

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 May 5, 2026, 2026 at 7:00 p.m.

Present
Mayor Edward A. Davis
Councilman Michael Cecere
Councilman BJ D’Avella
Councilwoman Carolyn Goldman
Councilman John King
Councilwoman Maggie O’Connor

Absent
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.

Councilman King moved, Councilman Cecere seconded approval of the minutes of April 21, 2026.

And was carried on call of the roll:

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

Mayor Davis announced introduction on first reading of Ordinance 2026-1126

Councilman D’Avella moved, Councilwoman O’Connor seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2026-1126, CALENDAR YEAR 2026 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14), hearing to be held on June 2, 2026, at 7:00 p.m.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the

3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Essex Fells in the County of Essex finds it advisable and necessary to increase its CY 2026 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$75,908.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Essex Fells, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2026 budget year, the final appropriations of the Borough of Essex Fells shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$177,120.59, and that the CY 2026 municipal budget for the Borough of Essex Fells be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be uploaded on the FAST System for the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be uploaded on the FAST System for the Director of the Division of Local Government Services within 5 days after such adoption.

And was carried on call of the roll:

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

Mayor Davis announced a public hearing on second reading of Ordinance 2026-1121

The Clerk offered proof of publication of the ordinance, indicating that it was published on the borough website on April 8th, 2026

***The public hearing was held and* ORDINANCE AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND PROHIBITING ROUTES FOR TRUCKS OVER FOUR TONS ON BOROUGH STREETS**

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:

1. Chapter 10 of the Revised General Ordinances of the Borough of Essex Fells entitled “Vehicles and Traffic”, shall be amended by the inclusion of new Subchapter 10.26, “Prohibited Routes for Trucks Over Four Tons,” which shall read in its entirety as follows:

Subchapter 10.26 Prohibited Routes for Trucks Over Four Tons

Article XII Regulations

§10.26.010 Designation of Routes.

Pursuant to N.J.S.A. 40:67-16.1, all Borough streets or parts of streets are hereby prohibited as routes for vehicles over four tons. All trucks having a total combined registered gross vehicle weight (GVW) of vehicle plus load in excess of four tons shall be excluded from all streets under Borough jurisdiction.

§ 10.26.020 Exemptions

- A. Vehicles that are used for the purpose of providing local services and/or for local pickup and delivery of materials/merchandise to and from Borough residents, including but not limited to vehicles that provide landscaping services to Borough residents.
- B. Vehicles used for school transportation (school buses) from the sending districts (Essex Fells Elementary and West Essex Regional High School).
- C. Vehicles used by public utility companies in connection with the construction, installation, operation or maintenance of public utility facilities.
- D. Vehicles or equipment that are owned by the Borough.
- E. Vehicles that provide waste removal and recycling services.
- F. Emergency vehicles (fire, police, ambulance) snowplows, tow trucks, heavy rescue equipment and vehicles or required equipment to provide municipal or building services.

§ 10.26.030 Violations and Penalties.

Unless another penalty is expressly provided for by New Jersey statute, every person convicted of a violation of this provision or any supplement thereof shall be liable for a penalty of not more than \$2,000 nor less than \$100 or imprisonment for a term not exceeding 15 days, or both.

- 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.
- 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
- 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	William Sullivan
BJ D’Avella		
Carolyn Goldman		
John King	<u>Abstain</u>	
Maggie O’Connor	None	

Mayor Davis announced a public hearing on second reading of Ordinance 2026-1124

The Clerk offered proof of publication of the ordinance, indicating that it was published on the borough website on April 8th, 2026

The public hearing was held and **ORDINANCE AMENDING CHAPTER 286 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING AN AMENDED RATE FOR WHOLESALE WATER**

CONSUMPTION.

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. Chapter 286, Section 286-34, of the Revised General Ordinances of the Borough of Essex Fells entitled “Per-gallon rate” shall be amended by the following amendment to subsection B which shall read in its entirety as follows:

B. The rate for contractual wholesale customers shall be \$3.938 for each thousand gallons of water purchased. This rate shall be effective beginning in the first quarter of 2026.

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

***The Mayor asked to add that no one from the public was present for the Public Hearing.*

Councilwoman Goldman moved, Councilwoman O’Connor seconded, approval of the following resolutions on consent:

2026-65
Municipal Budget of the Borough of Essex Fells, County of Essex for the Fiscal Year 2026

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2026:

BE IT FURTHER RESOLVED that said Budget be published on the municipal website. The Governing Body of the Borough of Essex Fells does hereby approve the following as the Budget for the year 2026:
Summary of Current Fund Section of Approved Budget Year 2026

General Appropriations For:

1. Appropriations within “CAPS”	
(a & b) Operations including contingent	\$4,571,917.50
(e) Deferred Charges & Statutory Expenditures	\$574,037.87
2. Appropriations excluded from “CAPS”	
(a) Operations	\$1,172,655.76
(b) Capital Improvements	\$50,000.00
(c) Municipal Debt Service	\$708,000.00
(d) Total Deferred Charges	\$0.00
3. Reserve for Uncollected Taxes-Based on Estimated Percent of Tax Collections	\$340,000.00
4. Total General Appropriations	\$7,416,611.13
5. Less: Anticipated Revenues Other Than Current Property Tax (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	\$2,261,470.36
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$5,155,140.77
(b) Addition to Local District School Tax	

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Essex Fells, County of Essex, on May 5, 2026. A Hearing on the Budget and Tax Resolution will be held at the Borough of Essex Fells, on June 2, 2026 at 7:00 o’clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2026, may be presented by taxpayers or other interested persons.

2026-66

WHEREAS, the local school district tax for the year July 1, 2025 to June 30, 2026 was raised in the 2025 tax levy in the sum of \$6,022,594.00; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy to \$3,011,297.00;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Essex Fells that the cash liability for the local school district tax be deferred in the sum of \$399,615.50.

BE IT FURTHER RESOLVED that a certified copy of this resolution be uploaded to the FAST System for the Director of the Division of Local Government Services and one copy with the Chief Financial Officer of the Borough of Essex Fells.

2026-67

WHEREAS, the regional high school district tax for the year July 1, 2025 to June 30, 2026 was raised in the 2025 tax levy in the sum of \$3,340,076.00; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy to \$1,670,038.00;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Essex Fells that the cash liability for the regional high school district tax be deferred in the sum of \$1,374,318.32.

BE IT FURTHER RESOLVED that a certified copy of this resolution be uploaded on the FAST System for the Director of the Division of Local Government Services and one copy with the Chief Financial Officer of the Borough of Essex Fells.

2026-68

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Essex Fells has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2026 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Essex Fells that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
2.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be uploaded to the FAST System for the Director of the Division of Local Government Services upon adoption.

2026-69

WHEREAS, the Essex Fells Parent Teacher Association has proposed a Ride-along Program as part of Community Outreach, and

WHEREAS, said program has been discussed and reviewed with the Borough Attorney, the Borough's Insurance Company and the Police Department whom have approved; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells that the Essex Fells Parent Teacher Association Ride-along Program in conjunction with the Essex Fells Elementary School be approved subject to the conditions set forth in the Hold Harmless Agreement, to be kept on file in the Borough Clerk's Office.

2026-70

RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF ESSEX FELLS AND SUBURBAN CONSULTING ENGINEERS, INC. FOR PROFESSIONAL ENVIRONMENTAL SERVICES IN CONNECTION WITH THE COUNTY CLUB PFOA REMOVAL TREATMENT FACILITY PROJECT (SCE-P13159.021 – AMENDMENT #2)

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

WHEREAS, the Borough has received a proposal dated April 28, 2026 from Suburban Consulting Engineers, Inc. for additional professional environmental services 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 this amendment: \$74,470 for additional 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 additional services for the Borough of Essex Fells County Club PFOA Removal Treatment Facility Project in the amount of \$74,470.00 as set forth in a proposal dated April 28, 2026.

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 electronically posted as required by law.

2026-71

RESOLUTION AUTHORIZING CHANGE ORDER #8 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 items: additional water disposal volumes, project start delays from winter municipal infrastructure tie-in plan layout modification; and

WHEREAS, the total contract amount incorporating the change order will increase by the amount \$276,718.58; 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.

WHEREAS, the Borough of Essex Fells’s design engineer, Suburban Consulting Engineers, Inc. have advised that there is a need for change order #8 in the amount of \$276,718.58 representing a 41.57% change order and an aggregate amount of change orders of \$1,496,101.48 an aggregate change order percent of 68.50% and a new contract price of \$3,680,101.48; and

WHEREAS, the design engineer have certified as per N.J.A.C 5:30-11.9(b) and N.J.A.C 5:30-11.9(c) the necessity and justification certification regarding the changes orders in excess of 20% due to unforeseen circumstances; and

WHEREAS, the Borough will file a notice indicating the additional amount to be expended, the original contract price, the nature of the original and additional work and why it is necessary to expend the additional funds; and

WHEREAS, a copy of the advertisement shall also be filed with the clerk and be available for inspection by the public; and

WHEREAS, the municipal clerk shall report the change order to the Director on an appendix to the contracting unit's annual budget in 2027; and

WHEREAS, a summary of the report shall be included as supplemental material in the annual audit of the contracting unit for the 2027 year; and

WHEREAS, the aggregate amount of contract and change orders is in excess of the reportable amount to the New Jersey State Comptroller.

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
Change Order No. 1 \$9,477.46
Change Order No. 2 \$1,894.38
Change Order No. 3 \$96,995.00
Change Order No. 4 \$26,700.00
Change Order No. 5 \$164,000.00
Change Order No. 6 \$12,300.00
Change Order No. 7 \$908,016.06
Change Order No. 8 \$276,718.58
Revised Contract Amount \$3,680,101.48

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	5-01	\$1,083,083.55
Current	6-01	\$0
Borough Capital	C-04	\$5,551.70
Water	5-05	\$0
Water	6-05	\$109,546.92
Grant	04	\$0
Water Capital	C-06	\$22,726.75
Animal Control	T-10	\$0
Trust	T-11	\$9,978.31
Payroll	T-13	\$211,781.35
	T-16	\$0

And was carried on call of the roll:

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

On motion made by Councilman King seconded by Councilman Cecere and approved unanimously by the Council, the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk