

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 August 20, 2024 at 7:00 p.m.

Present

Mayor Edward A. Davis  
Councilman Michael Cecere  
Councilman BJ D'Avella  
Councilman William Sullivan

Absent

Councilman Greg Hindy  
Councilman John King  
Councilwoman Maggie O'Connor

Also Present

Borough Administrator/Borough Clerk Francine T. Paserchia  
Borough Attorney James Parisi

Mayor Davis called the meeting to order. He stated that in compliance with the Open Public Meetings Law (Chapter 231, Public Laws of 1975) notice of this meeting was transmitted to The Progress and The Star Ledger and was filed with the Borough Clerk and is posted on the Bulletin Board of the Borough Hall.

Mayor Davis led the Council in the Pledge of Allegiance and gave the Invocation.

Councilman D'Avella moved, Councilman Sullivan seconded approval of the minutes of:

- May 7, 2024
- May 21, 2024
- June 4, 2024
- July 16, 2024

And was carried on call of the roll:

Ayes  
Michael Cecere  
BJ D'Avella  
William Sullivan

Nays  
None

Abstain  
None

Absent  
Greg Hindy  
John King  
Maggie O'Connor

Committee Discussions

Public Affairs

Michael Petry, Borough Engineer advised the governing body that he met with the Public Affairs Committee, Administrative Staff including the Construction Official to discuss his memorandum of changes to the existing borough code.

He stressed that this is to streamline not only building permits but variance applications as well. Not all changes were incorporated into Ordinance 2024-1103 that was in the engineer's original memorandum. Those changes will be handled at a later time.

Mr. Petry also discussed fee Ordinance 2024-1104, that merely establishes a fee for copies of the Topographical Maps.

Next the 2024 Municipal Road Aid Program Award which is scheduled for adoption (Resolution 2024-120) was discussed and the bidder was advised.

*At this time Councilman Cecere, Chairman of the Public Affairs Committee asked to hold both ordinances discussed above until another Public Affairs Committee can be held to further discuss.*

### Water

The mayor gave an update on the new PFOA Facility as well as an update on the entire PFOA Project.

*All were in Agreement.*

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

#### A. Written:

##### July 2024 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report
- Annual Traffic Report 2024
- Lynn Konner, 242 Old Chester Road – Speed Hump Request

Mayor Davis said if there were no objections to the above, they will be placed on file. Hearing no objection, it was so ordered.

### Introduction of Proposed Ordinances:

#### 2024-1103

**ORDINANCE AMENDING CHAPTERS 286, 269, 156, 150, 178, 237, AND 206 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS**

#### 2024-1104

**ORDINANCE AMENDING CHAPTER 209 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING FEES FOR COPIES OF TOPOGRAPHICAL MAPS**

*At this time Councilman Cecere, Chairman of the Public Affairs Committee asked to hold both ordinances discussed above until another Public Affairs Committee can be held to further discuss.*

*Mayor Davis announced a public hearing on second reading of Ordinance 2024-1098*

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 left open ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF ESSEX FELLS*

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.

**Public Comment**

Byron Elliot	23 Oak Lane	PFOA Site
Karen Elliot	23 Oak Lane	PFOA Site
Ben Zimmer	143 Fells Road	Public Safety
Barbara Zimmer	143 Fells Road	Public Safety
Jody James	24 Oldchester Road	Public Safety
Alyssa Mannino	27 Oak Lane	PFOA Site

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

**2024-115**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PAINT MACHINE FROM SHERWIN WILLIAMS FOR THE ESSEX FELLS PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the Borough of Essex Fells wishes to purchase a new paint machine for use by the Essex Fells Public Works Department; and

**WHEREAS**, said product can be supplied by Sherwin Williams, under an Educational Services Commission of New Jersey Cooperative Contract ESCNJ 23/24-16; and

**WHEREAS**, Public bids are not required when the purchase is made under a cooperative contract in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law; and

**WHEREAS**, the maximum amount of the contract is \$18,551.23 and the Borough's Chief Financial Officer has certified that the funds are available; and

**WHEREAS**, The Borough Council wishes to authorize a contract for the purchase of the paint machine.

**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 is hereby awarded to Sherwin Williams for the purchase of a paint machine (Graco LineLazer 3900 Mechanical and LineDriver with Front Weight System and 15 Gallon Hopper) in an amount not to exceed \$18,551.23.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in Educational Services Corporation of New Jersey Cooperative Contract ESCNJ 23/24-16 for an amount not to exceed \$18,551.23.
3. Any and all Municipal Officials are hereby authorized to take whatever actions may be necessary to implement the terms and conditions of this resolution.

**2024-116**

**RESOLUTION AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR SEWER GRINDER PUMP STATION TO DPS PUMP SERVICE LLC IN AN AMOUNT NOT TO EXCEED \$18,524.95**

**WHEREAS**, the Borough of Essex Fells solicited quotes for material and labor for a sewer grinder pump system to be located at **279 Runnymede Road** and DPS Pump Service LLC provided the lowest quote; and

**WHEREAS**, the lowest quote obtained is **\$18,524.95**; and

**WHEREAS**, the New Jersey Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq. requires contracts in excess of \$17,500 to be issued in a fair and open or non-fair and open manner; and

**WHEREAS**, DPS Pump Service, LLC has provided the required documentation, which is on file in the office of the Borough Clerk, for a non-fair and open contract to be awarded; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to make the award within the amount identified; and

**WHEREAS**, it is the recommendation of the Public Works Superintendent that the contract be authorized.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Essex Fells, County of Essex as follows:

1. The contract for material and labor for a sewer grinder pump system to be located at 279 Runnymede Road is awarded to DPS Pump Service, LLC, in an amount not to exceed \$18,524.95
2. The appropriate Borough Officials are hereby authorized and directed to execute the necessary documents related to this award.

**2024-117**

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

1. 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:
Vincent B. Cocozziello, Jr.	Crossing Guard	\$18.00/hr.	September 5, 2024

**2024-118**

**REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the property owner at the address listed has requested a refund for overpayments made for taxes,

**WHEREAS**, the Tax Collector has determined that the property owner is entitled to said refund,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Essex Fells, County of Essex that the Tax Collector be authorized to refund the following:

<u>Block</u>	<u>Lot</u>	<u>Recipient</u>	<u>Amount</u>
9.03	6	Pryor, Jonathon 223 Oldchester Road Essex Fells, NJ 07021	\$12,883.32

**2024-119**

**RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND THE PBA LOCAL #81**

**WHEREAS**, the PBA Local #81 and the Borough of Essex Fells have come to an Agreement; and

**WHEREAS**, attached is the Memorandum of Agreement for the period of January 1, 2022 through December 2025.

**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 Memorandum of Agreement with the PBA Local #81 attached hereto is approved.

**2024-120**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE 2024 MUNICIPAL ROAD PROGRAM**

**WHEREAS**, the Borough of Essex Fells solicited bids for the 2024 Municipal Road Program; and

**WHEREAS, D&L Paving Contractors, Inc.** submitted the lowest responsible and responsive bid pursuant to the Borough's Notice to Bidders for the above-referenced contract; and

**WHEREAS,** the Borough Engineer, and Borough Attorney have reviewed the bids and have found that the lowest responsible and responsive bidder, D&L Paving Contractors, Inc. has submitted a bid that is in proper form and may be awarded by the Borough Council; and

**WHEREAS,** the Borough Council wishes to award the contract to D&L Paving Contractors, Inc. in accordance with its bid proposal; and

**WHEREAS,** the Chief Financial Officer of the Borough of Essex Fells has certified that funds are available for this purpose.

**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 **2024 Municipal Road Program** is hereby awarded to D&L Paving Contractors in accordance with its bid proposal in the amount of **\$605,562.04**.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract with D&L Paving Contractors, Inc. in accordance with its bid proposal.
3. This Resolution shall take effect immediately.

#### **2024-121**

#### **RESOLUTION AUTHORIZING THE DISCRETIONARY AWARD OF A CONTRACT FOR A 100 HP TURBINE MOTOR TO DPS PUMP SERVICE LLC IN AN AMOUNT NOT TO EXCEED \$18,525.00**

**WHEREAS,** the Borough of Essex Fells solicited a quote on an emergency basis for material and labor for replacement of a 100 HP turbine motor at Runnymede Pump House #1(Booster Pump One) and DPS Pump Service LLC provided the lowest quote; and

**WHEREAS,** the lowest quote obtained is \$18,525.00 and

**WHEREAS,** the New Jersey Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq. requires contracts in excess of \$17,500 to be issued in a fair and open or non-fair and open manner; and

**WHEREAS,** DPS Pump Service, LLC has provided the required documentation, which is on file in the office of the Finance Officer, for a non-fair and open contract to be awarded; and

**WHEREAS,** the Chief Financial Officer has certified that funds are available to make the award within the amount identified; and

**WHEREAS,** it is the recommendation of the Public Works Superintendent that the contract be authorized.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Essex Fells, County of Essex as follows:

1. The contract for material and labor for replacement of a 100 HP turbine motor at Runnymede Pump House #1(Booster Pump One) to DPS Pump Service, LLC, in an amount not to exceed \$18,525.00
2. The appropriate Borough Officials are hereby authorized and directed to execute the necessary documents related to this award.

**2024-122**

**WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and**

**WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and**

**WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and**

**WHEREAS, the municipality of Essex Fells wishes to participate in an electronic tax sale.**

**NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of Essex Fells, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.**

**2024-123**

**TO REFUND PAYMENT TO THE LISTED TAXPAYER  
DUE TO VETERAN EXEMPTION**

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

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

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

<b>ADDRESS</b>	<b>54 Avon Drive</b>		<b>EXEMPT</b>	<b>6/5/2024</b>
<b>BLOCK</b>	<b>2.04</b>		<b>DATE</b>	
<b>LOT</b>	<b>3</b>			
<b>QUAL</b>				
<b>PAYMENTS</b>	<b>DATE</b>	<b>AMOUNT</b>	<b>PRORATED</b>	<b>REFUND DUE</b>
<b>2024 Q2</b>	<b>5/1/2024</b>	<b>\$ 4,040.98</b>	<b>25</b>	<b>\$ 1,122.49</b>
<b>TOTAL</b>				<b>\$ 1,122.49</b>
<b>REFUND DUE</b>				
<b><u>PAYABLE TO:</u></b>				
Wonski, Beth				
54 Avon Drive				
Essex Fells NJ 07021				

**2024-124**

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES  
CANCELLATION OF BALANCES TO THE LISTED TAXPAYER  
DUE TO VETERAN EXEMPTION**

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

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

<b>ADDRESS</b>	<b>54 Avon Drive</b>		<b>EXEMPT</b>	<b>6/5/2024</b>
<b>BLOCK</b>	<b>2.04</b>		<b>DATE</b>	
<b>LOT</b>	<b>5</b>			
<b>QUAL</b>				
<b>PAYMENTS</b>	<b>DATE</b>	<b>AMOUNT</b>		
<b>2024 Q3</b>	<b>8/1/2024</b>	<b>\$ 4,150.84</b>		

**2024-125**

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

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

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

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

<b>ADDRESS</b>	<b>304 Roseland Avenue</b>		<b>EXEMPT</b>	<b>1/24/2024</b>
<b>BLOCK</b>	<b>11.09</b>		<b>DATE</b>	
<b>LOT</b>	<b>3</b>			
<b>QUAL</b>				
<b>PAYMENTS</b>	<b>DATE</b>	<b>AMOUNT</b>	<b>PRORATED</b>	<b>REFUND DUE</b>
<b>2024 Q3</b>	<b>8/1/2024</b>	<b>\$ 3,514.86</b>	<b>90</b>	<b>\$ 3,514.86</b>
<b>TOTAL</b>				<b>\$ 3,514.86</b>
<b>REFUND DUE</b>				
<b><u>PAYABLE TO:</u></b>				
Lereta				
901 Coprate Ct. Drive				
Pomona, CA 91768				

2024-126

**WHEREAS**, the Tax Collector has received funds from a property owner(s) or other party of interest for redemption of a Tax Sale Lien(s), and

**WHEREAS**, lien holders are entitled to payment for redemption of the Tax Lien(s) upon receipt of funds by the Tax Collector, and

**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 that the Tax Collector is hereby authorized to redeem said lien(s) and return applicable premiums in the following amount(s):

**Certificate 22-00001**

**Block 3.03-5**

**Owner: FORCE, PATRICK & SWEENEY, CAITLYN**  
**Address: 115 DEVON ROAD**  
**TOTAL TO REDEEM CERTIFICATE: \$2,485.64**  
**REFUND OF PREMIUM: \$1,300**

**Check to be issued to: CHRISTIANA T C/F CE1/FIRST TRUST**  
**Mailing Address: PO BOX 5021**  
**PHILADELPHIA, PA 19111-5021**

2024-127

**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	\$267.25
Current	4-01	\$2,367,625.73
Borough Capital	C-04	\$25,475.57
Water	3-05	\$0
Water	4-05	\$168,999.51
Grant	04	\$0
Water Capital	C-06	\$596,296.59
Animal Control	T-10	\$0
Trust	T-11	\$5,846.65
Payroll	T-13	\$488,939.84

And was carried on call of the roll:

Ayes  
Michael Cecere  
BJ D'Avella  
William Sullivan

Nays  
None  
Abstain  
None

Absent  
Greg Hindy  
John King  
Maggie O'Connor

**On motion made by Councilman Cecere, seconded by Councilman D'Avella  
and approved unanimously by the Council, the meeting adjourned at 9:40 p.m.**

**Respectfully submitted,**

**Francine T. Paserchia  
*Municipal Clerk***