-referenced project; and

WHEREAS, the Consulting Engineer, and Borough Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, Calgon Carbon Corporation, submitted a bid in proper form which may be awarded by the Borough Council and the New Jersey Department of Environmental Protection has approved the award of contract; and

WHEREAS, the Borough Council wishes to award the contract to Calgon Carbon Corporation in accordance with its bid proposal; and

WHEREAS, the Chief Financial Officer of the Borough of Essex Fells has certified that funds will be available for this purpose upon approval of financing from the New Jersey Environmental Infrastructure Trust.

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 for the purchase of granulated carbon systems is hereby awarded to Calgon Carbon Corporation in accordance with its bid proposal for an amount of \$1,807,536.00 subject to approval of financing from the New Jersey Environmental Infrastructure Trust.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with Calgon Carbon Corporation upon receipt of approval from the New Jersey Department of Environmental Protection and subject to funding approval in accordance with its bid proposal.
3. This Resolution shall take effect immediately.

2023-106

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

WHEREAS, the Borough Council authorized an auction of certain surplus items by adoption of Resolution 2023-76 on May 2, 2023; and

WHEREAS, the Public Auction to be held via Municibid an online Federal, State and Local Auction Site; and

WHEREAS, the highest bids received for these items at this auction were as follows:

Item	Description	Bid Amount
ITEM NUMBER	DESCRIPTION	
#1	VIN# 2C3HD46R71H197546 2002 Green Chrysler Concord – 4 Dr Mileage 52,500 Bid: \$455.00	
#2	VIN# 1FMJU1G5XAEB71306 2010 Ford Expedition - Wagon Mileage 53,512 Bid: \$2,700.00	

#3	VIN# 1GBP7H1C2YJ504044 2000 Chevrolet 8500 - Trk Mileage 56,534 Bid: \$2,950.00
#4	VIN# 1GDM7C1326F401378 2006 GMC 7500 – Salter – TC7 - Trk Mileage 11,200 Bid: \$ 4,730.00
#5	VIN# 1FTWX3BR3AEB25128 Diesel Ford F350 4x4 Utility Truck - Pkup Mileage 78,262 Bid: \$4,101.00
#6	2000 Good Roads 10 ft. plow – Model #120 Bid: \$76.00
#7	9ft. Western Plow (unusable) Bid: \$155.00
#8	8.5 Western Plow (unusable) Bid: \$395.00
#9	MultiLift Chipper Box 12’x7’x5’ Bid: 1,750.00
#10	Various PC, Monitors, Keyboards, Mice Bid: 0
#11	Trunk Vault (3) Bid: \$21.00
#12	Light Bar Bid: \$26.00

WHEREAS, that upon completion of the bidding, the Borough reserves the right to accept the highest bid or reject all bids on an individual item-by-item basis and all sales are as-is and final, no refunds will be issued.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that sale of the aforementioned items at the high bids and negotiated amounts stated is hereby confirmed; and;

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to immediately release these items to the successful bidders.

2023-107

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 Risk Manager, and

WHEREAS, the borough shall appoint IMAC Insurance Agency, LLC as their Risk Management Consultant from July 1, 2023 to June 30, 2024 at an annual fee of \$10,000.00. The Consultant shall attend all meetings on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells that IMAC Insurance Agency, LLC, is hereby appointed as the Borough’s Insurance Fund Risk Management Consultants.

2023-108

**A RESOLUTION AUTHORIZING THE PURCHASE OF APX PORTABLE/MOBILE
RADIOS FROM MOTOROLA SOLUTIONS, INC. FOR THE ESSEX FELLS
VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Borough of Essex Fells upon the recommendation of the Essex Fells Volunteer Fire Department wishes to purchase APX Portable/Mobile Radios for use by the Fire Department; and

WHEREAS, the Radios can be supplied by Motorola Solutions, Inc., c/o Wireless C&E, PO Box 29, Chester, New Jersey 07930, under the New Jersey State Contract; and

WHEREAS, Public bids are not required when the purchase is made under a state contract in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the maximum amount of the contract is \$125,126.92 and the Borough’s Chief Financial Officer has certified that the funds are available; and

WHEREAS, the Fire Chief recommends this purchase through Motorola Solutions and is hereby responsible for the implementation of the radios.

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 Motorola Solutions, Inc. for the purchase of APX Portable/Mobile Radios in an amount not to exceed \$125,126.92.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in the New Jersey State Contract for an amount not to exceed \$125,126.92.

2023-109

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	3-01	\$1,258,191.22
Current	2-01	\$0
Borough Capital	C-04	\$466,090.20
Water	3-05	\$125,212.29
Grant	04	\$0
Water Capital	C-06	\$66,970.13
Animal Control	T-10	\$0
Trust	T-11	\$14,044.80
Payroll	T-13	\$208,797.54

And was carried on call of the roll:

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

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

2023-110

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 July 18, 2023 at 7:34

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:

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

****Attorney, James Parisi left the meeting at 7:42pm and did not return.
Not present for Closed Session item, Administrative Consent Order NJDEP**

**On motion made by Councilman Sullivan, seconded by Councilman King
and approved unanimously by the Council, the meeting adjourned at 7:59 p.m.**

Respectfully submitted,

**Francine T. Paserchia
Municipal Clerk**