

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 March 19, 2024 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

**via zoom

Also Present

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 Hindy moved, Councilman Sullivan seconded approval of the minutes of March 5, 2024.

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 asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

February 2024 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.

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

2024-58

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES
TO REFUND PAYMENT TO THE LISTED TAXPAYER
DUE TO VETERAN EXEMPTION**

WHEREAS the Assessor has granted a 100% disabled veteran exemption to parcel listed below and a letter of eligibility from the Veteran’s Administration is on file in the Assessor’s office showing the effective date of exemption.

WHEREAS, the owner or its mortgage servicer made payments after the date of exemption and tax refunds are due in the amounts listed below.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells that the Collector of Taxes in the Borough of Essex Fells, is hereby authorized, empowered, and directed to cause to be paid to the homeowners the tax refunds due:

ADDRESS	304 Roseland Ave			EXEMPT	1/24/2024
BLOCK	11.09			DATE	
LOT	3				
QUAL					
PAYMENTS	DATE	AMOUNT	PRORATED	REFUND DUE	
2024 Q1	2/1/2024	\$ 3,527.88	66	\$ 2,587.11	
TOTAL				\$ 2,587.11	
REFUND DUE					
<u>PAYABLE TO:</u>					
Lereta					
901 Corporate Ct. Drive					
Pomona, CA 91768					

2024-59

**RESOLUTION AUTHORIZING 2024 APPROPRIATION RESERVE
TRANSFERS**

WHEREAS, various 2023 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2023 Budget in the last two months of 2023; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Essex Fells, in the County of Essex, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$20,000.00 be made between the 2023 Budget Appropriation Reserves as follows:

CURRENT FUND	TRANSFER IN	TRANSFER OUT
LEGAL - O/E	\$ 10,000.00	
INFORMATION TECHNOLOGY - O/E	\$ 5,000.00	
POLICE - O/E	\$ 5,000.00	
STREETS AND ROADS - S&W		\$ 20,000.00
TOTAL	\$ 20,000.00	\$ 20,000.00

2024-60

A RESOLUTION GRANTING A VARIANCE FROM THE LIMITATION ON HOURS WHEN CONSTRUCTION IS PERMITTED FOR BOROUGH PFAS REMEDIATION PROJECTS

WHEREAS, The Borough noise ordinance, in Section 185-7, prohibits construction and demolition: operation or the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or legal holidays except between the hours of 9:00 a.m. and 5:00 p.m. on Saturday; and

WHEREAS, there is an exception to this prohibition for emergency work or action, by variance issued by the Borough Council pursuant to Section 185-9 of the Borough Code; and

WHEREAS, The Borough Council may, at its discretion, permit a variance, which shall never be longer than one year, for good cause shown; and

WHEREAS, the Borough Council finds that it will be necessary to extend the hours of construction for the PFAS remediation projects being undertaken by the Borough to comply with Federal and State law within time deadlines required for these projects.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, County of Essex, State of New Jersey as follows:

1. A variance from the time limitations for construction activity, as established by Borough Ordinance, is hereby granted for Borough PFAS remediation projects in order to accommodate time deadlines for compliance with law.

2. The Borough Administrator and all other officials of the Borough of Essex Fells are hereby directed and authorized to take any and all necessary and appropriate actions to carry out the subject and intent of this Resolution.

2024-61

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	\$0
Current	4-01	\$237,647.06
Borough Capital	C-04	\$50,451.50
Water	3-05	\$2,266.65
Water	4-05	\$87,870.52
Grant	04	\$0
Water Capital	C-06	\$502,907.40
Animal Control	T-10	\$55.20
Trust	T-11	\$1,341.25
Payroll	T-13	\$139,709.98

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 7:08 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk