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 21, 2023 at 7:00 p.m.

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

Also Present

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

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

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

Councilman King moved, Councilman Sullivan seconded approval of the minutes of November 21, 2023

And was carried on call of the roll:

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

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

And was carried on call of the roll:

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

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

October 2023 Department Reports:

- **Construction Department Cash Receipt & Permit Fee Log Report**
- **Police Department and Municipal Court Report**
- **Best Practices Checklist 2023 – Submitted to the State**
- **Employee Compliment**

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

<u>Water</u>

- **Litigation – Essex Fells v. 3M et.al.**

Councilman D'Avella gave the council an update on the Litigation – Essex Fells v. 3M et.al.

No formal action was taken.

****Councilman Cecere arrived at 7:06pm***

Ordinance 2023-1090 – Withdrawn from the Agenda

ORDINANCE AMENDING CHAPTER 232 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS PERTAINING TO A YARD WASTE COLLECTION AND DISPOSAL PROGRAM IN THE BOROUGH OF ESSEX FELLS

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1087

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of November 2, 2023

***The public hearing was held and* ORDINANCE AMENDING CHAPTER 5 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND FORMALIZING THE ESTABLISHMENT OF A SKATING POND COMMITTEE**

WHEREAS, the management of the Essex Fells Skating Pond located at the corner of Fells Road and Forest Way has historically been faithfully supported by a committee of volunteers; and

WHEREAS, the Council wishes to formalize the existence and the role of a committee supporting the Pond by establishing a committee to be called the "Skating Pond Committee".

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 5 of the Revised General Ordinances of the Borough of Essex Fells, shall be amended by the inclusion of new Article IV to be entitled "Skating Pond Committee" and shall read in its entirety as follows:

Article IV

Skating Pond Committee

§ 5-11. Membership. The Mayor, with the advice and consent of the Borough Council, may annually appoint up to 15 persons who may be employees or residents of the Borough as members of the Skating Pond Committee. To the extent a Director of Recreation has been appointed pursuant to Chapter 5, Article III of the Revised General Ordinances of the Borough of Essex Fells, the Director of Recreation shall be one of the members of the Skating Pond Committee. All volunteers must comply with and sign off on the Personnel Policies and Procedure set forth by the Borough.

§ 5-12. Mission. The Skating Pond Committee shall advise the Borough concerning the utilization and management of the Skating Pond, including improvements and maintenance of the facility, for the recreational use and enjoyment by young people and other residents of the Borough. The Committee shall assist the Borough in generating support for the Pond and with communications regarding the use of the Pond and advise the Borough on the effective use of volunteers. The Director of Recreation shall assist the Skating Pond Committee in the above duties, serve as advisor and consultant to the Skating Pond Committee and to the Mayor and Council and may also be given executive responsibilities under the Mayor and Council for activities at the Skating Pond.

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

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

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

And was carried on call of the roll:

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

Mayor Davis announced a public hearing on second reading of Ordinance 2023-1089

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of November 2, 2023

The public hearing was held and **ORDINANCE AMENDING CHAPTER 72 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND PROVIDING FOR A LIQUOR LICENSE FEE**

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

Section 1. Chapter 72 of the Revised General Ordinances of the Borough of Essex Fells, Section 72-2 entitled "Fees," shall be amended to read in its entirety as follows:

72-2. Fees.

Effective January 1, 2024, the sum to be paid annually for a plenary retail consumption license is $4,422.39 in accordance with N.J.S.A. 33:1-12. All fees collected pursuant to this section are nonrefundable.

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

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

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

And was carried on call of the roll:

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

Public Comment

- **Edward P. Abbot, 11 Welsh Road**
  Re: ***Former Mayor Anne Whitehead***

- **Jody James, 24 Oldchester Road**
  Re: ***Speed Humps***

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

2023-164

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.**

Fund	Fund No.	Amount
Current	2-01	$15.98
Current	3-01	$1,092,889.25
Borough Capital	C-04	$6,225.00
Water	3-05	$61,260.61
Grant	G-02	$0
Water Capital	C-06	$79,726.17
Animal Control	T-10	$0
Trust	T-11	$7,162.50
Payroll	T-13	$146,768.43

And was carried on call of the roll:

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

On motion made by Councilman King, seconded by Councilman Sullivan and approved unanimously by the Council, the meeting adjourned at 7:29 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk