

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 April 16, 2024 at 7:00 p.m.

Present

Mayor Edward A. Davis
Councilman Michael Cecere
Councilman Greg Hindy
Councilman John King
Councilwoman Maggie O'Connor
Councilman William Sullivan

Absent

Councilman BJ D'Avella

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 Hindy moved, Councilman Sullivan seconded approval of the minutes of March 19, 2024 and April 7, 2024

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	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:

March 2024 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report
- 2023 Safety Incentive Award
- Essex Fells Zoning Board of Adjustment Annual Report 2023

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, Councilwoman O'Connor seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1094, ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR WATER CONSUMPTION, hearing to be held on May 7, 2024 at 7:00 p.m.

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 286, Section 286-34, of the Revised General Ordinances of the Borough of Essex Fells entitled "Per-gallon rate," shall be amended to read in its entirety as follows:

286-34. Per-gallon rate.

- A. The rate for water consumption shall be seven dollars and no cents (\$7.00) for each thousand gallons of water consumed. This rate shall be effective beginning July 1, 2024.
- B. The rate for contractual wholesale customers shall be calculated on an annual basis pursuant to the terms of the applicable contract.

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
Michael Cecere
Greg Hindy

John King
Maggie O'Connor
William Sullivan

Nays
None

Abstain
None

Absent
BJ D'Avella

Mayor Davis announced introduction on first reading of Ordinance 2024-1095

Councilman Cecere moved, Councilwoman O'Connor seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1095, ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A MINIMUM CHARGE, hearing to be held on May 7, 2024 at 7:00 p.m.

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 286, Section 286-35, of the Revised General Ordinances of the Borough of Essex Fells entitled "Minimum Charge," shall be amended to read in its entirety as follows:

286-35. Minimum Charge.

The minimum rate charged for water for any purpose shall be \$50.00

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	BJ D'Avella
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Public Comment

- Richard Storey, 6 Avon Drive Motor Vehicle Accident
- Diane Storey, 6 Avon Drive Motor Vehicle Accident

Councilwoman O'Connor moved, Councilman Cecere seconded, approval of the following resolutions on consent:

2024-66

WHEREAS, the Borough of Essex Fells has a need to obtain Engineering Services and has determined to award this contract as a Professional Service without obtaining competitive bids or quotes as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Chief Financial Officer has determined and will certify in writing that the value of the acquisition will not exceed \$17,500; and,

WHEREAS, the term of this contract is for one year, and

WHEREAS, *Dolan & Dolan, Consulting Engineers, LLC* has submitted a proposal on *March 8, 2024* indicating they will provide the Engineering Services for a fee of \$15,800.00; and

WHEREAS, Gary W. Dean of Dolan & Dolan Consulting Engineers, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Dolan & Dolan has not made any reportable contributions to a political or candidate committee in the *Borough of Essex Fells* in the previous one year, and that the contract will prohibit Dolan & Dolan from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified in writing to the Governing Body that there are adequate funds in the amount of \$15,800.00 which are specifically designated as Engineering, Operating Expenses, in the local budget to complete this contract.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, authorizes the entry of a contract with Dolan & Dolan, Consulting Engineers, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file; and,

BE IT FINALLY RESOLVED that a copy of this resolution shall be published in *The Progress* as required by law.

2024-67

RESOLUTION CONFIRMING APPROVED CHANGE ORDERS TO THE AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND D & L PAVING CONTRACTORS, INC. FOR THE 2022 ROAD IMPROVEMENT PROGRAM

WHEREAS, The Borough entered into an agreement with D & L Paving Contractors, Inc. for work performed and material purchased for the 2022 Road Improvement Program; and

WHEREAS, it has been determined that certain changes to this Contract are necessary; and

WHEREAS, the details of the confirmed change orders are as set forth on the attached “New Jersey Department of Transportation Division of Local Aid and Economic Development Change Order #01 State Aid Project.”

WHEREAS, the total contract amount incorporating the change order will be the amount of \$645,162.51 which is a decrease of \$322,316.50 in the total contract amount; and

WHEREAS, the Consulting Engineer and Borough Administrator have recommended to the Borough Council that it modify its Contract with D & L Paving Contractors, Inc. as a result of this change and the Borough Finance Officer has confirmed the availability of funds.

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 Change Orders in the Contract between the Borough of Essex Fells and D & L Paving Contractors, Inc. are hereby confirmed as follows: Decrease in Contract \$322,316.50 Total Contract Amount: \$645,162.51.

2024-68

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND MURPHY MCKEON P.C. (COMPLAINT INVESTIGATION)

WHEREAS, there exists the need for professional legal services in connection with an investigation of an employee complaint; and

WHEREAS, The Borough has received a proposal dated April 4, 2024, and determined that it is in the best interest of the Borough to accept the proposal submitted by Borough Attorney’s Murphy McKeon PC (Serene Hennion, Esq.)

WHEREAS, the maximum amount of the contract shall not exceed \$2,500.

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

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, as follows:

Section 1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Murphy McKeon, P.C (Serene Hennion) for legal services for the Borough of Essex Fells in an amount not to exceed \$2,500.00 for

an investigation of an employee complaint as set forth in a proposal dated April 4, 2024.

Section 2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 3. Notice of this action shall be printed once in the legal newspaper of the Borough of Essex Fells.

2024-69

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

WHEREAS, the Borough Clerk is in receipt of a Social Affairs Permit from the Essex Fells Fire Company which will be holding a Picnic on Monday, May 27, 2024 from 12:00pm to 4:00pm at The Green on Oak Lane and Wootton Road in Essex Fells; and

WHEREAS, approval from the Borough Clerk and Police Chief are mandatory as per the Division of Alcoholic Beverage Control.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Essex Fells hereby authorize the Borough Clerk and Police Chief to sign the Social Affairs Permit, as well as allow the use of Borough Property for the event and the posting of signs.

2024-70

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO COPPOLA WATER INFRASTRUCTURE AND SERVICES FOR PURCHASE AND SERVICE OF THE REPLACEMENT OF THE FILTER MEDIA IN THE RUNNYMEDE TEMPORARY TREATMENT SYSTEM

WHEREAS, the NJ Department of Environmental Protection established a maximum contaminant level of 14 parts per trillion for perfluorooctanoic acid (PFOA) in drinking water systems, effective in 2021; and

WHEREAS, due to PFOA levels at certain locations in the Essex Fells water system, it was necessary to purchase and service a temporary per- and polyfluorinated alkyl substances (PFAS) treatment system for Wells 1A and 5 on the grounds of the main pumping station on Runnymede Road in May of 2022 with the expectation that the temporary system would be decommissioned in Spring 2024; and

WHEREAS, due to delays in the completion of the permanent system the temporary system will be needed to maintain an adequate water supply and

maintaining the temporary system will require the replacement and installation of new filter media; and

WHEREAS, Coppola Water Infrastructure and Services is able to respond to the scope of this emergency and provided a proposal dated April 1, 2024 for the replacement and installation of new filter media for the temporary treatment project; and

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

WHEREAS, an emergency exists 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 requires the immediate performance of the purchase and service; and

WHEREAS, the replacement and installation of the new filter media for the temporary PFAS treatment of Wells 1A and 5 at the Runnymede Site is limited to the emergency and completion of 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 a contract with Coppola Water Infrastructure and Services based on a quotation dated April 1, 2024 in the amount not to exceed \$270,927.29 for replacement and installation of new filter media for the temporary PFAS treatment of Wells 1A and 5 at the Runnymede Site is hereby authorized.

2024-71

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	3-01	\$0
Current	4-01	\$282,291.99
Borough Capital	C-04	\$10,355.00
Water	3-05	\$3,500.00
Water	4-05	\$46,279.92
Grant	04	\$0
Water Capital	C-06	\$1,708,965.04
Animal Control	T-10	\$0
Trust	T-11	\$3,865.26
Payroll	T-13	\$118,592.76

And was carried on call of the roll:

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

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

2024-72

RESOLUTION OF THE BOROUGH OF ESSEX FELS, IN THE COUNTY OF ESSEX, NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-20 IN THE AMOUNT OF \$155,000 TO FUND EMERGENCY WATER MAIN REPLACEMENT ON RUNNYMEDE ROAD FOR THE WATER UTILITY

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

Section 1. The Borough of Essex Fells, in the County of Essex, New Jersey (the "Borough") hereby authorizes and approves an emergency temporary appropriation pursuant to N.J.S.A. 40A:4-20 in the amount of \$155,000 to fund emergency water main replacements on Runnymede Road, including all work and materials necessary therefor and incidental thereto.

Section 2. The emergency temporary appropriation provided for herein is necessary in order to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare of the inhabitants of the Borough.

Section 3. As required by N.J.S.A. 40A:4-20, the Borough Clerk shall send a certified copy of this resolution to the Director of the Division of Local Government Services.

Section 4. The emergency temporary appropriation shall be provided for by adoption of a bond ordinance prior to the adoption of the 2024 Borough budget, and if not so adopted, by provision in the 2024 Borough budget.

Section 5. 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	BJ D'Avella
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

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

2024-73

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO JOHN GARCIA CONSTRUCTION CO., INC. FOR EMERGENCY 6" WATER MAIN BREAK REPAIRS ON RUNNYMEDE ROAD ON AN EMERGENCY BASIS

WHEREAS, due to an emergency 6" water main break on Runnymede Road an emergency repair is necessary; and

WHEREAS, John Garcia Construction Co., Inc. is able to respond to the scope of this emergency and provided the lowest proposal for completion of the project; 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 a contract with John Garcia Construction Co., Inc. based on an invoice dated April 3, 2024 in an amount not to exceed \$139,965.00 for emergency water main break repairs on Runnymede Road is hereby authorized.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	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 Cecere
and approved unanimously by the Council, the meeting adjourned at 7:35 p.m.**

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk