

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 February 18, 2025 at 7:00 p.m.

Present

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

Absent

Councilman Michael Cecere
Councilman John King

Also Present

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

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

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

Proclamation Presentation:

Presented to Police Sergeant Scott Cohen and Officer Gannon Chiuchiolo by Mayor Davis for their Life Saving efforts administered to resident Sam Adams.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

January 2025 Department Reports:

- Construction Department Cash Receipt & Permit Fee Log Report
- Police Department and Municipal Court Report
- Comcast – Right of Way 2024 - \$10,046.63
- Zoning Board of Adjustment 2024 Annual 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 introduction on first reading of Ordinance 2025-1112

Councilman D'Avella moved, Councilman Sullivan seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2025-1112, ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR WATER CONSUMPTION, hearing to be held on March 18, 2025 at

7:00 p.m.

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

Section 1. Chapter 286, Section 286-34, of the Revised General Ordinances of the Borough of Essex Fells entitled "Per-gallon rate," shall be amended to read in its entirety as follows:

286-34. Per-gallon rate.

- A. The rate for water consumption shall be seven dollars and fifty cents (\$7.50) for each thousand gallons of water consumed. This rate shall be effective beginning 1st Quarter 2025.
- B. The rate for contractual wholesale customers shall be calculated on an annual basis pursuant to the terms of the applicable contract.

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

Public Comment:

| | |
|-------------------------------------|--|
| Joe Pannullo, 57 Holton Lane | West Essex Highland Development |
|-------------------------------------|--|

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

2025-49

A RESOLUTION AUTHORIZING THE MAYOR AND COUNCIL TO EXECUTE AN AGREEMENT FOR EXTRAORDINARY UNSPECIFIABLE SERVICES FOR AUTOMATED LICENSE PLATE READER SOFTWARE WITH REKOR

WHEREAS, it is the mission of the Borough of Essex Fells to provide safety and security in and for the Borough; and

WHEREAS, the Borough of Essex Fells continues to support technological advances in support of the provision of safety and security; and

WHEREAS, the Essex Fells Police Department believes it is in the best interest of the Borough to enter into a three (3) year agreement for Automated License Plate Reader (ALPR) software with Rekor Recognition Systems, Inc. ("Rekor") for Rekor Scout software licensing; and

WHEREAS, Rekor has provided documentation confirming that they are the Sole Source provider of the holistic vehicle recognition systems and the hardware and software; and

WHEREAS, Rekor has provided an invoice in the amount of \$55,180.00 for the hardware and software required by the Borough of Essex Fells; and

WHEREAS, the Essex Fells Police Department and Borough Administrator have determined that this service provider is competent, qualified and experienced to provide services to the Borough and have determined on the basis of the foregoing, that it is necessary for its efficient operation to retain said services to the Borough; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. (the "LPCL"), a municipality may enter into a contract for the performance of services without competitive public bidding if the services being procured qualify as extraordinary unspecifiable services; and

WHEREAS, the nature of the services are such that the award of a contract for them is exempt from public bidding requirements as "Extraordinary Unspecified Services," pursuant to N. J. S. A. 40A: 11-5 (1) (a) (ii) (hereinafter referred to as "EUS") because the services to be procured are of a specialized and qualitative nature requiring expertise, extensive training and proven reputation in the field of endeavor, and the services cannot be reasonable described in detailed written specifications; and

WHEREAS, the vendor has demonstrated that they are qualified and have agreed to provide the specialized expertise and services needed to perform the service; and

WHEREAS, the Local Public Contracts Law (specifically, N.J.S.A. 40A:11-5(1)(a)(ii).) requires that a notice of the award of contracts for "Extraordinary Unspecifiable Services" without competitive bidding must be published in a local newspaper; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a Non-Fair and Open Contracts in accordance with N.J.S.A. 19:44A-20.5; and

WHEREAS, the vendor has completed and submitted to the Business Entity Disclosure Certification certifying that they have not made any reportable contributions to a political or candidate committee in the Borough of Essex Fells in the previous one (1) year, that during the term of the contract with the Borough of Essex Fells will not make any prohibited contributions, and the contract shall specifically prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, due to the unique nature of the work and the qualifications and experiences that the various businesses possess, the Mayor and Council of the Borough of Essex Fells wish to enter into an Extraordinary Unspecifiable Services (EUS) Contract with Rekor; and

WHEREAS, pursuant to and in accordance with N.J.A.C. 5:34-2.4, the Borough Administrator has provided the Mayor and Council with a Certification for any services expected to exceed the bid threshold describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, and describing the nature of the work to be done, and describing why the contract satisfies the Statutory and Administrative Code requirements for Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A: 11-5 (1) (a) (ii); and

WHEREAS, the Borough staff has researched the availability of such services and has determined that service providers are performing services that are qualitative in nature that cannot be reasonably described by written specifications; and

WHEREAS, it has been recommended by the Essex Fells Police Department, following the conclusion of said investigation, that the Borough would best be served by entering into an Agreement with said service providers to provide such services; and

WHEREAS, the provision of such services qualify as Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-b(1)(a)(ii) and may be awarded without public advertising for bids; and

WHEREAS, the Chief Financial Officer has certified this contract for extraordinary unspecifiable services, as provided for on N.J.S.A. 40A:11-5 and N.J.A.C. 5:34-2.2(c) are of a qualitative nature and require expertise, extensive

training and proven reputation in the field of endeavor in accordance with N.J.S.A. 40A:11-2(7).

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

1. That the above "WHEREAS" paragraphs shall be and are hereby incorporated herein by reference as though specifically set forth herein below.

2 . Based upon the review of the Essex Fells Police Department, and with the concurrence of the Borough Administrator, a contract to provide said services shall be and is hereby awarded to Rekor Recognition Systems in accordance with Quote #5308 in the amount of \$55,180.00 attached hereto.

3. The Mayor and other officials of the Borough of Essex Fells be and are hereby authorized and directed to execute the Agreements, in the forms attached, as reviewed and approved by the Borough Attorney and the Borough Administrator in the forms annexed hereto, or as to be modified by them.

4. This Contract is being awarded pursuant to the non-fair and open procedures of the State Pay to Play Law N.J.S.A 19:44A-20.5 and pursuant to the provisions of the State Local Public Contracts Law (N.J.S.A. 40A:11-5 (1) (a) (ii)).

5. The Certification of Extraordinary Unspecifiable Service, as required by State Local Public Contracts Law (N.J.S.A. 40A: 11-5 (1) (a) (ii)), is attached hereto and shall be filed in the Office of the Borough Clerk with the original Resolution.

6. The Determination of Value is attached hereto and shall be filed with the Office of the Borough Clerk with the original Resolution.

7. A copy of the executed agreement herein authorized shall be filed in the Office of the Borough Clerk by the Business Administrator.

8. This Resolution shall take effect upon adoption and publication as permitted under the Laws of the State of New Jersey.

And was carried on call of the roll:

Ayes
BJ D'Avella
Carolyn Goldman
Maggie O'Connor
William Sullivan

Nays
None
Abstain
None

Absent
Michael Cecere
John King

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

2025-50

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF
LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF ESSEX
FELLS AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND
THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER
AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW
AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2025 NEW
JERSEY WATER BANK FINANCING PROGRAM**

February 18, 2025

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 (the "Project"), as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement" and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2025 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2025A to the I-Bank in an aggregate principal amount not to exceed \$4,262,200 (unless a higher amount is required by the I-Bank but in no event shall the General Obligation Bonds, Series 2025 in the aggregate exceed \$8,524,401) (the "I-Bank Loan Bond") and the Local Unit's General Obligations Bonds, Series 2025B to the State in the aggregate principal amount not to exceed \$4,262,201 (unless a higher amount is required by the State but in no event shall the General Obligation Bonds, Series 2025 in the aggregate exceed \$8,524,401) (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds") 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"), other applicable law and the Loan Agreements; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibit A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. 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 or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Local Unit Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, 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 deemed necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. 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 and Richard T. Nolan, Esq., McCarter & English, LLP, Bond Counsel to the I-Bank.

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 | | John King |
| Maggie O'Connor | <u>Abstain</u> | |
| William Sullivan | None | |

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

2025-51

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$8,524,401 GENERAL OBLIGATION BONDS, SERIES 2025 OF THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY PURSUANT TO THE STATE FISCAL YEAR 2025 NEW JERSEY WATER BANK FINANCING PROGRAM

February 18, 2025

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 (the "Project"), as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement" and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2025 New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan" and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2025A to the I-Bank in an aggregate principal amount not to exceed \$4,262,200 (unless a higher amount is required by the I-Bank but in no event shall the General Obligation Bonds, Series 2025 in the aggregate exceed \$8,524,401) (the "I-Bank Loan Bond") and General Obligation Bonds, Series 2025B to the State in the aggregate principal amount not to exceed \$4,262,201 (unless a higher amount is required by the State

but in no event shall the General Obligation Bonds, Series 2025 in the aggregate exceed \$8,524,401) (the “Fund Loan Bond” and together with the I-Bank Loan Bond, the “Local Unit Bonds”) 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”), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank, without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) I-Bank Loan Bond in an aggregate principal amount not to exceed \$4,262,200 (unless a higher amount is required by the I-Bank but in no event shall the General Obligation Bonds, Series 2025 in the aggregate exceed \$8,524,401) to the I-Bank in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$4,262,201 (unless a higher amount is required by the State but in no event shall the General Obligation Bonds, Series 2025 in the aggregate exceed \$8,524,401) to the State in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinances #2022-1057 and #2023-1081 of the Local Unit, which bond ordinances are entitled “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$9,000,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION” and “BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$3,600,000 FOR VARIOUS IMPROVEMENTS TO THE WATER TREATMENT SYSTEM FOR AND BY THE BOROUGH OF ESSEX FELLS, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION” and were finally adopted by the Local Unit at meetings thereof duly called and held on May 3, 2022 and July 18, 2023, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed forty (40) years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

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

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

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered T-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered F-1;

- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Gibbons P.C., is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

And was carried on call of the roll:

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

Councilwoman O’Connor moved, Councilman D’Avella seconded, approval of the following resolutions on Consent:

2025-52

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO DPS PUMP SERVICE LLC FOR PUMP REPAIR AND REPLACEMENT ON AN EMERGENCY BASIS AT THE RUNNYMEDE PUMPHOUSE PUMP #5

WHEREAS, an emergency repair and replacement of the pump #5 at the Runnymede Pump House was required; and

WHEREAS, DPS Pump Service LLC was able to respond to the scope of this emergency for completion of the project; and

WHEREAS, under normal circumstances bids or formal quotations would have been obtained before the repair was authorized; and

WHEREAS, an emergency existed requiring the performance of the service pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, N.J.S.A. 40A:11-6 permits the Borough to award a contract without bidding in the event of an emergency which requires the immediate performance of the service; and

WHEREAS, the Borough Council finds that an emergency condition which may affect the public safety and welfare required the immediate performance of the repair service; and

WHEREAS, the restoration actions were limited to the emergency and completion of once commenced; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, that a contract with DPS Pump Service LLC in an amount not to exceed \$20,100.00 for repair and replacement to Pump #5 is hereby authorized.

2025-53

RESOLUTION TO SUPPORT PUBLISHING LEGAL NOTICES ON OFFICIAL GOVERNMENT WEBSITES

WHEREAS, the sunset provision of March 1, 2025, imposed under P.L. 2024 c.106 is fast approaching in what was a temporary solution that allowed local governments to comply with the public notice requirements under the law in time for annual reorganization meetings in January; and,

WHEREAS, local government officials serve as the stewards of property taxpayer dollars and should no longer be required to subsidize the newspaper industry with revenues collected from publishing legal notices in the press; and,

WHEREAS, long before NJ Advanced Media's announcement that it was terminating daily print publications in January of 2025, local government officials found it increasingly difficult to comply with the public notice requirements under the law as the media has become almost exclusively digitized and struggled to retain staff, resources, and publications; and,

WHEREAS, legislation that will authorize local governments to publish legal notices on a local government's official website will streamline an antiquated and overly burdensome process and save valuable time, resources, and property taxpayer dollars; and,

NOW, THEREFORE, BE IT RESOLVED that the Borough of Essex Fells does in fact, hereby urge state leaders to pass legislation that will authorize municipalities, counties, school districts, and all local governments to publish legal notices in a clear, transparent, and timely manner on a local government's official website.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, Senator Kristin Corrado, Assemblymembers Al Barlas and Christopher DePhillips and the New Jersey State League of Municipalities.

2025-54

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND HEALTH & SAFETY SERVICES, INC. (ASBESTOS ABATEMENT CONSULTANT)

WHEREAS, there exists the need for professional asbestos abatement consultant services in connection with the Police Department building renovation; and

WHEREAS, the maximum amount of the contract is \$15,000.00 for the asbestos survey and preparation of site specific specifications for abatement; and

WHEREAS, The Borough Administrator has received a proposal from Health & Safety Services, Inc dated February 7, 2025 and determined that it is in the best interest of the Borough to accept the proposal.

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 execute an agreement with Health & Safety Services, Inc. for the asbestos survey and preparation of site specific specifications for abatement; for a total amount not to exceed \$15,000.00

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. A notice of this action shall be printed once in the legal newspaper of the Borough of Essex Fells.

2025-55

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 | \$50,689.40 |
| Current | 5-01 | \$2,466,454.05 |
| Borough Capital | C-04 | \$19,854.64 |
| Water | 4-05 | \$23,094.27 |
| Water | 5-05 | \$16,471.44 |
| Grant | 04 | \$0 |
| Water Capital | C-06 | \$432,304.62 |
| Animal Control | T-10 | \$0 |
| Trust | T-11 | \$4,495.89 |
| Payroll | T-13 | \$111,381.69 |
| | T-16 | \$165.00 |

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 | | John King |
| Maggie O'Connor | <u>Abstain</u> | |
| William Sullivan | None | |

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

2025-56

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 February 18, 2025 at 7:45 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

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

And was carried on call of the roll:

Ayes
BJ D'Avella
Carolyn Goldman
Maggie O'Connor

Nays
None
Abstain

Absent
Michael Cecere
John King

William Sullivan

None

**On motion made by Councilwoman O'Connor, seconded by Councilman
Sullivan and approved unanimously by the Council, the meeting adjourned at 8:00 p.m.**

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk