

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 May 21, 2024 at 7:00 p.m.

Present

Mayor Edward A. Davis
Councilman Michael Cecere
Councilman Greg Hindy
Councilman John King
Councilman William Sullivan

Absent

Councilman BJ D'Avella
Councilwoman Maggie O'Connor

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.

Finance & Personnel

- Essex Fells Elementary School – Dumpster Permit – Fee Waiver Request

The Administrator advised the Council that the School Superintendent contacted her about waiving the fee for the Dumpster.

If no one has any objections I will advise the fee will be waived.

All were in Agreement.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

April 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.

Mayor Davis announced introduction on first reading of Ordinance 2024-1097

Councilman Sullivan moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1097, CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14), hearing to be held on June 18, 2024 at 7:00 p.m.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Essex Fells in the County of Essex finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$47,631.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Essex Fells, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Essex Fells shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$166,709.79, and that the CY 2024 municipal budget for the Borough of Essex Fells be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director on the FAST System within 5 days after such adoption.

And was carried on call of the roll:

Ayes
Michael Cecere
Greg Hindy
John King
William Sullivan

Nays
None
Abstain
None

Absent
BJ D'Avella
Maggie O'Connor

Mayor Davis announced introduction on first reading of Ordinance 2024-1098

Councilman Sullivan moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1098, ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF ESSEX FELLS, hearing to be held on June 18, 2024 at 7:00 p.m.

WHEREAS, Block 13, Lot 8 as shown on the Tax Map of the Borough of Essex Fells is presently located in the Municipal Park (P) Zone on the Borough Zoning Map; and

WHEREAS, this property is not used exclusively for park purposes and has not historically and needs to continue to accommodate various municipal uses and, therefore, is more appropriately suitable for the Municipal Use (M) Zone; and

WHEREAS, Block 13, Lot 13 and Block 13.03, Lot 4 were acquired by the Borough and intended to become part and parcel of adjacent Borough parkland and should be zoned accordingly.

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. The Zoning Map of the Borough of Essex Fells shall be amended to reflect the rezoning of the following property:

Property		Existing Zone	New Zone
<i>Block</i>	<i>Lot</i>		
13	8	P	M
13	13	RA-4	P
13.03	4	RA-6	P

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
William Sullivan

Nays
None

Abstain
None

Absent
BJ D'Avella
Maggie O'Connor

Mayor Davis announced introduction on first reading of Ordinance 2024-1099

Councilman Hindy moved, Councilman King seconded a motion to

introduce on first reading and publish according to law an ordinance entitled 2024-1099, ORDINANCE AMENDING CHAPTER 170 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND AMENDING SECTION 170-79 “FENCES OR WALLS”, hearing to be held on June 18, 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 170 of the Revised General Ordinances of the Borough of Essex Fells, Section 170-79, entitled “Fences or Walls”, Subsection A, “General”, shall be amended to read in its entirety as follows:

A. General Zoning Requirements for Fences and Walls. Unless otherwise specifically noted herein or in another ordinance adopted by the Borough of Essex Fells, the provisions of this Section shall apply to all fences, walls, retaining walls, hedges, and other forms of enclosures (and all parts thereof as set forth above) erected or maintained in any zoning district in the Borough. No new fence or wall shall be constructed, nor shall there be changes to any currently existing fence, wall, retaining wall, hedge or other form of enclosure or constituent part thereof unless consistent with this chapter or the owner of the land upon which such change is to occur has secured a variance from either the Planning Board or Zoning Board of Adjustment, as may be appropriate.

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
William Sullivan

Nays
None

Abstain
None

Absent
BJ D’Avella
Maggie O’Connor

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

2024-77

WHEREAS, the local school district tax for the year July 1, 2023 to June 30, 2024 was raised in the 2023 tax levy in the sum of \$5,661,370.00; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy to \$2,830,685.00;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Essex Fells that the cash liability for the local school district tax be deferred in the sum of \$399,615.50.

BE IT FURTHER RESOLVED that a certified copy of this resolution be uploaded to the FAST System for the Director of the Division of Local Government Services and one copy with the Chief Financial Officer of the Borough of Essex Fells.

2024-78

WHEREAS, the regional high school district tax for the year July 1, 2023 to June 30, 2024 was raised in the 2023 tax levy in the sum of \$2,886,606.00; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy to \$1,443,303.00;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Essex Fells that the cash liability for the regional high school district tax be deferred in the sum of \$1,406,803.57.

BE IT FURTHER RESOLVED that a certified copy of this resolution be uploaded on the FAST System for the Director of the Division of Local Government Services and one copy with the Chief Financial Officer of the Borough of Essex Fells.

2024-79

BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Borough Clerk be and is hereby authorized to advertise for sale at public auction certain surplus items as follows:

ITEM NUMBER DESCRIPTION

ITEM NUMBER	DESCRIPTION
#1	VIN# 1FTWF31507EA71300 2006 Green Ford 350 Mileage 65,000
#2	VIN# 1FAHP2MK3FG154424 2015 Ford Interceptor Utility Mileage 62,457.8
#3	Ford New Holland Loader Bucket
#4	MultiLift Chipper Box 12'X7'X5'
#5	2000 Ariens Snowblower Model #926014 Serial # 000624
#6	1985 Tig Welder (unusable)
#7	Bobcat push behind mower
#8	Fradan Walk behind leaf blower
#9	Push behind leaf blower
#10	IMAC monitor
#11	IMAC monitor
#12	IMAC monitor
#13	HP Desktop Monitor
#14	Desktop Monitor

#15	HP Desktop Monitor
#16	HP Desktop Monitor
#17	Dell Desktop Monitor
#18	Defibtech Lifeline SN# 101014606
#19	Defibtech Lifeline SN# 101014606
#20	Laerdal HeadStart Defibrillator SN# 200036449
#21	Medtronic LifePak 500 SN# 33137797
#22	Medtronic LifePak 500 SN#11760282
#23	Impact Portable Aspirator 305
#24	Resusci Baby
#25	Recording Resusci Anne
#26	Mobile Vision FB04 SN# 410553
#27	Mobile Vision FB04 SN# FBE300343
#28	Mobile Vision FB04 SN# FB046168
#29	Mobile Vision FB04 SN# FB004396
#30	Mobile Vision FB04
#31	Mobile Vision L3 Dashboard Camera SN# FBH410553
#32	Mobile Vision L3 Dashboard Camera SN# FBO04396
#33	Mobile Vision L3 Dashboard Camera SN# FBE300343
#34	Mobile Vision 3.5 TFT LCD monitor SN# BTTI0544
#35	Mobile Vision 3.5 TFT LCD monitor SN# BPSK0257
#36	Mobile Vision 3.5 TFT LCD monitor SN# BPRG0047
#37	Mobile Vision 3.5 TFT LCD monitor SN# BPYL1132
#38	Mobile Vision Backseat Camera SN# CN54075055
#39	Mobile Vision Backseat Camera SN# K29102011M3C50212
#40	Motorola CDM1250 Radio SN# 103TFL8849
#41	Motorola CDM1250 Radio SN# 103TEGC068
#42	Motorola CDM1250 Radio SN# 103TFL8862
#43	Motorola CDM1250 Radio SN# 103TPGA604
#44	Motorola CDM1250 Radio Base Only SN# 103TFL8876
#45	Motorola CDM1250 Radio Base Only SN# 103TMC7374
#46	Motorola CDM1250 Radio Base Only SN# 103TBGH771
#47	Motorola CDM1250 Radio Base Only SN# 103TFL8878
#48	Motorola CDM1250 Radio Base Only SN# 103TEJ5528
#49	Motorola CDM1250 Radio Base Only SN# 103TFS3292
#50	Motorola CDM1250 Radio Base Only SN# 103TFL8869
#51	Motorola CDM1250 Radio Base Only SN# 103TFS3294

#52	Motorola CDM1250 Radio Head Only
#53	Motorola CDM1250 Radio Head Only
#54	Motorola CDM1250 Radio Head Only
#55	Motorola CDM1250 Radio Head Only
#56	Motorola CDM1250 Radio Head Only
#57	Motorola CDM1250 Radio Head Only
#58	Motorola CDM1250 Radio Head Only
#59	Vertex Model EVX-5400 SN# 4N3K070194
#60	Vertex Model EVX-5400 SN# 4N6F130020
#61	LG Radio Model 344A4210P2D SN# 9431672
#62	Kenwood TK-8360HU SN# B2700179
#63	Motorola Chargers HTN900B
#64	Motorola Chargers HTN900B
#65	Motorola Chargers HTN900B
#66	Motorola Chargers HTN900B
#67	Motorola Chargers HTN900B
#68	Motorola Chargers HTN900B
#69	Motorola Radio HT1250 SN# 749TAC4088
#70	Motorola Radio HT1250 SN# 749TACD754
#71	Motorola Radio HT750 SN#672HDG1288
#72	Motorola Radio HT750 SN#672HDG1294
#73	Motorola Radio HT750 SN#672HDG1287
#74	Motorola Radio HT750 SN#672HDG1277
#75	Motorola Radio HT750 SN#672HDG1276
#76	Motorola Radio Batteries HNN900
#77	Motorola Radio Batteries HNN900
#78	Thule Bike Hitch Rack
#79	Setina Push Bar
#80	Motorola Power Supply HPNI007A
#81	Whelen Light Bar SX8BBRR SN# 185031
#82	Whelen Light Bar SX8SP1J SN# 154470
#83	Whelen Light Bar LT2AAAAP SN# POL00345
#84	Whelen Defender Tricore 46" Lightbar
#85	Whelen Lighting Control System 2955LSA6 SN# N265518
#86	Whelen Strobe Power Supply ISP188 SN# 3428
#87	Whelen Lighting Controls
#88	Code 3 Light Bar SN# T11863 REV-2
#89	Code 3 Model 3599L5 SN# PP0083870
#90	Vertex Speaker Model MLS-100 SN#15H09
#91	Vertex Speaker Model MLS-100 SN#091116014-0065
#92	ProGuard Shotgun Mount Electronic SN#G4906
#93	Setina Blac Rac Mount Model 1080E
#94	Setina Gun Mount Electronic
#95	Sharp Aquos LC-32D43U SN# 709896843
#96	JVC Model JLC37BC3002 SN# TRIDAJ021700211

#97	JVC Model JLC37BC3002 SN# TRIDAJ021701097
#98	ViewSonic Model VA2446M SN# TST163623344
#99	ViewSonic Model VA2446M
#100	HP Model LE2201 SN#CNK9310JZR
#101	HP Model LE2201 SN#CNK811R92
#102	HP Model LA2205WG SN#3CQ22816CO
#103	HP Model LA2206X SN#3CQ128023L
#104	HP Model LA2206X SN#3CQ128023K
#105	HP Model LE1901W SN#3CQ9291M5S
#106	HP Model V221 SN# 6CM4152YL5
#107	COMPAQ Model HSTND3011W SN# CN402704YM
#108	Cannondale Bike SN# N022513
#109	Cannondale Bike SN# N121904
#110	Cannondale Bike SN# Q027586
#111	Body Vision XV SN# 2111610715
#112	Body Vision XV SN# 2111610537
#113	Body Vision XV SN# 2111610887
#114	Body Vision XV SN# 2111610785
#115	Body Vision XV SN# 2111610743
#116	Body Vision XV SN# 2111610707
#117	Body Vision XV SN# 2111610658
#118	Body Vision XV SN# 2111610903
#119	Body Vision XV SN# 2111610809
#120	Body Vision XV SN# 2111610710
#121	Body Vision XV SN# 2111610920
#122	Body Vision XV SN# 2111610877
#123	HP Model 6200 PRO CPU/Memory i5-2400 - 16GBDDR SN# 2UA14301MN
#124	HP Model 6200 PRO CPU/Memory iPENTIUM G620 - 8GB DDR3 SN# USH224A0RJ
#125	HP Model 6005PRO CPU/Memory AMD ATHLON II - 4 GB DDR3 SN# 2UA13207K9
#126	HP Model 6300 PRO CPU/Memory i5-3470 - 8GB DDR3 SN# 2UA3470RSF
#127	HP Model PRO3500 CPU/Memory i5-3470 - 8GB DDR3 SN# MXL32106YX
#128	HP Model 6000PRO CPU/Memory DUO E8400 - 4GB DDR3

	SN# 2UA1040HDS
#129	HP Model PRO 3500 CPU/Memory i5-3470 - 4GB DDR3 SN# MXL32106ZL
#130	HP Model 6000 PRO CPU/Memory DUO E8400 - 4GB DDR3 SN# 2UA1040HDT
#131	DELL Model OPTI PLEX 790 CPU/Memory i5-2500 - 16 GB DDR3 SN# FWTC4V1
#132	PAN Model CF-30 CPU/Memory DUO L7500 - 1GB SN# CF-30FASA2AM
#133	PAN Model CF-30 CPU/Memory DUO L7500 - 1GB SN# CF-30FASAXAM
#134	PAN Model CF-30 CPU/Memory DUO L7500 - 1GB SN# CF-30FASA2AM
#135	Maglite Flashlight
#136	Maglite Flashlight
#137	Maglite Flashlight
#138	Maglite Flashlight
#139	Kenwood Lapel Mic Model KMC-41
#140	Kenwood Lapel Mic Model KMC-41
#141	Kenwood Lapel Mic Model KMC-41
#142	Kenwood Lapel Mic Model KMC-41
#143	SuperCircuits Camera Model PC33C-4G SN# 091116014-0063
#144	SuperCircuits Camera Model PC33C-4G 091116014-0065
#145	AT&T Samsung Cell Phone Model SGH-A25 SN# RPZSB26368E
#146	Verzion Blackberry Cell Phone SN# PCB21188-004
#147	All Traffic Shield Radar Sign SN# 129951110105
#148	Coleman Generator Model PM0543000.01 SN# 91091277
#149	Adjustable Halogen Light Stand
#150	Adjustable Halogen Light Stand

WHEREAS, the borough reserves the right to add additional items from resolution approval to advertising date; and

WHEREAS, the Public Auction to be held via Municibid an online Federal, State and Local Auction Site; and

***BE IT FURTHER RESOLVED*, that upon completion of the bidding, the Borough reserves the right to accept the highest bid or reject all bids on an individual item-by-item basis and all sales are as-is and final.**

2024-80

**BOROUGH OF ESSEX FELS
COUNTY OF ESSEX, NEW JERSEY
SELF-EXAMINATION OF BUDGET RESOLUTION
*[as required by DCA]***

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Essex Fells has been declared eligible to participate in the program by the Division of Local Government Services,

and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Essex Fells that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
2.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be uploaded to the FAST System for the Director of the Division of Local Government Services upon adoption.

2024-83

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	\$1,124,296.97
Borough Capital	C-04	\$9,922.00
Water	3-05	\$0
Water	4-05	\$22,635.06
Grant	04	\$0
Water Capital	C-06	\$742,521.95
Animal Control	T-10	\$0
Trust	T-11	\$1,963.05
Payroll	T-13	\$99,289.45
	T-16	\$600.00

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		Maggie O'Connor
John King	<u>Abstain</u>	
William Sullivan	None	

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

2024-81

Municipal Budget of the Borough of Essex Fells, County of Essex for the Fiscal Year 2024

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024:

BE IT FURTHER RESOLVED that said Budget be published in The Progress in the issue of May 30, 2024.

The Governing Body of the Borough of Essex Fells does hereby approve the following as the Budget for the year 2024:

Summary of Current Fund Section of Approved Budget Year 2024
General Appropriations For:

- | | |
|---|----------------|
| 1. Appropriations within "CAPS" | |
| (a) Municipal Purposes | \$4,965,930.67 |
| 2. Appropriations excluded from "CAPS" | |
| (a) Operations | \$815,026.52 |
| (b) Capital Improvements | \$50,000.00 |
| (c) Municipal Debt Service | \$648,005.00 |
| (d) Total Deferred Charges | \$65,419.56 |
| Total General Appropriations excluded from "CAPS" | \$1,600,250.71 |
| 3. Reserve for Uncollected Taxes-Based on Estimated
Percent of Tax Collections | \$330,000.00 |
| 4. Total General Appropriations | \$6,874,381.75 |
| 5. Less: Anticipated Revenues Other Than Current Property Tax
(i.e. Surplus, Miscellaneous Revenues and Receipts from
Delinquent Taxes) | \$2,205,180.38 |
| 6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows) | |
| (a) Local Tax for Municipal Purposes Including Reserve
for Uncollected Taxes | \$4,669,201.37 |
| (b) Addition to Local District School Tax | |

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Essex Fells, County of Essex, on May 21, 2024.

A Hearing on the Budget and Tax Resolution will be held at the Borough of Essex Fells, on June 18, 2024 at 7:00 o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2024, may be presented by taxpayers or other interested persons.

And was carried on call of the roll:

Ayes
Michael Cecere
Greg Hindy
John King
William Sullivan

Nays
None
Abstain
None

Absent
BJ D'Avella
Maggie O'Connor

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

2024-82

RESOLUTION REAFFIRMING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELS AND KEEFE LAW FIRM LLC

WHEREAS, there exists the need for the Borough of Essex Fells to obtain professional legal services related to investigation and evaluation of potential claims related to the presence of per- and polyfluoroalkyl substances ("PFAS") in the Borough's drinking water supplies and related professional legal services; and

WHEREAS, the Keefe Law Firm LLC has and will continue to provide professional legal services; and

WHEREAS, the Borough's Chief Financial Officer need not certify that funds are available for this purpose because the Keefe Law Firm, LLC will represent the Borough of Essex Fells on a contingency fee basis and will cover all costs at no risk to the Borough meaning that if the litigation is unsuccessful, the Borough will not be responsible for any costs; 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" must be available for public inspection.

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. The Borough Manager and Borough Clerk are hereby authorized and directed to execute and reaffirm an agreement with Keefe Law Firm LLC for professional legal services related to investigation and evaluation of responsibility for the presence of per- and polyfluoroalkyl substances ("PFAS") in the Borough's drinking water supplies and related professional services in the form attached hereto.

2. This contract is awarded 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.

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

And was carried on call of the roll:

Ayes
Michael Cecere
John King
William Sullivan

Nays
None
Abstain
Greg Hindy

Absent
BJ D'Avella
Maggie O'Connor

On motion made by Councilman Hindy, seconded by Councilman Sullivan and approved unanimously by the Council, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk