

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 18, 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 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.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

**A. Written:**

**May 2024 Department Reports:**

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report

**B. Oral**

**Michael Petry, Borough Engineer**

- NJDOT Municipal Road Aid Grant 2025
  - Arden, Beechtree and Gordon
- Project Updates
  - Feels Road to commence next week
  - Beekman Hill Road – still gathering information
  - Flood Study – To be completed end of July
  - 2024 NJDOT Municipal Road Aid Bid Documents approved by state

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 a public hearing on second reading of Ordinance 2024-1096*

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of June 6, 2024

*The public hearing was held and* **AN ORDINANCE OF THE BOROUGH OF ESSEX FELLS AMENDING THE BOROUGH CODE TO ESTABLISH NJDEP-MANDATED REGULATIONS FOR PRIVATELY OWNED SALT STORAGE**

**WHEREAS**, as part of MS4 Tier A permit stormwater requirements, the New Jersey Department of Environmental Protection (NJDEP) requires municipalities to adopt NJDEP- mandated regulations for privately owned salt storage; and

**WHEREAS**, the Borough Council is required to adopt the NJDEP model ordinance.

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

**SECTION 1.** The Revised General Ordinances of the Borough of Essex Fells are hereby amended by the inclusion of new Chapter 202 entitled “Privately Owned Salt Storage,” which shall read in its entirety as follows:

**CHAPTER 202**

**PRIVATELY OWNED SALT STORAGE**

**§ 202-1. Purpose.**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Borough of Essex Fells to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§ 202-2. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- (1) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

- (2) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  - (3) The structure shall be erected on an impermeable slab;
  - (4) The structure cannot be open sided; and
  - (5) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

**§ 202-3. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
- (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - (2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - (4) Loose materials shall be covered as follows:
    - (a) The cover shall be waterproof, impermeable, and flexible;
    - (b) The cover shall extend to the base of the pile(s);
    - (c) The cover shall be free from holes or tears;
    - (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
      - [1] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
  - (5) Containers must be sealed when not in use; and
  - (6) The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. All such temporary and/or permanent structures must also comply with all other Borough of Essex Fells ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

- (1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**§ 202-4. Exemptions.**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in § 202-3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**§ 202-5. Enforcement.**

This ordinance shall be enforced by the Essex Fells Police Department and/or another person designated by the Borough Administrator during the course of ordinary enforcement duties.

**§ 202-6. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall subject such person(s) to fines and penalties in accordance with N.J.S.A. 40:49-5.

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

*Mayor Davis announced a public hearing on second reading of Ordinance 2024-1097*

**The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of May 30, 2024**

***The public hearing was held and 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)***

**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:**

<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	

**The Public Hearing on 2024-1098 was deferred to July 16, 2024**

**ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF ESSEX FELS**

**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:

<b>Property</b>		<b>Existing Zone</b>	<b>New Zone</b>
<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.

*Mayor Davis announced a public hearing on second reading of Ordinance 2024-1099*

**The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of June 6, 2024**

*The public hearing was held and* **ORDINANCE AMENDING CHAPTER 170 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND AMENDING SECTION 170-79 “FENCES OR WALLS”**

**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  
BJ D’Avella

Greg Hindy  
Maggie O’Connor  
William Sullivan

Nays  
None

Abstain  
Michael Cecere

Absent  
John King

**The Public Hearing on 2024-1100 was deferred to July 2, 2024**

**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.**

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© 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
<b>TOTAL ALL PURPOSES</b>	<b>\$975,000</b>	<b>\$975,000</b>	

(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.

**The Public Hearing on 2024-1101 was deferred to July 2, 2024**

**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.**

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:

<b>Improvements</b>	<b>Appropriation and Estimated Cost</b>	<b>Estimated Maximum Amount of Bonds or Notes</b>	<b>Average Period of Usefulness</b>
(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
<b>TOTAL ALL PURPOSES</b>	<b>\$1,491,490</b>	<b>\$1,049,000</b>	

(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.

**The Public Hearing on 2024-1102 was deferred to July 2, 2024**

**ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR WHOLESALE WATER CONSUMPTION**

**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:

**2024.** 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.

**2024 Municipal Budget**  
*Public Hearing deferred to July 2, 2024*

**Public Comment**

Jameson, Marjorie – 63 Holton Lane  
Pannullo, Joe – 57 Holton Lane  
Anelle, Barbara – 82 Devon Road

Public Safety  
Public Safety  
Public Safety

*Councilman D’Avella moved, Councilman Sullivan seconded, approval of the following resolutions on consent:*

**2024-95**

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

***WHEREAS***, the Borough of Essex Fells has determined that it is in the public interest to join with other municipalities to jointly provide insurance coverage; and

***WHEREAS***, effective May 1, 1987 the Borough became a member of the Morris County Municipal Joint Insurance Fund (JIF) and the Municipal Excess Liability Joint Insurance Fund (MEL); and

***WHEREAS***, each fund requires that participating municipalities appoint an Insurance Risk Manager, and

***WHEREAS***, the borough shall appoint IMAC Insurance Agency, LLC as their Risk Management Consultant from July 1, 2024 to June 30, 2025 at an annual fee of \$10,000.00. The Consultant shall attend all meetings on behalf of the Borough.

***NOW, THEREFORE, BE IT RESOLVED*** by the Council of the Borough of Essex Fells that IMAC Insurance Agency, LLC, is hereby appointed as the Borough’s Insurance Fund Risk Management Consultants.

**2024-96**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE GRAY STREET PFOA REMOVAL TREATMENT PROJECT**

***WHEREAS***, the Borough of Essex Fells solicited bids for the Gray Street PFOA Treatment Project; and

***WHEREAS***, bids were received on June 4, 2024; and

***WHEREAS***, JVS Industrial and Commercial Contractors, Inc. submitted the lowest responsible and responsive bid pursuant to the Borough’s Notice to Bidders for the above-referenced project; and

***WHEREAS***, the Borough Administrator, Consulting Engineer, and Borough Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, JVS Industrial and Commercial Contractors, Inc. has submitted a bid that is now in proper form and may be awarded by the Borough Council; and

**WHEREAS**, the Borough Council wishes to award the contract to JVS Industrial and Commercial Contractors, Inc. in accordance with its bid proposal dated June 4, 2024; and

**WHEREAS**, the Chief Financial Officer of the Borough of Essex Fells has certified that funds will be available for this purpose upon approval of financing from the New Jersey Environmental Infrastructure Trust.

**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. A contract for the Gray Street PFOA Treatment Project is hereby awarded to JVS Industrial and Commercial Contractors, Inc. in accordance with its bid proposal for an amount of \$1,876,000.83 subject to approval of financing from the New Jersey Environmental Infrastructure Trust.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with JVS Industrial and Commercial Contractors, Inc upon receipt of approval from the New Jersey Department of Environmental Protection and subject to funding approval in accordance with its bid proposal dated June 4, 2024.
3. This Resolution shall take effect immediately.

**2024-97**

**Resolution to Refund Escrow Money**

**WHEREAS**, the following project(s) required applications inclusive of escrow fees; and

**WHEREAS**, the project(s) have been closed and all professionals have been paid.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized to refund the following to:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>REFUND</u></b>
10.07 \$503.00	10	14 Essex Road  Walsh, John & Catherine	

**2024-98**

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	\$4,640.99
Current	4-01	\$131,802.60
Borough Capital	C-04	\$6,513.39
Water	3-05	\$0
Water	4-05	\$12,733.33
Grant	04	\$0
Water Capital	C-06	\$184,498.85
Animal Control	T-10	\$19.20
Trust	T-11	\$2,304.42
Payroll	T-13	\$110,562.59

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	

On motion made by Councilman Hindy, seconded by Councilwoman O'Connor and approved unanimously by the Council, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Francine T. Paserchia  
*Municipal Clerk*