

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 January 21, 2025 at 7:00 p.m.

Present

Mayor Edward A. Davis
Councilman BJ D'Avella
Councilwoman Carolyn Goldman
Councilman John King
Councilwoman Maggie O'Connor

Absent

Councilman Michael Cecere
Councilman William Sullivan

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:

December 2024 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department Report

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

Mayor Davis announced a public hearing on second reading of Ordinance 2025-1111

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of January 16, 2025

The public hearing was held and **ORDINANCE AMENDING CHAPTER 72 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND PROVIDING FOR A LIQUOR LICENSE FEE**

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

Section 1. Chapter 72 of the Revised General Ordinances of the Borough of Essex Fells, Section 72-2 entitled "Fees," shall be amended to read in its entirety as follows:

72-2. Fees.

Effective January 1, 2025, the sum to be paid annually for a plenary retail consumption license is \$5,306.95 in accordance with N.J.S.A. 33:1-12. All fees collected pursuant to this section are nonrefundable.

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>
BJ D'Avella	None	Michael Cecere
Carolyn Goldman		William Sullivan
John King	<u>Abstain</u>	
Maggie O'Connor	None	

Councilwoman O'Connor moved, Councilman King seconded, approval of the following resolutions on consent:

2025-38

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

1. The following named probationary 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 Barisciano	Police Officer	\$50,178.00 (Academy Pay)	January 17, 2025

2025-39

BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Borough Clerk be and is hereby authorized to advertise for the receipt of bids on February 20th 2025 at 10:00 am for the following:

Regular Unleaded Gasoline & Diesel Fuel

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

WHEREAS, the Essex Fells Borough Code, Chapter 29, Article 2, Section 29-2 Members, states that a maximum of 50 *volunteer firemen*, shall only become effective when confirmed by resolution of the Borough Council; and

WHEREAS, the following list has been submitted to the Borough Clerk by the Chief of the Essex Fells Volunteer Fire Department, and with doing so, confirms that all background checks for any new member, as well as any and all other requirements, in order to be in compliance with the Borough Code have been completed:

1. Abbot, Ed
2. Anchak, Noelle
3. Aronson, Lance
4. Bawa, Ro
5. Belai, Jamal
6. Bertoli, Bob (D)
7. Bloom, William (D)
8. Boeckel, Chris (D)
9. Cesar, George
10. D'Avella, BJ (D)
11. Davis, Ed (D)
12. Dykema, Erik
13. Egan, Jim (D)
14. Farrell, Liam
15. Gerson, Nate
16. James, Greg
17. Kearney, Jim (D)
18. King, John
19. Lavezzo, Ed
20. Lopez, Brian
21. McNamara, John (D)
22. Monroe, Ken (D)
23. Morris, Greg (D)
24. Moskowitz, Cliff
25. Nara, Vish
26. O'Connor, Mark(D)
27. Pryor, John
28. Roppatte, Jason
29. Schlosser, Dave
30. Shearin, Chris
31. Shih, Ming
32. Sorisi, Anthony
33. Steiner, Ben
34. Strathearn, Glen (D)
35. Taylor, Tim (D)
36. Torter, Tom
37. Vega, Santiago
38. Ward, Steve (D)
39. Woods, Greg

Firefighter (D) = Driver

Junior Firefighters

1. Schlosser, Maddy
2. McHugh, Georgia

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Volunteer Fire Department Members are hereby confirmed as Amended for 2025.

RESOLUTION OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK", TO BE ISSUED IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$3,500,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF ESSEX FELLS IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK.

WHEREAS, the Borough of Essex Fells (the "Local Unit"), in the County of Essex, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the project consisting of various improvements to the water treatment system at the Country Club Facility for the water utility system, including but not limited to, design and installation of per- and poly fluorinated alkyl substances ("PFAS") treatment systems, for compliance with State of New Jersey drinking water

standards, including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto ((Project No. 0706001-005) (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”);

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

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in an aggregate principal amount not to exceed \$3,500,000 (the “Note”);

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

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

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

In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note, including any renewals thereof, in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinances #2022-1057, #2023-1081 and #2024-1105 of the Local Unit, which bond ordinances are entitled “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$9,000,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION,” “BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$3,600,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION” and “BOND ORDINANCE PROVIDING A SUPPLEMENTAL 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,” respectively, and were finally adopted by the Local Unit at meetings duly called and held on May 3, 2022, July 18, 2023 and October 15, 2024, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 1. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 2. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 3. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount not to exceed \$3,500,000;
- (b) the maturity of the Note shall be as set forth in the Note;
- (c) the interest rate of the Note shall be as set forth in the Note;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "NJWB-CFP-25-1";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 4. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 5. The law firm of Gibbons P.C. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 6. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers (as defined in the Note) or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 7. This resolution shall take effect immediately.

Section 8. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

2025-42

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	4-01	\$803,263.54
Water	4-05	\$132,131.37
Current	5-01	\$201,629.78
Water	5-05	\$32,231.49
Borough Capital	C-04	\$44,947.67

Water Capital	C-06	\$69,093.30
Animal Control	T-10	\$2.40
Other Trust	T-11	\$3,677.79
Payroll	T-13	\$99,702.00
	T-16	\$8,419.80

And was carried on call of the roll:

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

Councilwoman O'Connor moved, Councilman D'Avella seconded, approval of the following resolution on consent:

2025-42 -A

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, assembled in public session on January 21, 2025 at 7:10 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

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

And was carried on call of the roll:

<u>Ayes</u> BJ D'Avella Carolyn Goldman John King Maggie O'Connor	<u>Nays</u> None <u>Abstain</u> None	<u>Absent</u> Michael Cecere William Sullivan
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On motion made by Councilman D'Avella, seconded by Councilwoman O'Connor approved unanimously by the Council, to re-open the meeting to the public at 7:54 p.m.

On motion made by Councilman D'Avella, seconded by Councilman King approved unanimously by the Council, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk