

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 September 19, 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 August 15, 2023

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 Hindy entered the meeting at 7:09pm

Appointments:

- Membership to the Essex Fells Volunteer Fire Department
 - John James Mc Namara, 102 Hathaway Lane

*****Councilman Hindy entered the Meeting at 7:09pm***

Public Works

- **Michael Petry, Borough Engineer**
 - **2023 Municipal Road Aid Project – Fells Road Drainage and Roadway Improvements**
Scheduled to begin October, 2023
 - **2024 Municipal Road Aid Project – Sections of Gordon, Inwood and Hathaway**
Waiting to hear back from the Department of Transportation
 - **Topographic Map**
Applied for and received \$25,000 Grant
 - **Stream Study**
 - **Borough Hall Parking Lot – Additional Parking**
Three scenarios were discussed, no final decision made.
Council discussed having Administrator reach out to St. Peters.
- **Anthony Sorisi, DPW Superintendent**
 - **Lantern Fly – Grant**
The Superintendent applied for and received a grant for spraying.
 - **Lead Service Line Inventory & Replacement Project**
Approximately 75/80 homes left on this round.
 - **Well 15 and 16 Redevelopment Project**
Bid Opening scheduled for October 19, 2023.

Public Affairs

- **Expansion of Civic Ready (Nixle) – Borough Administrator/Mayor**
To keep residents informed we will now be able to also send out emails to residents who sign up for this service.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

August 2023 Department Reports:

- **Construction Department Cash Receipt & Permit Fee Log Report**
- **Police Department 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.

Councilman King moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2023-1086, BOND ORDINANCE RESTATING BOND ORDINANCE #2022-1054 PROVIDING AN APPROPRIATION OF \$865,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$865,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION, hearing to be held on October 17, 2023 at 7:00 p.m.

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 ONE:

The Borough Council of the Borough of Essex Fells has ascertained and determined to restate Bond Ordinance #2022-1054 and accordingly Bond Ordinance #2022-1054 is restated 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 amount of \$865,000, such sum includes the sum of \$565,000 expected to be received as a grant from the New Jersey Department of Transportation, No down payment is required by the Local Bond Law in connection with the Improvement described in Section 3(a)(1) as the purpose authorized herein involves an Improvement funded by a State grant in the amount of \$565,000 from the Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$865,000 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 \$865,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby 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:

| <u>Purpose</u> | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Average Period of Usefulness</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------|-------------------------------------|
| (1) Road improvements to various roads, including but not limited to Devon Road, Oval Road and Hawthorne Road, including excavation and replacement of existing pavement, curbing, sidewalks, and drainage | 865,000 | 865,000 | 20 years |

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|-----------|
| improvements, and including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto. | | | |
| TOTAL: | \$865,000 | \$865,000 | 20 |

(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 \$865,000.

(c) The estimated cost of the Improvements is \$865,000 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 municipal finance 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.

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 5:

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 20 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 \$865,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 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.

SECTION 6:

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.

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 \$865,000.

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."

SECTION TWO:

The restated bond ordinance shall take effect twenty (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 2023-1083

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of August 24, 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 | | |
| 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 |
| Class III Officer (hourly) | \$ 33.00 | \$ 35.00 |
| 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 |
| Foreman | \$ 45,000.00 | \$ 60,000.00 |
| 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 | |

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1084

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of August 24, 2023

***The public hearing was held and* ORDINANCE AMENDING CHAPTER 49 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELS ESTABLISHING MEMBERSHIP OF THE POLICE DEPARTMENT**

WHEREAS, N.J.S.A. 40A:14-146.10 authorizes a municipality to, by ordinance, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinance; and

WHEREAS, the Essex Fells Board of Education has requested the assignment of a class three special law enforcement officer to provide security services in the school under

the provisions of an interlocal agreement between the Board of Education and the Borough;
and

WHEREAS, it is necessary to amend the Borough ordinance to include a class three special law enforcement officer in the membership of the Police Department.

NOW, THEREFORE, 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 49 of the Revised General Ordinances of the Borough of Essex Fells, Section 49-7, entitled “Membership”, shall be amended to read in its entirety as follows:

§ 49-7. Membership. The Police Department of the Borough shall consist of a Chief of Police, a Captain, three Sergeants, eight Patrolman, a Special Law Enforcement Officer (SLEO III), and such other employees as from time to time shall be deemed necessary by the Borough Council to properly preserve peace and good order within the Borough.

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 | 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 2023-1085

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of August 24, 2023

The public hearing was held and AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS, CHAPTER 142, “FLOOD PLAIN MANAGEMENT REGULATIONS’, TO PROVIDE FOR APPLICATION FEES AND ESCROW DEPOSITS

Section 1. Chapter 142 of the Revised General Ordinances of the Borough of Essex

Fells, Section 142-32 is hereby amended to read, in its entirety, as follows:

§ 142-32. Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make an application to the Floodplain Administrator and shall obtain the required permit. The application shall be accompanied by an application fee of \$85.00 and an escrow of \$1,200.00 to cover the costs of engineering review. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit. If a floodplain development permit is required there is no additional fee or escrow for the permit.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, such decision shall not affect the other sections or provisions of this Ordinance, except so for 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 | None |
| BJ D'Avella | | |
| Greg Hindy | | |
| John King | | |
| Maggie O'Connor | <u>Abstain</u> | |
| William Sullivan | None | |

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

2023-125

**FORM OF RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Essex Fells in the County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$7,123.26, which is now available from "CLEAN COMMUNITES-2023" in the amount of \$7,123.26.

BE IT FURTHER RESOLVED, that the like sum of \$7,123.26 is hereby appropriated under the caption “CLEAN COMMUNITES-2023”; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of NJ in the amount of \$7,123.26

2023-126

REFUND OF TAX OVERPAYMENT DUE TO TAX COURT JUDGEMENT

WHEREAS, the State of New Jersey Tax Court have rendered judgments on appeals made by taxpayers regarding the property assessment, and,

WHEREAS, the following property had their assessment reduced by the State of New Jersey Tax Court,

WHEREAS, said judgement resulted in an overpayment of taxes to be refunded to the property owner,

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>Year</u> | <u>Block</u> | <u>Lot</u> | <u>Recipient</u> | <u>Amount</u> |
|-------------|--------------|------------|--------------------------------------------------------------------------|---------------|
| 2022 | 3 | 4 | SANDFORD B. & GRETCHEN PRATER 37 GORDON ROAD ESSEX FELLS, NJ 07021 | \$2,761.26 |

2023-127

RESOLUTION AUTHORIZING THE DESIGN AND INSTALLATION OF THE PFOA WATER TREATMENT PROJECT (GRAY STREET) AND DESIGNATING MAYOR DAVIS AS THE OFFICIAL RESPONSIBLE FOR THE ADMINISTRATION OF THE PROJECT

WHEREAS, the Borough of Essex Fells is required by the State of New Jersey Department of Environmental Protection to address a PFOA issue in the Borough drinking water system; and

WHEREAS, the Borough Council adopted Ordinance 2022-1057 supplemented by ordinance 2023-1081 authorizing the funding for the design and development of the Permanent PFAS Treatment (Gray Street facility) project, including the design and installation of a permanent GAC treatment system to remove PFAS from water supplied through the Gray Street facility and ensure the water system’s compliance with New Jersey’s drinking water MCL standards.

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 Borough Council reiterates its authorization for the design and installation of a Permanent PFAS Treatment (Gray Street facility) project, including the design and installation of a permanent GAC treatment system to remove PFAS from water supplied through the Gray

Street facility and ensure the water system's compliance with New Jersey's drinking water MCL standards; and

BE IT FURTHER RESOLVED that the Borough Council hereby designates *Mayor Edward A. Davis* as the official responsible for the administration of the project with the authority to designate or delegate to the Borough's authorized professionals as appropriate. Mayor Davis is further authorized to take such actions as are necessary to advance the Borough's loan application to the New Jersey Water Bank (formerly NJ Environmental Infrastructure Financing Program) in connection with the above project.

2023-128

RESOLUTION AUTHORIZING THE DESIGN AND INSTALLATION OF THE PFOA WATER TREATMENT PROJECT (ESSEX FELLS COUNTY CLUB) AND DESIGNATING MAYOR DAVIS AS THE OFFICIAL RESPONSIBLE FOR THE ADMINISTRATION OF THE PROJECT

WHEREAS, the Borough of Essex Fells is required by the State of New Jersey Department of Environmental Protection to address a PFOA issue in the Borough drinking water system; and

WHEREAS, the Borough Council adopted Ordinance 2022-1057 supplemented by ordinance 2023-1081 authorizing the funding for the design and development of the Permanent PFAS Treatment (Essex Fells County Club facility) project, including the design and installation of a permanent GAC treatment system to remove PFAS from water supplied through the Essex Fells County Club facility and ensure the water system's compliance with New Jersey's drinking water MCL standards.

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 Borough Council reiterates its authorization for the design and installation of a Permanent PFAS Treatment (Essex Fells County Club facility) project, including the design and installation of a permanent GAC treatment system to remove PFAS from water supplied through the Essex Fells County Club facility and ensure the water system's compliance with New Jersey's drinking water MCL standards; and

BE IT FURTHER RESOLVED that the Borough Council hereby designates *Mayor Edward A. Davis* as the official responsible for the administration of the project with the authority to designate or delegate to the Borough's authorized professionals as appropriate. Mayor Davis is further authorized to take such actions as are necessary to advance the Borough's loan application to the New Jersey Water Bank (formerly NJ Environmental Infrastructure Financing Program) in connection with the above project.

2023-129

RESOLUTION AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR THE CONSTRUCTION OF SPEED HUMPS TO D&L PAVING CONTRACTORS, INC. IN AN AMOUNT NOT TO EXCEED \$24,000.00

WHEREAS, the Borough of Essex Fells solicited quotes for material and labor for the installation of four speed humps and D&L Paving Contractors provided the lowest quote; and

WHEREAS, the quote obtained in \$24,000.00.; 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, D&L Paving Contractors. 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 Borough Administrator 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 four speed humps is awarded to D&L Paving Contractors in an amount not to exceed \$24,000.00
2. The appropriate Borough Officials are hereby authorized and directed to execute the necessary documents related to this award.

2023-130

A RESOLUTION AUTHORIZING THE PURCHASE OF A 4 TON FALCON RME ASPHALT HOT PATCH DUMPER TRAILER FROM MCGRATH MUNICIPAL EQUIPMENT LLC FOR THE ESSEX FELLS PUBLIC WORKS DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase a new **4 ton Falcon RME Asphalt Hot Patch Dumper Trailer** for use by the Essex Fells Public Works Department; and

WHEREAS, said vehicle can be supplied by McGrath Municipal Equipment LLC, under a Educational Services Commission of New Jersey Cooperative Contract ESCNJ 22/23-12 ; and

WHEREAS, Public bids are not required when the purchase is made under a cooperative 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 \$41,966.00 and the Borough's Chief Financial Officer has certified that the funds are available; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the 4 ton Falcon RME Asphalt Hot Patch Dumper Trailer .

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 McGrath Municipal Equipment LLC for the purchase of a 4 ton Falcon RME Asphalt Hot Patch Dumper Trailer in an amount not to exceed \$41,966.00.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in Educational Services Corporation of New Jersey Cooperative Contract ESCNJ 22/23-12 for an amount not to exceed \$41,966.00.

3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2023-131

A RESOLUTION AUTHORIZING THE PURCHASE OF A BACKHOE BUCKET FROM JESCO, INC. FOR THE ESSEX FELLS PUBLIC WORKS DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase a new **Backhoe Bucket** for use by the Essex Fells Public Works Department; and

WHEREAS, said vehicle can be supplied by Jesco, Inc., under an Educational Services Commission of New Jersey Cooperative Contract; and

WHEREAS, Public bids are not required when the purchase is made under a cooperative 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 \$31,450.00 and the Borough's Chief Financial Officer has certified that the funds are available; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the Backhoe Bucket .

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 Jesco, Inc. for the purchase of a Backhoe Bucket in an amount not to exceed \$31,450.00.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in the Educational Services Corporation of New Jersey Cooperative Contract for an amount not to exceed \$31,450.00.
3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2023-132

A RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS MATERIALS FOR STREET SIGNS FROM NATIONAL HIGHWAY PRODUCTS FOR THE ESSEX FELLS PUBLIC WORKS DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase **various materials for street signs** for use by the Essex Fells Public Works Department; and

WHEREAS, said material can be supplied by National Highway Products under a Somerset County Co-op Contract; and

WHEREAS, Public bids are not required when the purchase is made under a public cooperative 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 \$19,058.22 and the Borough's Chief Financial Officer has certified that the funds are available; and

WHEREAS, The Borough Council wishes to authorize a contract for the purchase of the Backhoe Bucket .

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 National Highway Products for the purchase of various materials for street signs in an amount not to exceed \$19,058.22.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in the Somerset County Co-op Contract for an amount not to exceed \$19,058.22.
3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

2023-133

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Essex Fells in the County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$15,000.00, which is now available from “**2023 Spotted Lanternfly Program - Chemical Control Treatment Grant**” in the amount of \$15,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$15,000.00 is hereby appropriated under the caption “2023 Spotted Lanternfly Program - Chemical Control Treatment Grant”; and

BE IT FURTHER RESOLVED that the above is the result of funds from State of New Jersey in the amount of \$15,000.00

2023-134

RESOLUTION TO CANCEL OUTSTANDING CHECKS

WHEREAS, there are a number of checks which have been outstanding for over six months and,

WHEREAS, said checks can no longer be cashed, and

WHEREAS, it is the desire of the Chief Financial Officer that the following checks be canceled:

| CURRENT FUND | | | |
|---------------------|----------------|-------------------------------|---------------|
| <u>DATE</u> | <u>CHECK #</u> | <u>VENDOR</u> | <u>AMOUNT</u> |
| 1/18/2011 | 16076 | AVENET, LLC | \$ 222.00 |
| 3/15/2011 | 16235 | ADP, INC. | \$ 459.75 |
| 4/5/2011 | 16315 | LUK OIL | \$ 35.00 |
| 5/3/2011 | 16391 | LUK OIL | \$ 627.62 |
| 5/17/2011 | 16406 | CALDWELL FLOWERLAND | \$ 118.45 |
| 2/21/2012 | 17059 | MUNICIPAL CLERKS' ASSN. OF NJ | \$ 145.00 |
| 3/20/2012 | 17146 | COMCAST (boro) | \$ 47.43 |
| | | NORTHEASTERN ARBORIST | |
| 4/3/2012 | 17189 | SUPPLIE | \$ 26.96 |
| 6/5/2012 | 17317 | GIFFORD, CARMEL | \$ 50.00 |

| | | | | |
|--------------|----------|-------------------------------|-----------|------------------|
| 8/21/2012 | 17481 | JON LECROY | \$ | 50.00 |
| 11/19/2012 | 17720 | RICHARD DEVIVO | \$ | 50.00 |
| 1/24/2013 | 17851 | COMCAST (boro) | \$ | 86.90 |
| 2/19/2013 | 17983 | COMCAST (boro) | \$ | 43.45 |
| 3/5/2013 | 18027 | DEER CARCASS REMOVAL SRVS | \$ | 60.00 |
| 5/28/2013 | 18244 | IRWIN, MIRIAM | \$ | 50.00 |
| 8/19/2013 | 18462 | WEST ESSEX BUILDING SUPPLY CO | \$ | 29.96 |
| 11/26/2013 | 18608 | COMCAST (pw) | \$ | 81.98 |
| 11/26/2013 | 18609 | COMCAST (boro) | \$ | 194.56 |
| 2/17/2015 | 19560 | ESSEX COUNTY COLLEGE | \$ | 250.00 |
| 4/7/2015 | 19698 | FIREFIGHTER ONE | \$ | 250.00 |
| 5/26/2015 | 19834 | NJ MOTOR VEHICLE COMMISSION | \$ | 23.00 |
| 8/18/2015 | 20011 | THE EMBLEM AUTHORITY | \$ | 100.00 |
| 8/18/2015 | 150812 | CEUNION | \$ | 178.00 |
| 9/15/2015 | 20078 | TRUGREEN | \$ | 1,385.23 |
| | | NJ DEPARTMENT OF COMMUNITY | | |
| 1/19/2016 | 20304 | AFF | \$ | 50.00 |
| 4/19/2016 | 20522 | COMCAST (boro) | \$ | 161.40 |
| 4/19/2016 | 20521 | COMCAST (pw) | \$ | 184.32 |
| 9/28/2018 | 22512 | COSTELLO'S ACE HARDWARE | \$ | 157.13 |
| 8/16/2019 | 23229 | COSTELLO'S ACE HARDWARE | \$ | 118.16 |
| 11/22/2019 | 23473 | TINA YANG | \$ | 75.00 |
| 1/17/2020 | 23569 | COSTELLO'S ACE HARDWARE | \$ | 148.12 |
| 5/29/2020 | 23857 | PUBLIC WORKS ASSOC. OF NJ | \$ | 75.00 |
| 6/12/2020 | 23884 | ESSEX COUNTY POLICE ACADEMY | \$ | 360.00 |
| 12/11/2020 | 24281 | SHI INTERNATIONAL CORP. | \$ | 35.69 |
| 12/31/2020 | 24299 | CEDAR GROVE P&A AUTO PARTS | \$ | 328.56 |
| 3/16/2021 | 24437 | SHI | \$ | 96.38 |
| 10/15/2021 | 24856 | MELISSA TAYLOR | \$ | 75.00 |
| 10/29/2021 | 24874 | CEDAR GROVE P&A AUTO PARTS | \$ | 134.64 |
| 12/17/2021 | 24959 | NEW JERSEY DRE ASSOCIATION | \$ | 50.00 |
| 4/1/2022 | 25196 | PUBLIC WORKS ASSOC. OF NJ | \$ | 75.00 |
| 4/1/2022 | 25190 | MINUTEMAN PRINTING | \$ | 215.00 |
| 4/12/2022 | 10000392 | PSE&G COMPANY | \$ | 6,444.88 |
| 4/29/2022 | 25249 | HOME DEPOT CREDIT SERVICES | \$ | 426.25 |
| 6/15/2022 | 25278 | NEW JERSEY DRE ASSOCIATION | \$ | 50.00 |
| 7/19/2022 | 25380 | STEPHEN SMITH | \$ | 100.00 |
| TOTAL | | | \$ | 13,925.82 |

WATER OPERATING

| <u>DATE</u> | <u>CHECK #</u> | <u>VENDOR</u> | <u>AMOUNT</u> |
|--------------|----------------|-----------------------------|------------------|
| 5/16/2019 | 11718 | NJ MOTOR VEHICLE COMMISSION | \$ 75.00 |
| 4/15/2022 | 12711 | NJ AMERICAN WATERWORK | \$ 430.00 |
| TOTAL | | | \$ 505.00 |

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, NJ that, the Borough's Chief Financial Officer is hereby authorized to cancel the checks listed above in the amounts specified.

RESOLUTION OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "AMENDED AND RESTATED NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK", TO BE ISSUED IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000, AND PROVIDING FOR THE ISSUANCE AND

SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF ESSEX FELLS IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK.

WHEREAS, the Borough of Essex Fells (the “Local Unit”), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the project consisting of 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 (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to temporarily finance/refinance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Program of the I-Bank (the “Construction Financing Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Amended and Restated Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in an aggregate principal amount not to exceed \$10,000,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note, including any renewals thereof, in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinances #2022-1057 and #2023-1081 of the Local Unit, which bond ordinances are entitled “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$9,000,000 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 \$9,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION” and “BOND ORDINANCE PROVIDING A SUPPLEMENTAL 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,” respectively, and were finally adopted by the Local Unit at a meetings duly called and held on May 3, 2022 and July 18, 2023, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount not to exceed \$10,000,000;
- (b) the maturity of the Note shall be as set forth in the Note;
- (c) the interest rate of the Note shall be as set forth in the Note;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJWB-CFP-23-2”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Gibbons P.C. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

2023-136

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:

Redevelopment Project for Well 15 and Well 16

RESOLUTION GRANTING THE OWNERS OF 76 HAWTHORNE ROAD PERMISSION TO CONSTRUCT A WALL WITHIN THE BOROUGH RIGHT OF WAY AND AUTHORIZING THE EXECUTION OF A HOLD HARMLESS AGREEMENT

WHEREAS, Michael and Karen Desiderio are the owners of real property known as 76 Hawthorne Road in the Borough of Essex Fells; and

WHEREAS, Mr. and Mrs. Desiderio have requested permission to maintain a Wall they have constructed within the public right of way in front of their home on their property; and

WHEREAS, Mr. and Mrs. Desiderio have agreed to maintain the Wall and to enter into a Hold Harmless Agreement with the Borough; and

WHEREAS, allowing the maintenance of the Wall under a Hold Harmless Agreement is in the public interest.

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 permission is hereby granted to Mr. and Mrs. Desiderio to construct a Wall in the right of way in front of their property at 76 Hawthorne Road in the Borough of Essex Fells and the execution of a Hold Harmless Agreement with Mr. and Mrs. Desiderio in the form attached hereto is hereby authorized.

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: |
|---------------------------|----------------|-----------------------|---------------------------|
| Michael Tardibuono | Foreman | \$50,000/annum | September 19, 2023 |

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE 2023 MUNICIPAL ROAD PROGRAM

WHEREAS, the Borough of Essex Fells solicited bids for the 2023 Municipal Road Program; and

WHEREAS, D&L Paving Contractors, Inc. submitted the lowest responsible and responsive bid pursuant to the Borough’s Notice to Bidders for the above-referenced contract; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, D&L Paving

Contractors, Inc. has submitted a bid that is in proper form and may be awarded by the Borough Council; and

WHEREAS, the Borough Council wishes to award the contract to D&L Paving Contractors, Inc. in accordance with its bid proposal; and

WHEREAS, the Chief Financial Officer of the Borough of Essex Fells has certified that funds are available for this purpose.

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 2023 Municipal Road Program is hereby awarded to D&L Paving Contractors in accordance with its bid proposal in an amount of \$619,317.00.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with D&L Paving Contractors, Inc. in accordance with its bid proposal.
3. This Resolution shall take effect immediately.

2023-140

WHEREAS, the homeowner at the address listed below has requested a refund for overpayments made for water in the year 2014 through 2022; and

WHEREAS, the Water Superintendent has determined that the homeowner is entitled to said refund/credit as well as being confirmed by the Borough's Water Consulting Firm; and

WHEREAS, the Water Billing Clerk is hereby authorized to refund or apply as a credit to the homeowners account.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Essex Fells, County of Essex, State of New Jersey, hereby authorizes and directs the Borough Tax Collector to refund or credit the homeowner's water account as described below:

| <u>Account</u> | <u>Block</u> | <u>Lot</u> | <u>Address</u> | <u>Recipient</u> | <u>Amount</u> |
|----------------|--------------|------------|---------------------|------------------|---------------|
| 470 | 10.03 | 20 | 207 Roseland Avenue | Galvin, M/M | \$9,662.71 |

2023-141

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 | \$2,635.20 |

| | | |
|------------------------|-------------|---------------------|
| Current | 3-01 | \$491,455.30 |
| Borough Capital | C-04 | \$24,664.36 |
| Water | 3-05 | \$96,105.20 |
| Grant | 04 | \$0 |
| Water Capital | C-06 | \$90,771.64 |
| Animal Control | T-10 | \$0 |
| Trust | T-11 | \$18,946.73 |
| Payroll | T-13 | \$219,099.42 |

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 King seconded, approval of the following resolution:

2023-142

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 September 19, 2023, at 8:06 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 | |

**** Councilman Cecere left the Meeting at 8:24pm**

On motion made by Councilman Hindy, seconded by Councilman Sullivan and approved unanimously by the Council, the meeting adjourned at 8:28p.m.

Respectfully submitted,

**Francine T. Paserchia
Municipal Clerk**