

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 July 15, 2025 at 7:00 p.m.

Present

Mayor Edward A. Davis
Councilman Michael Cecere
Councilwoman Carolyn Goldman
Councilman John King
Councilwoman Maggie O'Connor
Councilman William Sullivan

Absent

Councilman BJ D'Avella

Also Present

Borough Administrator/Borough Clerk Francine T. Paserchia
Borough Attorney Robert Oostdyk

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.

Appointments:

- The Ceremonial Swearing In Ceremony for Police Officer Anthony Barisciano was conducted and the Oath of Office was administered by Mayor Davis.

Councilman Sullivan moved, Councilman King seconded approval of the minutes of February 4, 2025.

And was carried on call of the roll:

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

Committee Discussions

Public Works

- Repair of Sprinkler System at Borough Hall
(Code of Conduct Matter – Quotes Attached)

Three quotes were distributed to the Governing Body for the Repair of the Sprinkler System at Borough Hall.

Discussion ensued and the governing body decided to have William Travisano Plumbing make the necessary repairs. The Administrator will advise the Department of Public Works Superintendent of the decision.

All were in Agreement.

Public Affairs

- **Dumpster Request – Essex Fells School**

The Administrator received a request from the Essex Fells Elementary School to waive their fee for a Dumpster Permit. The dumpster is scheduled to be removed in the last week of August. All were in agreement pending placement be the same as in years past.

All were in Agreement.

Finance & Personnel

- **Essex Fells v. 3M Settlement Update**

Mayor Davis updated the Governing Body on the status of the 3M Settlement and the First Payment.

All were in Agreement.

Mayor Davis asked the Clerk to report on written communications.

The Clerk reported receipt of the following:

A. Written:

June 2025 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.

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

2025-117

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND MURPHY MCKEON P.C. FOR LEGAL SERVICES RELATED TO THE ESSEX FELLS COUNTY CLUB PFAS TREATMENT FACILITY PROJECT

WHEREAS, there exists the need for professional legal services in conjunction with the Essex Fells County Club PFAS Treatment Facility Project; and

WHEREAS, The Borough has received a proposal dated July 11, 2025 including and determined that it is in the best interest of the Borough to accept the revised proposal submitted by Murphy McKeon P.C. for services at an hourly rate of \$200.00.

WHEREAS, the maximum amount of the contract is \$10,000.00 based on the anticipated appeal ;

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 Murphy McKeon P.C.. for legal services as set forth in a proposal dated July 11, 2025 increasing the maximum amount of \$10,000.00.

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.

2025-118

RESOLUTION AUTHORIZING THE EXECUTION OF A DRIVEWAY EASEMENT AND AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND MATTHEW MIZEREK AND KRYSTEN MIZEREK

WHEREAS, the Borough of Essex Fells is the owner of property located in the Borough of Essex Fells known as Block 13.02, Lot 2; and

WHEREAS, Matthew Mizerek and Krysten Mizerek are the owners of property located in the Borough of Essex Fells known as Block 13.02, Lot 13 (320 Runnymede Road) ; and

WHEREAS, the owners of the Mizerek property, as well as their predecessors in interest, have used a driveway which crosses over a portion of Block 13.02, Lot 2 to access their property for a considerable period of time; and

WHEREAS, the Borough of Essex Fells and the current property owners wish to memorialize the right to continue the existing use of a portion of the Borough property for driveway purposes to access the property which has historically used this driveway.

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 Mayor

and Borough Clerk are hereby authorized to execute a Driveway Easement and Agreement between the Borough of Essex Fells and Matthew Mizerek and Krysten Mizerek, in the form attached hereto.

2025-119

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND SUBURBAN CONSULTING ENGINEERS, INC. FOR LSRP AND GEOPHYSICAL SURVEY SERVICES IN CONNECTION WITH THE COUNTRY CLUB PFOA REMOVAL TREATMENT FACILITY PROJECT

WHEREAS, there exists the need for additional professional engineering services in the Borough of Essex Fells in connection with the County Club PFOA Removal Treatment Facility Project for LSRP and geophysical survey services; and

WHEREAS, the Borough has received a proposal dated June 20, 2025 and determined that it is in the best interest of the Borough to accept the proposal submitted by Suburban Consulting Engineers, Inc.

WHEREAS, the maximum amount of the contract is \$9,850.00 for LSRP and geophysical services; 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 execute an 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 for additional engineering services for LSRP and geophysical survey services in an amount of \$9,850.00 as set forth in a proposal dated June 20, 2025.

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.

2025-120

RESOLUTION AUTHORIZING CHANGE ORDER #2 TO THE AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND CLYDE N. LATTIMER & SON CONSTRUCTION CO. INC.(COUNTRY CLUB PFOA REMOVAL TREATMENT PROGRAM)

WHEREAS, The Borough entered into an agreement with Clyde N. Lattimer & Son Construction Co. Inc. for the County Club PFOA Removal Treatment Program; and

WHEREAS, it has been determined that certain changes to this Contract are necessary due to the following supplemental item:

Precast Steps with Landing and Handrails; and

WHEREAS, the total contract amount incorporating the change order will increase by the amount \$1,894.38; and

WHEREAS, the Consulting Engineer has recommended to the Borough Council that it modify its Contract with Clyde N. Lattimer & Son Construction Co. Inc. 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 Clyde N. Lattimer & Son Construction Co. Inc:

Original Contract Amount \$2,184,000.00
Change Order No. 1 \$9,477.46
Change Order No. 2 \$1,894.38
Revised Contract Amount \$2,195,371.84
% Contract Increase/Decrease 0.52%

2025-121

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2026 Roadway Improvements Project, consisting of sections of Tothill Road and sections of Rensselaer Road and Old Eagle Rock Avenue entire length.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Essex Fells formally approves the grant application for the above-referenced project.

BE IT FURTHER RESOLVED that the Mayor and Council and Borough Clerk are hereby authorized to submit an electronic grant application, identified as MA-2026, sections of Tothill Road (between Oldchester and Devon), Rensselaer Road (between Roseland and Welsh), Old Eagle Rock Avenue (entire length) – 00195 to the New Jersey Department of Transportation, on behalf of the Borough of Essex Fells.

BE IT FURTHER RESOLVED that the Mayor and Council and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Essex Fells and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

2025-122

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND JOHN WEISGERBER, INC. FOR ENGINEERING SERVICES FOR THE POLICE STATION HVAC

WHEREAS, there exists the need for additional professional engineering services for design of the Police Station HVAC; and

WHEREAS, the Borough has received a proposal dated May 30, 2025 and determined that it is in the best interest of the Borough to accept the proposal submitted by John Weisgerber, Inc.

WHEREAS, the maximum amount of the contract is \$17,000.00

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 John Weisgerber, Inc. for professional engineering services for design of the Police Station HVAC in an amount not to exceed of \$17,000.00 as set forth in a proposal dated May 30, 2025.

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.

2025-123

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND JOHN WEISGERBER, INC. FOR ENGINEERING SERVICES FOR THE PROPOSED DPW AND POLICE DEPARTMENT STORAGE BUILDING

WHEREAS, there exists the need for additional professional engineering services for design of the Proposed DPW and Police Department storage building; and

WHEREAS, the Borough has received a proposal dated May 28, 2025 and determined that it is in the best interest of the Borough to accept the proposal submitted by John Weisgerber, Inc.

WHEREAS, the maximum amount of the contract is \$16,000.00

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 John Weisgerber, Inc. for professional engineering services for design of the Proposed DPW and Police Department storage building in an amount not to exceed of \$16,000.00 as set forth in a proposal dated May 28, 2025.

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.

2025-124

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

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

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

WHEREAS, each fund requires participating municipalities to appoint an Insurance Risk Manager; and

WHEREAS, the Risk Manager shall attend all Meetings of the JIF and MEL as required, on behalf of the Fund Commissioner.

WHEREAS, the borough shall appoint IMAC Insurance Agency, LLC as their Risk Manager Consultant from July 1, 2025 to June 30, 2026 at an annual fee of \$10,000.00. The consultant shall attend all meetings on behalf of the borough.

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

2025-125

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	\$0
Current	5-01	\$612,633.56
Borough Capital	C-04	\$34,240.00
Water	4-05	\$2,787.00
Water	5-05	\$132,575.67
Grant	04	\$0
Water Capital	C-06	\$113,100.87
Animal Control	T-10	\$6.00
Trust	T-11	\$14,508.28
Payroll	T-13	\$148,407.18

And was carried on call of the roll:

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

Councilman Sullivan moved, Councilman Cecere seconded, approval of the following resolution:

2025-126

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 to 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 July 15, 2025 at 8:02 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>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	BJ D'Avella
Carolyn Goldman		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

On motion made by Councilman Sullivan seconded by Councilman King and approved unanimously by the Council, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk