

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 November 7, 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.

Councilman King moved, Councilman Hindy seconded approval of the minutes of:

- September 19, 2023
- October 3, 2023
- October 17, 2023

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	

Appointments:

Councilman Hindy moved, Councilman Sullivan seconded approval of a Member of the Essex Fells Volunteer Fire Department

- Gregory James, 24 Oldchester Road

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 Sullivan seconded, approval of the following resolutions on consent:

2023-155

WHEREAS, it is the policy of the Borough of Essex Fells to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough Council has determined that there is a need for personnel policies and procedures to ensure that employees, volunteers and prospective employees are treated in a manner consistent with these laws and regulations.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council that the Personnel Policy and Procedure Manual is hereby updated: and

BE IT FURTHER RESOLVED, that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED, that this manual is intended to provide guidelines covering public service by the Borough of Essex Fells employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council.

BE IT FURTHER RESOLVED, that to the maximum extent permitted by law, employment practices for the Borough of Essex Fells shall operate under the legal doctrine known as "employment at will".

BE IT FURTHER RESOLVED, that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices.

2023-156

WHEREAS, the West Essex First Aid Squad provides service to the residents of the Borough of Essex Fells; and

WHEREAS, N.J.S.A.40:5-2 authorizes municipalities to make contributions to volunteer first aid squads; and

WHEREAS, Essex Fells desires to donate to the West Essex First Aid Squad; and

WHEREAS, The Borough Council wishes to authorize a donation in the amount of \$7,000.00.

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 hereby authorizes the Borough Administrator and Borough Finance Officer to facilitate a Borough contribution to the West Essex First Aid Squad in the amount of \$7,000.00.

2023-157

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

1. The following named Probationary 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:
Klime Zaturouski	Utility Worker	\$40,800/annum	October 24, 2023

2023-158

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

2. The following named Probationary 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:
Jason Kasper	Recycling/Seasonal	\$20.00/hr.	October 24, 2023

2023-159

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR WELLS 15 & 16 REDEVELOPMENT PROJECT

WHEREAS, the Borough of Essex Fells solicited bids for Wells 15&16 Redevelopment Project; and

WHEREAS, A.C. Schultes, Inc. submitted the lowest responsible and responsive of the two bids received pursuant to the Borough’s Notice to Bidders for the above-referenced contract; and

WHEREAS, the Water Engineer and Borough Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, A.C. Schultes. 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, with the recommendation of Water Engineer to, A.C. Schultes, in accordance with its bid proposal dated October 19, 2023; 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 Morris and State of New Jersey, as follows:

1. A contract for Wells 15 & 16 Redevelopment Project is hereby awarded to A.C. Schultes, in accordance with its bid proposal for the amount of \$169,595.00.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with A.C. Schultes in accordance with its bid proposal dated October 19, 2023
3. This Resolution shall take effect immediately.

2023-160

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 \$27,622.89.

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 \$27,622.89; 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 Public Works Superintendent 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 \$27,622.89
2. The appropriate Borough Officials are hereby authorized and directed to execute the necessary documents related to this award.

2023-161

WHEREAS, the property owner at the address listed has requested a refund for overpayments made for taxes; and

WHEREAS, the Tax Collector has determined that the property owner is entitled to said refund.

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

<u>Block</u>	<u>Lot</u>	<u>Recipient</u>	<u>Amount</u>
11.09	13.02	Shelly Lipka 11 Camelot Drive Livingston, NJ 07039	\$1,000.00

2023-163

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	\$1,824,593.60
Borough Capital	C-04	\$77,350.80
Water	3-05	\$176,901.13
Grant	G-02	\$14,000.00
Water Capital	C-06	\$54,170.98
Animal Control	T-10	\$295.00
Trust	T-11	\$12,550.68
Payroll	T-13	\$226,526.94

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 Sullivan seconded, approval of the following resolution:

2023-162

A RESOLUTION AUTHORIZING THE WATER COMMITTEE CHAIRMAN TO EXECUTE AN AGREEMENT WITH THE ESSEX FELLS COUNTRY CLUB RELATED TO THE DESIGN AND CONSTRUCTION OF A WATER TREATMENT FACILITY

WHEREAS, The Borough operates a water supply facility which is part of the Borough water system on Block 5 Lot 2 as shown on the Tax Map of the Borough which is surrounded by Block 5 Lot 1 which is the property of the Essex Fells Country Club (the "Club"); and

WHEREAS, the Borough 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 project, including the design and installation of a permanent ion exchange treatment system to remove PFAS from water supplied through the facility and ensure the water system's compliance with New Jersey's drinking water MCL standards; and

WHEREAS, the implementation of the approved design prepared by Suburban Consulting Engineers requires the construction of a 22.5 x 31.5 foot structure to replace the existing structure at the site; and

WHEREAS, Borough representatives contacted representatives of the Club to discuss the project design as part of the Borough's due diligence in responding to a regulatory inquiry about consideration given to how the building design fits in with the location; and

WHEREAS, the Club, in reviewing the design, has requested that the Borough consider certain aesthetic enhancements to the design to create a building which the Club believes will be more visually appealing to better fit in with the Club's use of the property and has offered to contribute financially to achieve its aesthetic objectives; and

WHEREAS, the details of the design changes and financial contributions will be the subject of an agreement between the Borough and the Club; and

WHEREAS, the Borough Water Committee has been working with the Borough professionals on the facility design details and the Club's requested modifications, and the Borough Council believes it is appropriate to delegate the completion and execution of an agreement between the Borough and the Club to the Chairman of the Water Committee.

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:

4. Councilman D'Avella, in his capacity as Chairman of the Water Committee, is hereby authorized to finalize and execute a contract with the Essex Fells County Club, in consultation with the Borough Attorney, memorializing an agreement for design changes to the PFAS facility on Block 5 Lot 2 and contribution to the cost thereof.
5. The Mayor and three members of the Borough Council have disclosed their membership in the Essex Fells County Club and, consequently, would have recused themselves from participation in this matter as a result of the conflict of interest but, in order to constitute a quorum for action, are participating in the adoption of this resolution under the legal Doctrine of Necessity. The record will reflect that Councilman D'Avella is not a member of the Essex Fells Country Club and that those Councilpersons who are members have not been involved in discussions with the Club regarding the subject matter or the terms of the contract contemplated by paragraph 1 of this Resolution.
6. This Resolution shall take effect immediately.

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	

**On motion made by Councilman Hindy, seconded by Councilman Sullivan
and approved unanimously by the Council, the meeting adjourned at 7:17 p.m.**

Respectfully submitted,

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