

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 June 4, 2024 at 7:00 p.m.

Present

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

Absent

Councilman John King

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.

Mayor Davis announced introduction on first reading of Ordinance 2024-1100

Councilman Hindy moved, Councilman Cecere seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1100, BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$975,000 FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$975,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION, hearing to be held on June 18, 2024 at 7:00 p.m.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Essex Fells, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$975,000. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$975,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$975,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
Various improvements and acquisitions to the water utility system, including but not limited to acquisition of dump truck, improvements to buildings and grounds, improvements to main pump station, including but not limited to building, roof, windows and doors, garage, improvements and rehabilitation of equipment, redevelopment of Wells 7, 11, 13 and 15, hydrant replacement, inspection of high (two tanks) and low (one tank) service reservoirs, water main upgrades/replacements and Runnymede water main replacement, including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$975,000	\$975,000	26.68 Years
TOTAL ALL PURPOSES	\$975,000	\$975,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$975,000.

(c) The estimated cost of the Improvements is \$975,000 which amount represents the initial appropriation made by the Borough.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 26.68 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$975,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of

a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$975,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

And was carried on call of the roll:

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

Mayor Davis announced introduction on first reading of Ordinance 2024-1101

Councilwoman O'Connor moved, Councilman Cecere seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1101, BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,491,490 FOR VARIOUS CAPITAL IMPROVEMENTS AND PURPOSES FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,049,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION, hearing to be held on June 18, 2024 at 7:00 p.m.

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

SECTION 12:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Essex Fells, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,491,490, such sum includes the sum of \$398,390 expected to be received as a grant from the New Jersey Department of Transportation in connection with the improvements in Section 3(a)(4) and \$44,100 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital purposes.

SECTION 13:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,049,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$1,049,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 14:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
(1) Acquisition of vehicles, various equipment and various improvements for the Police Department, including but not limited to patrol vehicle, security cameras, server, storage facility, radar unit, installation of garage doors for Lombardy Building and fingerprinting computer.	\$251,000	\$238,300	8.62 Years
(2) Acquisition of various equipment for the Fire Department, including but not limited to radios/pagers, SCBA bottles, turnout gear, fire hose and adapters.	46,000	43,700	5 Years
(3) Various improvements for the Public Works Department, including but not limited to improvements to buildings and grounds, including renovations to Borough Hall, Post Office, Service Building, Rob Lombardy Field House, tree replacement program, acquisition of a truck, toro ground master and newstripe newrider, and improvements to roads and lots, including speed humps and street signs, including all work and materials, including all work and materials necessary therefor or incidental thereto.	483,500	459,200	13.44 Years
(4) Various road and infrastructure improvements throughout the Borough and a traffic study project (Dolan and Dean), including all work and materials necessary therefor or incidental thereto.	630,990	231,800	10 Years
(5) Sewer system improvements and storm management/drainage, including all work and materials necessary therefor or incidental thereto.	80,000	76,000	40 Years
TOTAL ALL PURPOSES	\$1,491,490	\$1,049,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,049,000.

(c) The estimated cost of the Improvements is \$1,491,490 which amount represents the initial appropriation made by the Borough.

SECTION 15:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief

Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 16:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 17:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 13.15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,049,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 18:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 19:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 20:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,049,000.

SECTION 21:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

And was carried on call of the roll:

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

Mayor Davis announced introduction on first reading of Ordinance 2024-1102

Councilman D'Avella moved, Councilman Sullivan seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1102, ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR WHOLESALE WATER CONSUMPTION, hearing to be held on June 18, 2024 at 7:00 p.m.

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 286, Section 286-34, of the Revised General Ordinances of the Borough of Essex Fells entitled "Per-gallon rate" shall be

amended by the following amendment to subsection B which shall read in its entirety as follows:

B. The rate for contractual wholesale customers shall be \$3.375 for each thousand gallons of water purchased. This rate shall be effective beginning in the first quarter of 2024.

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> Michael Cecere BJ D'Avella Greg Hindy Maggie O'Connor William Sullivan	<u>Nays</u> None <u>Abstain</u> None	<u>Absent</u> John King
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Councilman Cecere moved, Councilman D'Avella seconded, approval of the following resolutions on consent:

2024-84

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

- The following named person/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:
Gannon Chiuchiolo	Police Officer	\$45,457.60	May 31, 2024

2024-85

AUTHORIZE TAX COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR 3RD QUARTER 2024 TAXES

WHEREAS, N.J.S.A 54:4-66.3, pursuant to Section 3 of P.L 1994 c. 72 and 54:4:4-66.2, the governing body has determined that the Tax Collector will be unable to complete the mailing and delivery of the tax bills due to the absence of a certified tax rate; and

WHEREAS, the Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council to approve the estimated tax levy; which is between the mandated estimated range proposed by the Local Government Services. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Essex Fells, County of Essex, State of New Jersey, hereby authorizes that:

1. The Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2024 taxes.
2. The entire estimated tax levy for 2024 is hereby set at \$16,401,996.01. The estimated tax rate for 2024 is hereby set at 2.164.
3. In accordance with law, the third installment of 2024 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer for their records.

2024-86

RESOLUTION OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,976,099, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF ESSEX FELLS IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK.

WHEREAS, the Borough of Essex Fells (the “Local Unit”), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the project consisting of various improvements to the water treatment system at the Gray Street Treatment Facility for the water utility system, including but not limited to, design and installation of per- and poly fluorinated alkyl substances (“PFAS”) treatment systems, for compliance with State of New Jersey drinking water standards, including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Program of the I-Bank (the “Construction Financing Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in an aggregate principal amount not to exceed \$2,976,099 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note, including any renewals thereof, in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinances #2022-1057 and #2023-1081 of the Local Unit, which bond ordinances are entitled “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$9,000,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION” and “BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$3,600,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION,” respectively, and were finally adopted by the Local Unit at a meetings duly called and held on May 3, 2022 and July 18, 2023, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount not to exceed \$2,976,099;
- (b) the maturity of the Note shall be as set forth in the Note;
- (c) the interest rate of the Note shall be as set forth in the Note;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJWB-CFP-24-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Gibbons P.C. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers (as defined in the Note) or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any

advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

2024-87

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO LONGO ELECTRICAL-MECHANICAL SALES AND SERVICE FOR VERTICAL TURBINE PUMP REPAIR ON AN EMERGENCY BASIS

WHEREAS, an emergency repair to the Peerless Model 12MB-8 Pump #4 Vertical Turbine Pump was required; and

WHEREAS, Longo Electrical-Mechanical Sales and Service was able to respond to the scope of this emergency and provided a proposal dated January 19, 2024 and April 17, 2024 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 restoration actions were 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 Longo Electrical-Mechanical Sales and Service based on quotations dated January 19, 2024 and April 17, 2024 in the combined amount not to exceed \$32,225.00 for repair to the Pump #4 vertical turbine pump is hereby authorized.

**RESOLUTION AUTHORIZING THE EXECUTION OF A SEWER EJECTMENT
INSTALLATION AND HOLD HARMLESS AGREEMENT**

WHEREAS, Amy White is the owner of real property known as 279 Runnymede Road, shown as Block 13, Lot 6.08 on the Borough Tax Map in the Borough of Essex Fells (“the Property”); and

WHEREAS, the Borough provides sanitary sewerage service to the Property; and

WHEREAS, the residence located on the Property has sustained sewer backup issues numerous times which have only been partially addressed by the homeowner’s installation of a check valve to prevent backflow; and

WHEREAS, the Borough Consulting Engineer has recommended the installation of a sewerage ejector system on the property to alleviate the condition; and

WHEREAS, the Borough has agreed to install the sewerage ejector system on the Property as an accommodation to its sewerage customer but does not guarantee that the installation will resolve all issues with the sewerage system on the property nor does it accept responsibility for the future functioning of the system; and

WHEREAS, Ms. White has agreed to permit the installation of the system on her property and understands that the Borough is not accepting responsibility for the sewerage system operation on her property and that, following construction, the system will be owned and maintained in the future by the property owner; and

WHEREAS, Ms. White and the Borough wish to document this agreement.

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 Mayor and Borough Clerk are authorized to execute a Sewer Ejectment Installation and Hold Harmless Agreement with Amy White in the form attached hereto.

BE IT RESOLVED by the Council of the Borough of Essex Fells that:

WHEREAS, a permit application has been received from the Essex Fells Country Club, 219 Devon Road, for a Fireworks display on Wednesday, July 3, 2024 on the golf course area of its property near the clubhouse; and

WHEREAS, said fireworks display will be conducted under the direction of Interstate Fireworks, Inc., PO Box 260, Rowland PA 18457, a licensed and insured operator; and

WHEREAS, the display request must be sent to both the Chief of the Police and the Fire Chief by the Country Club.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Essex Fells hereby grants permission to the Essex Fells Country Club to conduct a Fireworks display on Wednesday, July 3, 2024 from approximately 9:00 PM to 10:00 PM.

2024-90

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO A.C. SCHULTES FOR REPAIRS TO WELL 10 ON AN EMERGENCY BASIS

WHEREAS, due to a malfunction on Well 10 an emergency repair was necessary; and

WHEREAS, A.C. Schultes was 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 A.C. Schultes in the amount not to exceed \$45,000 for emergency repairs to Well 10 is hereby authorized.

2024-91

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO NORTH CREEK LLC FOR REPAIRS ON FELLS ROAD BETWEEN BEECHTREE AND OVAL ON AN EMERGENCY BASIS

WHEREAS, due to a collapsing storm culvert on Fells Road between Beechtree and Oval an emergency repair was necessary; and

WHEREAS, North Creek LLC was 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 North Creek LLC in the amount not to exceed \$58.630 for emergency storm water culvert repairs on Fells Road between Beechtree and Oval is hereby authorized.

2024-92

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

WHEREAS, various street signs are being replaced throughout the Borough in order to be in compliance with State and Federal Standards; and

WHEREAS, the Mayor has asked that the signs be auctioned off in an effort to offset the cost to the borough; and

NAME	ADDRESS	STREET SIGN	BID
Alan Rubino	210 Oldchester Road	Oldchester Road - Black	\$25.00
Alan Rubino	210 Oldchester Road	Tothill Road - Black	\$25.00
Joseph Pannullo	57 Holton Lane	Stocker Road -Black	\$50.00

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the borough of Essex Fells that the above-mentioned street signs be auctioned off to the residents with the amounts listed opposite their name.

2024-93

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	\$896,324.45
Borough Capital	C-04	\$2,482.61

Water	3-05	\$0
Water	4-05	\$51,271.67
Grant	04	\$0
Water Capital	C-06	\$17,621.20
Animal Control	T-10	\$0
Trust	T-11	\$5,086.69
Payroll	T-13	\$121,623.13

And was carried on call of the roll:

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

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

2024-94

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Mayor and Council of the Borough of Essex Fells is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor & Council of the Borough of Essex Fells to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served

by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

- X (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase; Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- X (7) Matters Relating Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

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, assembled in public session on June 4, 2024 at 7:12 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

And was carried on call of the roll:

Ayes
Michael Cecere
BJ D'Avella
Greg Hindy
Maggie O'Connor
William Sullivan

Nays
None

Abstain
None

Absent
John King

**On motion made by Councilman Hindy, seconded by Councilman Sullivan
and approved unanimously by the Council, the meeting adjourned at 7:50 p.m.**

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk