

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 September 17, 2024 at 7:00 p.m.

Present
Mayor Edward A. Davis
Councilman Michael Cecere
Councilman BJ D’Avella
Councilman Greg Hindy
Councilman John King
Councilwoman Maggie O’Connor
Councilman William Sullivan

Absent

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

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

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

Councilman Hindy moved, Councilman Sullivan seconded approval of the minutes of:

- April 16, 2024
- June 18, 2024
- July 2, 2024 – Special Meeting
- August 20, 2024

And was carried on call of the roll:

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

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

- August 2024 Department Reports:
- Construction Department Cash Receipt & Permit Fee Log Report
 - Police Department and Municipal Court Report

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

Councilwoman O'Connor moved, Councilman Hindy seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1103, ORDINANCE AMENDING CHAPTERS 286, 269, 156, 150, 178, 237, AND 206 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELS, hearing to be held on October 1, 2024 at 7:00 p.m.

Section 1. Chapter 286 of the Revised General Ordinances, “Water System”, Section 286-39, “Utility Fees”, shall be amended of the following amendments to subsections M and F which shall read as follows:

E. Road opening and restoration of pavement: see § 247-31

M. Construction water charge: \$200 per quarter.

Section 2. Chapter 269 of the Revised General Ordinances, “Trees”, Section 269-3, “Definitions”, shall be amended of the following additional definitions which shall read as follows:

Dripline - Drip line shall mean an imaginary line on the surface of the ground delineated by the outermost tips of the branches of a tree and measured plumb from the branches to the ground. In the case of trees with multiple trunks, the drip line of each trunk shall be measured separately.

Person – Any individual, resident, corporation, utility, company, partnership, firm or association applying for approval to remove tree regulation in this ordinance.

Section 3. Chapter 156 of the Revised General Ordinances, “Grading”, Section 156-3, “Grading Plan Preparation and Contents”, shall be amended of the following amendment to subsection H which shall read as follows:

H. Existing contours at one-foot contours where slopes are less than 10%, two-foot contours where slopes are 10-30% and five foot contours where slopes exceed 30%. It is required that contours extend a minimum of 20 feet into the adjacent property to evaluate runoff patterns.

Section 4. Chapter 170 of the Revised General Ordinances, “Land Development”, Section 170-3, “Definitions”, shall be amended by the following revision to the definitions of “Collector Streets” which shall read as follows:

COLLECTOR STREETS

Includes the following streets: Fells Road, Runnymede Road and Devon Road.

Section 5. Chapter 170 of the Revised General Ordinances, “Land Development”, Section 170-112, “Yard Regulations”, shall be amended by the following amendment to subsection A which shall read as follows:

- A. No portion of any building or other structure erected on any lot shall be nearer to the center of the street or streets which any such lot abuts than the average setback observed by existing buildings in the same Zone designation on the same side of the street between intersecting streets, or for a distance of 500 feet on each side of the lot if no intersecting street exists within that distance, except no building need be set back more than 100 feet.

The average setback of existing buildings on through lots shall only be measured to the line of the street on which the building fronts and not to the line of the other street or streets which abut the lot. Where no buildings exist within the stipulated distance on each side of the lot, then the buildings shall be set back at least 50 feet from the center of the street on a lot which is 100 feet deep, plus one additional foot for each five feet by which the depth of the lot exceeds 100 feet, but no building need be set back more than 100 feet from the center of any street on which it abuts.

Section 6. Chapter 178 of the Revised General Ordinances, “Lot Surface Drainage”, Section 178-2, “Application for Lot Surface Drainage Permit”, shall be amended by the following amendment to subsection A which shall read as follows:

- A. Requirement. Each land disturbance or grading activity that is required to have a lot surface drainage permit shall be submitted on the application form provided by the Building Department and shall be submitted to the Borough Building Department accompanied by three signed and sealed copies of a detailed lot surface drainage plan which shall have been prepared by a New Jersey licensed professional engineer or architect. A submittal of a boundary & topographic survey prepared by a licensed land surveyor is also required.

Section 7. Chapter 178 of the Revised General Ordinances, “Lot Surface Drainage”, Section 178-2, “Stormwater Management for Minor Development”, shall be amended by the following amendment to subsection B which shall read as follows:

B (2) Location of the property boundaries, including all lot line dimensions; front, side and rear yard setback dimensions, easements, encroachments and restrictions prepared by a licensed land surveyor.

B.(7) Existing and proposed topography prepared by a licensed land surveyor reflecting contour lines at one-foot intervals over the entire property. Topography and contour lines must extend 20 feet beyond the property line limits in order to adequately show the existing and proposed lot surface drainage conditions.

Section 8. Chapter 237 of the Revised General Ordinances, “Stormwater Control”, Section 237-11 “Application for Lot Surface Drainage Permit”, shall be amended by the following amendment to subsection B. which shall read as follows:

B. The stormwater runoff quantity control can be accomplished by any method set forth in § [237-4F](#), Tables 1, 2, or 3. For simplification, on small-scale single-family residential homes, one of the following alternative calculation can be utilized:

(1) Required storage volume for recharge systems can be provided in drywells, pipes, or perforated pipes, where the volume of both the pipe and the stone voids (utilizing a 40% void ratio) can be considered. Any such system is subject to establishing a percolation rate of not less than one inch per hour at the location of the system based upon field testing witnessed by the Borough Engineer and certified by the design professional and is further subject to construction no less than two feet above bedrock or seasonal high groundwater as confirmed during that field testing.

(a) Where drywells or other types of recharge systems are utilized, the required storage volume shall be based upon the increase in impervious coverage (in square feet) $\times 3/12$ = required storage volume in cubic feet.

(b) Where recharges are not feasible on a property, due to permeability limitations the required storage volume shall be based upon the increase in impervious coverage (in square feet) $\times 4.5/12$ = required storage volume.

(2) The required storage volume shall be provided in a surface or substances basin with a designed outlet structure that has an orifice which allows the basin to drain completely within 72 hours after the storm.

- (3) Overflow from any system shall be designed so as not to impact adjacent property owners or cause erosion. The discharge from the orifice and any overflow shall be connected to the municipal storm sewer if one exists along the street frontage of the property (or if one exists within 100 feet of the subject property).
- (4) In any system designed to provide infiltration, only runoff from roof leaders that are located within the same drainage area as the proposed impervious surfaces can be utilized for feeding the storage area. Such roof leaders shall be directly piped to the system.
- (5) Calculations shall be provided that include an analysis of the roof area that is tributary to the system to ensure that it provides sufficient volume to fill the proposed system during a two-inch rainfall event (i.e., an equal or greater roof area in comparison to the new impervious area).

Section 9. Chapter 206 of the Revised General Ordinances, “Property Maintenance”, Section 206-7, “Maintenance Responsibility; Penalties”, shall be amended by the addition of the following subsections to subsection A which shall read as follows:

- A. (6) Point Discharges of stormwater within ten feet of a property line or right-of-way line.
- A. (7) Excessive stormwater sheet flow into the municipal roadway that causes potential for icing within the roadway

Section 10. Chapter 206 of the Revised General Ordinances, “Property Maintenance”, Section 206-7, “Maintenance Responsibility; Penalties”, shall be amended by the addition of the following subsection to subsection B which shall read as follows:

- C. The required storage volume shall be provided in a surface or substance basin with a designed outlet structure that has an orifice which allows the basin to drain completely after the storm.
 - (a)The discharge from the orifice and any overflow shall be connected to the municipal storm sewer if one exists along the street frontage of the property (or if one exists within 100 feet of the subject property).
 - (b)The discharge from the orifice and any overflow shall be connected to the municipal storm sewer if one exists along the street frontage of the property (or if one exists within 100 feet of the subject property).

Section 11. 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 12. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 13. 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
John King
Maggie O’Connor
William Sullivan

Nays
None

Abstain
Michael Cecere

Absent
None

Mayor Davis announced introduction on first reading of Ordinance 2024-1104

Councilman Cecere moved, Councilman D’Avella seconded a motion to introduce on first reading and publish according to law an ordinance entitled 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, hearing to be held on October 1, 2024 at 7:00 p.m.

Section 1. Chapter 209 “Records, Public Access to” shall be amended by the inclusion of new Section 20-7 which shall be entitled “Copies of Topographical Maps” and shall read, in its entirety, as follows:

§ 209-7 Copies of Topographical Maps

Copies of the Borough topographical maps shall be available upon request and payment of a fee of \$75.00 per sheet. A CADD file may be obtained for a fee of \$100.00.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

And was carried on call of the roll:

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

Mayor Davis announced introduction on first reading of Ordinance 2024-1105

Councilman D’Avella moved, Councilwoman O’Connor seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1105, BOND ORDINANCE PROVIDING A SUPPLMENTAL APPROPRIATION OF \$3,000,000 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 \$3,000,000 BONDS OR NOTES OF THE BOROUGH FOR

FINANCING PART OF THE APPROPRIATION, hearing to be held on October

1, 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 supplemental amount of \$3,000,000. 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 \$3,000,000 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 \$3,000,000 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 to the water treatment system 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 (Supplements Bond Ordinances 2022-1057 and 2023-1081).	\$3,000,000	\$3,000,000	40 Years
TOTAL ALL PURPOSES	\$3,000,000	\$3,000,000	

(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 \$3,000,000.

(c) The estimated cost of the Improvements is \$3,000,000 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 40 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 \$3,000,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,000,000 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 \$3,000,000.

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

Mayor Davis announced introduction on first reading of Ordinance 2024-1106

Councilman Sullivan moved, Councilwoman O'Connor seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1106, ORDINANCE AMENDING CHAPTER 269 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELS TREES, hearing to be held on October 1, 2024 at 7:00 p.m.

§ 269-1. Title.

This chapter shall be known as the "Tree Removal and Protection Ordinance of the Borough of Essex Fells."

§ 269-2. Findings and purpose.

The Borough Council of the Borough of Essex Fells finds: that the preservation, maintenance, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and

assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; preserves and enhances the Borough's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare. This ordinance is designed to conform to NJDEP 2023 Tier A MS4 Guidelines.

§ 269-3. Definitions.

The following definitions shall apply to this chapter:

DRIPLINE – The area beneath the outermost branches of a tree projected vertically onto the ground, where the majority of a tree's root system is found. Often referred to as the Critical Root Zone.

ORNAMENTAL TREE – A small tree at least six feet or more at mature height (e.g., birch, dogwood, Japanese maple, cherry, crabapple, magnolia, Bradford pear, willow).

PERSON – Any individual, resident, corporation, utility company, partnership, firm, or association applying for approval to remove trees regulated under this Ordinance.

STRUCTURE – A combination of materials to form a construction for occupancy, use or ornamentation installed on a parcel of land.

TREE – A deciduous or evergreen tree with an anticipated mature height of 20 feet or more (e.g., red, Norway, silver or sugar maple; sweetgum; London plane tree; American sycamore; white, red or pin oak; American elm; yellow or white poplar; copper beech, cedar, spruce, pine, fir or hemlock).

§ 269-4. Permit required; penalty. [Amended 4-15-2014 by Ord. No. 2014-949]

No person shall cut down or remove any ornamental tree of a diameter of three inches or more measured at a height of four feet above the ground, nor any other tree of a diameter of six inches or more measured at a height of 4 1/2 feet above the ground without a tree removal permit. The penalty for a violation of this section shall be:

- A. First offense: \$1,000.
- B. Second offense: \$1,500.
- C. Third offense: \$2,000.
- D. Fourth and subsequent offenses: \$2,500.

§ 269-5. Application procedure. [Amended 9-16-2003 by Ord. No. 2003-761]

- A. Application for a tree removal permit shall be made by submission of the following:
 - (1) An application form provided by the Borough containing the following information: the name and address of the applicant; the street address and tax lot and block of the property in question; the number of trees to be removed;
 - (2) The reasons(s) for removing the trees;
 - (3) A tree removal plan consisting of a diagram showing the location of all trees to be removed, the species of such trees and their diameter, the location of all trees of a size described in § 269-4 within the drip line of the trees to be removed, and location of all existing and proposed structures on the property, together with the distance that the trees proposed to be removed are located from such structures and from property lines. A reproduction of the Tax Map or an existing survey modified to provide this information would be acceptable.
 - (4) A tree mitigation plan (if mitigation is required pursuant to § 269-6C) to be reviewed and approved by the Enforcement Officer. The plan shall consist of a diagram (as described above), showing the location of all trees to be planted, the

species of such trees the caliper or size as required, and quantities.

- (5) A fee of \$50 for processing a live or dead tree removal permit. [Amended 6-15-2010 by Ord. No. 2010-888]

- B. The applicant shall place a one-inch-wide yellow ribbon to be provided by the Borough around the trunk of each tree to be removed at a height of 4 1/2 feet (or three feet for ornamental trees) above the ground so that the proposed tree removal may be inspected in the field.

§ 269-6. Standards for application review.

Upon receipt of an application for cutting or removal of trees or ornamental trees, the Enforcement Officer shall inspect the site on which the trees sought to be cut or removed are located and shall evaluate the drainage and other physical conditions existing on the subject property and adjoining properties. The Enforcement Officer shall consider the following factors in deciding whether to issue such permit:

- (1) Whether the proposed cutting or removal would impair the growth and redevelopment of the remaining trees or ornamental trees on the applicant's property or adjacent property;
- (2) Whether the proposed cutting or removal would change existing drainage patterns;
- (3) Whether the proposed removal would allow soil erosion or increase dust;
- (4) Whether the proposed removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the wooded aspect of the lot as viewed from the adjacent public road;
- (5) Whether the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area or the removal of dead or diseased trees;
- (6) The overall effect of removal of such tree(s) on the physical and aesthetic value of the property and the neighborhood;
- (7) Whether the area where such tree(s) is(are) located will be occupied by a building or structure, a driveway, a roadway, or a sewer line, or whether such area is within 15 feet of any of the foregoing;
- (8) Whether proposed changes in the topography of the area where such tree(s) is(are) located will have depressed land configuration or fill of land which shall be deemed injurious to the trees or other trees located nearby so as to require welling, construction of an aerification system, or tree or ornamental tree removal or replacement;
- (9) Whether the proposed removal would remediate a safety hazard to persons or structures.

- B. Permission will be granted for the removal of the following trees, without mitigation:

- (1) Located within the building footprint of a proposed new principal building;
- (2) Located between the curblines of a new roadway approved pursuant to Part 2, Developments, of Chapter 170;
- (3) Located within the roadway right-of-way but outside the curbline of a new roadway approved pursuant to Part 2, Developments, of Chapter 170;
- (4) Dead, diseased or pose a safety hazard;
- (5) Located within the area of a proposed and approved driveway, walkway, new utility line, accessory building or any other new structure; or
- (6) Specifically permitted to be removed in a site plan approved pursuant to the Municipal Land Use Law,¹ provided that in all cases no more than 20% of the trees on the particular lot are removed.

Mitigation plan. With respect to the removal of all other trees not described in Subsection B of this section, the Enforcement Officer shall require a mitigation plan (i.e., the planting of replacement trees at other locations on the subject property or elsewhere within the Borough). The purpose of such plan shall be

the ultimate replacement on the property of the trees being removed, giving due consideration to a reasonable maturity period for new plantings, and the maintenance at all times of at least 20% of the existing trees on a lot in the existing state. Tree replacement of living trees shall be at a minimum of a 1:1 ratio. Replacement tree species should follow the Borough's Recommended Tree Species List to the greatest extent possible.

- C. **Conflict with other laws.** Notwithstanding anything in this chapter to the contrary, no tree removal shall be permitted where prohibited by Part 3, Zoning, of Chapter 170 (e.g., buffer zones and landscaping provisions) or any other municipal, state or federal statute, ordinance or regulation.
- D. **Action.** The Borough Enforcement Officer, or authorized designee, must respond to all applications within 15 business days. This time period may be extended at the discretion of the Borough Administrator upon evidence of extenuating circumstances or other just cause.
- E. **Hardship appeal.** In the event that an applicant believes the standards set forth in Subsection A of this section constitute a hardship which prohibits a reasonable use of all or substantially all of the property in question, an applicant may apply to the Planning Board of the Borough of Essex Fells for approval of an alternate plan, following the established rules of application for such Board.

§ 269-7. Protection of existing trees.

- A. **In connection with any construction, subsequent to tree clearing but prior to the issuance of a building permit or start of construction, snow fencing or other protective barrier acceptable to the official charged with the administration and enforcement of this chapter shall be placed around trees that are not to be removed. The protective barriers shall be placed at the dripline or least five feet from the trunk of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.**
- B. **No person shall:**
 - (1) **Cut down or remove any tree or ornamental tree except as permitted by this chapter or allow or cause such cutting or removal;**
 - (2) **Cause or allow any willful damage, encroachment, injury or disfigurement of any tree or ornamental tree growing within the Borough. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result of but not limited to the following: cutting, gashing or slitting of any tree; or on the nearby ground; the construction or placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil from within the dripline of any tree or ornamental tree as defined in § 269-3;**
 - (3) **Store or pile building material or debris or place construction equipment within the dripline of any tree or ornamental tree as defined in § 269-3.**
 - (4) **Sever roots within the dripline of a tree without an encroachment permit.**

§ 269-8. Administration and enforcement.

This chapter shall be administered and enforced by the Enforcement Officer, who shall be designated from time to time by resolution of the Borough Council.

§ 269-9. Appeals.

Any person aggrieved by the decision of the official charged with the administration and enforcement of this chapter shall have the right, within 10 days of the issuance of any decision by such official, to appeal to the Planning Board for approval of an alternate plan, and such Board shall take action as it deems necessary in the matter. In the event of such an appeal, the procedures set forth with reference to applications based on hardship contained in § 269-6F of this chapter shall apply.

§ 269-10. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished as provided in Chapter 1, Article III, General Penalty, and each tree removed or damaged in violation of this chapter shall be deemed a separate offense.

§269-11. Severability

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

§269-12. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

And was carried on call of the roll:

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

Mayor Davis announced introduction on first reading of Ordinance 2024-1107

Councilman Hindy moved, Councilman Sullivan seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2024-1107, ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF ESSEX FELLS (BLOCK 14 LOT 1.03), hearing to be held on October 15, 2024 at 7:00 p.m.

WHEREAS, Block 14, Lot 1.03 as shown on the Tax Map of the Borough of Essex Fells is presently located in the Municipal Use (M) Zone on the Borough Zoning Map; and

WHEREAS, this property is no longer used for general municipal purposes and no longer needs to accommodate various municipal uses and is exclusively used as a park; and

WHEREAS, it is appropriate to rezone the property in the Park Use (P) Zone

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

Section 1. The Zoning Map of the Borough of Essex Fells shall be amended to reflect the rezoning of the following property:

Property		Existing Zone	New Zone
Block	Lot		
14	1.03	M	P

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

And was carried on call of the roll:

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

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

2024-128

WHEREAS, the Mayor and Council of the Borough of Essex Fells hereby approves a Memorandum of Agreement for the Essex Fells Police Department’s Chief’s Position with Darren Volker; and

WHEREAS, this agreement shall be commencing on January 1, 2024 to December 31, 2024 and for 2025, January 1, 2025 to December 31, 2025; and

Now Therefore Be It Resolved, by the Mayor and Council of the Borough of Essex Fells that a contract with Darren Volker, in the position of Police Chief of the Borough of Essex Fells is hereby approved.

2024-129

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:
Darren Volker	Police Chief	\$188,311.36	January 1, 2024
		\$193,960.70	January 1, 2025

2024-130

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

2. 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: |
|--------------------|-------------------------------------|--------------|-------------------|
| Anthony E. Tedesco | Special Law Enforcement Officer III | \$35.00/hr. | September 5, 2024 |

2024-131

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

ITEM NUMBER	DESCRIPTION
ITEM NUMBER	DESCRIPTION
#1	VIN# 1HD1FHP18LB628377 2020 MC Mileage 3884 Minimum Bid \$1,000.00

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

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

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

2024-132

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the “Lead Agency ” has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 17, 2024 the governing body of the Borough of Essex Fells, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Essex Fells

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Borough Clerk is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

RESOLUTION AUTHORIZING SECOND CHANGE ORDER TO THE AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELS AND COPPOLA WATER INFRASTRUCTURE AND SERVICES

WHEREAS, The Borough entered into an agreement with Coppola Water Infrastructure and Services for Permanent PFAS treatment at the Main Facility; and

WHEREAS, it has been determined that certain changes to this Contract are necessary. This change order includes six (6) supplemental items related to contract change of conditions. The supplemental items include; CO2-A: Electric room ceiling modification requirements, CO2-B: Bridge crane power modifications, CO2-C: Gas unit heater support system requirements, CO2-D: Wet well additional air release vent, CO2-E Ornamental Fencing and Gates, and CO2-F Additional Arborvitaes Trees. This change order also includes a reduced contract item involving the GAC Vessels storage provisions not required resulting in a net change order cost increase of \$39,159.75 along with the supplemental items; and

WHEREAS, the total contract amount incorporating this change order will be the amount of \$5,564,292.74; and

WHEREAS, the Consulting Engineer and Borough Administrator have recommended to the Borough Council that it modify its Contract with Coppola Water Infrastructure and Services as a result of this change and the Borough Finance Officer has confirmed the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that the following Change Order is hereby approved in the Contract between the Borough of Essex Fells and Coppola Water Infrastructure and Services: Increase in Contract \$39,159.75. Total Contract Amount: \$5,564,292.74.

A RESOLUTION AUTHORIZING THE PURCHASE OF A 2024 CHEVROLET TAHOE COMMERCIAL 1FL 4WD FROM HERTRICH FLEET SERVICES, INC. FOR THE ESSEX FELS POLICE DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase a new 2024 Chevrolet Tahoe Commercial 1FL 4WD for use by the Essex Fells Police Department; and

WHEREAS, said vehicle can be supplied by Hertrich Fleet Services, Inc. , Milford, De. under the New Jersey State Contract #20-FLEET-01387 (T2007); and

WHEREAS, Public bids are not required when the purchase is made under a state 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 \$52,634.00 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 2024 Chevrolet Tahoe Commercial 1FL 4WD.

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 Hertrich Fleet Services, Inc for the purchase of a 2024 Chevrolet Tahoe Commercial 1FL 4WD in an amount not to exceed \$52,634.00.
2. The contract is awarded in accordance with the unit pricing, terms and conditions contained in New Jersey State Contract #20-FLEET-01387 (T2007) for an amount not to exceed \$52,634.00.
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.

2024-135

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 22-00004

Block 13.02 Lot 5

Owner: HEMSEY, EMIL
Address: 34 BUTTONWOOD ROAD
TOTAL TO REDEEM CERTIFICATE: \$4,280.81
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

2024-136

RESOLUTION AUTHORIZING THE CANCELATION OF AN LAND USE APPLICATION ESCROW BALANCE (LOCASCIO, 258 FELLS ROAD)

WHEREAS, the land use application escrow account established for variance application 2020-005 for Locasio, (258 Fells Road) is in arrearage in the amount of \$447.50; and

WHEREAS, the Applicant has objected to certain payments on the basis of duplication of work as a result of a change in professionals reviewing applications; and

WHEREAS, The Borough Council finds that it is in the best interest of the Borough to cancel this escrow arrearage based on the objection.

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 balance of \$447.50 in arrearages in the land use application escrow account for variance 2020-005 (Locasio) is hereby canceled.

2024-137

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND SUBURBAN CONSULTING ENGINEERS, INC. FOR THE COUNTRY CLUB PFOA REMOVAL TREATMENT FACILITY PROJECT

WHEREAS, there exists the need for an amendment to the professional engineering services agreement with Suburban Consulting Engineers, Inc. in connection with the Country Club PFOA Removal Treatment Facility Project; and

WHEREAS, the Borough has received a proposal dated September 11, 2024 from Suburban Consulting Engineers to amend the Agreement and determined that it is in the best interest of the Borough to accept the proposal submitted by Suburban Consulting Engineers, Inc to amend the Agreement to include the following additional items:

1. **Resiliency Report:** The NJ I-Bank now requires a resiliency report for this fiscal year, which was not initially part of the project scope. The estimated cost is \$2,500
2. **Additional Uplift Calculations:** The Flood Hazard Permit NJDEP land use reviewer has requested additional uplift calculations, necessitating further Geotech and structural analysis.
 1. Geotech Report \$1,000
 2. Structural Calcs and Report \$3,000

WHEREAS, the amount of the amendment to the Agreement is \$6,500.00; and

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

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

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

Section 1. The Mayor and Clerk are hereby authorized and directed to authorize an Amendment to the Agreement with Suburban Consulting Engineers, Inc. for construction administration and observation services for the Borough of Essex Fells Country Club PFOA Removal Treatment Facility Project in an additional amount of \$6,500.00 for the preparation of a Resiliency Report and Additional Uplift Calculations as set forth in a proposal dated September 11, 2024.

Section 2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public

Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

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

2024-138

RESOLUTION AUTHORIZING THE AMENDMENT TO THE AWARD OF CONTRACT TO COPPOLA WATER INFRASTRUCTURE AND SERVICES FOR VESSEL DECOMMISSIONING OF THE RUNNYMEDE TEMPORARY TREATMENT SYSTEM

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

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

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

WHEREAS, the temporary treatment now needs to be decommissioned which is a change to the original contract in the amount of \$94,066.21 as set forth in a Change Order Request dated as approved by the Borough Consulting Engineer on August 23, 2024; and

WHEREAS, the CFO has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that a contract with Coppola Water Infrastructure and Services based on a quotation dated April 1, 2024 is hereby supplemented in an amount of \$94,066.21 for the decommissioning of the temporary PFAS treatment of Wells 1A and 5 at the Runnymede Site.

2024-139

RESOLUTION AUTHORIZING THE EXECUTION OF AN ADMINISTRATIVE CONSENT ORDER WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, The Borough of Essex Fells (Essex Fells) owns and operates a public community water system, as defined by N.J.A.C. 7:10-1.3, that is located at 307 Runnymede Road; and

WHEREAS, New Jersey regulations, specifically N.J.A.C. 7:10-5.1, adopt in total, with specific limited exceptions, the most current National Primary Drinking Water Regulations. The N.J.D.E.P adopted amendments to the New Jersey SDWA Rules at N.J.A.C. 7:10-5.2 on June 1, 2020. The amendments established a maximum contaminant level (MCL) of 0.014 micrograms per liter (µg/L) for perfluorooctanoic acid (PFOA). Monitoring for PFOA is established under the National Regulations at 40 CFR 141.24(f) et seq. and, pursuant to N.J.A.C. 7:10-5.2(a)5ii(1), was required to begin during the first quarter of 2021; and

WHEREAS, Essex Fells conducted quarterly PFOA sampling beginning in 2021 as required by the SDWA. The testing for PFOA at the sample points exceeded the MCL of 0.014 µg/L during the 3rd quarter of 2021 – constituting a violation; and

WHEREAS, Essex Fells submitted a Remedial Measures Report (RMR) Form signed October 29, 2021. The RMR was submitted in response to the September 1, 2021, NONC for exceeding the PFOA maximum contaminant level (MCL); and

WHEREAS, the NJDEP and the Borough have agreed that there has been a violation the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., and the regulations promulgated pursuant for the PFOA MCL exceedances noted above; and

WHEREAS, In order to resolve this matter without trial or adjudication, the NJDEP has offered to enter into an Administrative Consent Order (ACO) with the Borough.

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 hereby authorized to execute an Administrative Consent Order between the Borough of Essex Fells and the New Jersey Department of Environmental Protection in the form attached hereto.

2024-140

**RESOLUTION AUTHORIZING THE CANCELATION OF AN LAND USE
APPLICATION ESCROW BALANCE (FORTE, 33 HOLTON LANE)**

WHEREAS, the land use application escrow account established for variance application 2021-003 for Forte, (33 Holton Road) is in arrearage in the amount of \$3,638.64 after payment of 3,633.75 received by the Borough for payment of other open invoices; and

WHEREAS, the Applicant has objected to certain payments on the basis of the lack of statutorily required notice and copies of invoices; and

WHEREAS, The Borough Council finds that it is in the best interest of the Borough to cancel this escrow arrearage based on the objection and the payment of \$3,633.75 towards open invoices.

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 balance of \$3,638.64 in arrearages in the land use application escrow account for variance 2021-003 (Forte) is hereby canceled.

2024-141

A RESOLUTION AUTHORIZING THE PURCHASE OF A GROUNDSMASTER 3200 4WD FROM STORR TRACTOR COMPANY FOR THE ESSEX FELS PUBLIC WORKS DEPARTMENT

WHEREAS, the Borough of Essex Fells wishes to purchase a new Groundsmaster 3200 4WD for use by the Essex Fells Public Works Department; and

WHEREAS, said product can be supplied by Storr Tractor Company, under an Educational Services Commission of New Jersey Cooperative Contract ESCNJ /22-23-12; 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 \$30,458.06 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 Groundsmaster 3200 4WD.

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 Storr Tractor Company for the purchase of a Groundsmaster 3200 4WD in an amount not to exceed \$30,458.06.
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 22/23-12 for an amount not to exceed \$30,458.06
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.

2024-142

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

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 Borough of Essex Fells hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$20,000.00, which is now available from “2024 Spotted Lanternfly Program - Chemical Control Treatment Grant” in the amount of \$20,000.00.

BE IT FURTHER RESOLVED that the like sum of \$20,000.00 is hereby appropriated under the caption “2024 Spotted Lanternfly Program - Chemical Control Treatment Grant”; and

BE IT FURTHER RESOLVED that the above is the result of funds from The State of NJ Department of Agriculture in the amount of \$20,000.00.

2024-143

RESOLUTION AUTHORIZING EQUIPMENT RENTAL EXTENSION FOR THE TEMPORARY PFAS TREATMENT AT WELLS 5 AND 1 AND AMENDING THE AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND COPPOLA SERVICES INC.

WHEREAS, The Borough entered into an agreement with Coppola Services for temporary PFAS treatment at wells 5 and 1;

WHEREAS, this agreement included the rental of the Adedge Tank System for temporary treatment pending completion of the permanent system for a period of twenty four months beginning May 2022 and expiring at the end of April 2024; and

WHEREAS, it is anticipated that there will be a need to extend the use of the Adedge Tank System beyond the original twenty four month period; and

WHEREAS, the Consulting Engineer and Borough Administrator have recommended to the Borough Council that it extend the equipment rental period for up to six additional months at a cost of \$8,000 per month up to a total cost of \$48,000 and the Borough Finance Officer has confirmed the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that Coppola Services, Inc. is hereby authorized to extend the rental period for the Adedge Tank System at Wells 5 and 1 for a period of up to six months at a rental cost of \$8,000 per month for a total of up to \$48,000.

2024-144

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	\$282,081.51
Borough Capital	C-04	\$41,861.75
Water	3-05	\$2,870.07
Water	4-05	\$126,236.34
Grant	04	\$0
Water Capital	C-06	\$76,624.95
Animal Control	T-10	\$306.00
Trust	T-11	\$5,903.24
Payroll	T-13	\$213,448.96

And was carried on call of the roll:

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

On motion made by Councilman Hindy, seconded by Councilman Sullivan and approved unanimously by the Council, the meeting adjourned at 7:26 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk