

BOROUGH OF EAST NEWARK COUNTY OF HUDSON, STATE OF NEW JERSEY
MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL
DATE: MAY 8, 2024
TIME: 6:30 PM

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of East Newark was called to order at approximately 6:35 P.M., by Borough Clerk Dr. Cosmo A. Cirillo.

MEETING NOTICE STATEMENT - As presiding officer of this Regular Meeting of the Mayor and Council of the Borough of East Newark, held on May 8, 2024 at 6:30 P.M., I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given to the Borough Council by Resolution. Said notice was transmitted by the Borough Clerk to the Jersey Journal and Star Ledger and publicly posted on the Borough Website, Municipal Bulletin Board and filed with the office of the Borough Clerk.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Councilwoman Diaz
Councilman Graham
Councilwoman Evaristo
Councilman Reis
Councilman Sheehan
Councilwoman Zincavage
Mayor Grilo

Absent: None

Also in attendance: Dr. Cosmo A. Cirillo, Borough Clerk
Mr. Fred Confessore, Borough Administrator
Ms. Karen Murray, Acting Borough Attorney
Dir. Albert Bringa
Sgt. Robert Tomasko, Officer in Charge
Mr. Robert Dowd, Roberts & Associates

CAUCUS DISCUSSION

- A. COVID Update – *Mayor Grilo*
- B. Scaffolding Request for 437-439 John Street – *Mayor Grilo*
- C. Hudson County Senior of the Year Update – *Mayor Grilo*
- D. Harrison Athletics Hall of Fame Update – *Mayor Grilo*
- E. Lupus Awareness Event Update – *Mayor Grilo*
- F. Rabie Clinic Update – *Mayor Grilo*
- G. East Newark Town Center Parking Update – *Mayor Grilo*
- H. Upcoming Events Update – *Mayor Grilo*
- I. Police Department Update – *Dir. Bringa/Sgt. Tomasko/Mr. Dowd*
- J. Park Mobile Update – *Mr. Confessore*
- K. Financial Disclosure Statements Update – *Dr. Cirillo*
- L. Bond Counsel Memorandum – *Dr. Cirillo*
- M. 2022 Audit Report – *Dr. Cirillo*

CONSENT AGENDA - RESOLUTIONS

At the request of Councilman Reis, Resolution 41-24 was removed from the consent agenda and placed for a separate vote.

The consent agenda, as amended, consisted of Resolutions 42-24, 43-24, 44-24, 44-24, 45-24 and 46-24.

A motion was made by Councilwoman Evaristo, second by Councilman Graham, to adopt the consent agenda as established. The motion was adopted by the following votes.

Ayes: Diaz; Evaristo; Graham; Reis; Sheehan; Zincavage
Nays: None
Abstain: None
Absent: None

- A. Resolution 42-24 – Approving the payment of bills and issuance of checks for the period through May 8, 2024, in the amount of \$685,899.13

Resolution # 42-24
5-8-2024

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS
FOR THE PERIOD THROUGH MAY 8, 2024, IN THE TOTAL AMOUNT OF \$685,899.13

WHEREAS, certain bills which are contained on the bills list which is annexed hereto and incorporated herein have been submitted to the Borough of East Newark for payment; and

WHEREAS, pursuant to N.J.S.A. 40A:5-16, it has been certified to the governing body that the goods and services for which said bills were submitted have been received by or rendered to the Borough of East Newark; and

WHEREAS, the Chief Financial Officer of the Borough of East Newark has certified to the governing body that there are funds legally appropriated and available in the budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2023 and/or 2024 appropriation for said purpose.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of East Newark, in the County of Hudson, State of New Jersey, that it hereby authorizes the Chief Financial Officer and the designated signatories to sign checks in payment of the bills set forth in the annexed schedule.

B. Resolution 43-24 – Authorizing Participation in New Jersey Department of Community Affairs LEAP Implementation Grant with Bergen County for 9-11 Dispatch Services

Resolution # 43-24
5-8-2024

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING PARTICIPATION IN NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS LEAP IMPLEMENTATION GRANT WITH BERGEN COUNTY
FOR 9-11 DISPATCH SERVICES

WHEREAS, the State of New Jersey has appropriated \$7.5 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Borough of East Newark and Town of Harrison propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to transition 9-11 dispatch service responsibilities from Harrison and East Newark to the County of Bergen, which will benefit the residents of both participating local units; and

WHEREAS, the County of Bergen has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of East Newark that the Borough of East Newark does hereby join with the County of Bergen in applying for a LEAP Implementation Grant in the amount of \$400,000 to support implementation of this shared service.

- C. Resolution 44-24 – Resolution of the Borough Council of the Borough of East Newark, in the County of Hudson, New Jersey, covenanting to Comply with the Provisions of the Internal Revenue Code of 1986, as Amended, Applicable to the Exclusion from Gross Income for Federal Income Tax Purposes of Interest on Obligations Issued by the Borough of East Newark and Authorizing the Mayor, Borough Clerk, Acting Chief Financial Officer and Other Borough Officials to Take Such Action as They May Deem Necessary or Advisable to Effect Such Compliance and Designating a \$991,200 Bond Anticipation Note, Dated April 26, 2024 and Payable April 25, 2025 as a “Qualified Tax-Exempt Obligation” Pursuant to Section 265 (b) (3) of the Internal Revenue Code of 1986, as Amended.

Resolution # 44-24
5-8-2024

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF EAST NEWARK AND AUTHORIZING THE MAYOR, BOROUGH CLERK, ACTING CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$991,200 BOND ANTICIPATION NOTE, DATED APRIL 26, 2024 AND PAYABLE APRIL 25, 2025 AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265 (b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of East Newark, in the County of Hudson, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is

excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$991,200 Bond Anticipation Note, dated April 26, 2024 and payable April 25, 2025 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265 (b) (3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of East Newark, in the County of Hudson, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Acting Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265 (b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2024.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2024.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265 (b) (3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such

original purchaser with a certificate of obligations issued during the calendar year 2024 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption

D. Resolution 45-24 – Authorizing Redemption of Tax Title Lien #21-1

Resolution # 45-24
5-8-2024

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

AUTHORIZING REDEMPTION OF TAX TITLE LIEN #21-1

WHEREAS, the taxes on block 4 lot 5.03 in the amount of \$19,478.20 were sold to US Bank Cust/PCS FirstTrust Bank with a premium of \$70,000.00; and

WHEREAS, the owner of 46 Sherman A venue in conjunction with US Bank/Cust/PC8 FirstTrust Bank paid \$61,665.56 in additional property taxes, interest in costs to redeem above tax title lien #21-01; and

WHEREAS, US Bank Cust/PC8 FirstTrust Bank is entitled to receive the tax payment and premium to be returned.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of East Newark, in the County of Hudson, State of New Jersey, hereby authorize a check to be drawn and payable to ProCap8 FBO FirstTrust Bank, P.O. Box 774 Fort Washington P.A. 19034-0774 in the amount of \$81,143.76 and another check be drawn and payable in the amount of \$70,000.00 for the return of the premium.

E. Resolution 46-24 – Certifying the Mayor and Council’s Receipt and Review of the 2022 Annual Audit Report

Resolution # 46-24
5-8-2024

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION CERTIFYING THE MAYOR AND COUNCIL’S RECEIPT AND
REVIEW OF THE 2022 ANNUAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the fiscal year ended December 31, 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of East Newark, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTIONS FOR SEPARATE VOTE

A motion was made by Councilwoman Evaristo, second by Councilwoman Zincavage, to adopt Resolution 41-24. The motion was adopted by the following votes.

Ayes: Diaz; Evaristo; Graham; Sheehan; Zincavage
Nays: None
Abstain: Reis
Absent: None

- A. Resolution 41-24 – Resolution approving the minutes of the April 10, 2024, Regular Meeting of the Mayor and Council of the Borough of East Newark

Resolution # 41-24
5-8-2024

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

RESOLUTION APPROVING THE MINUTES OF THE APRIL 10, 2024, REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK

WHEREAS, copies of the minutes of the following meeting of the Mayor and Council of the Borough of East Newark have been provided to the members of Council and reviewed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of East Newark, in the County of Hudson, State of New Jersey that the minutes of the April 10, 2024, Regular Meeting be and are hereby approved.

NEW BUSINESS

A motion was made by Councilwoman Evaristo, second by Councilman Graham, to adopt Resolution 47-24. The motion was adopted by the following votes.

Ayes: Diaz; Evaristo; Graham; Reis; Sheehan; Zincavage
Nays: None
Abstain: None
Absent: None

A. Resolution 47-24 – Accepting Donation of a Town Vehicle from the Town of Guttenberg

Resolution # 47-24
5-8-2024

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION ACCEPTING DONATION OF A TOWN VEHICLE
FROM THE TOWN OF GUTTENBERG

WHEREAS, the East Newark Police Department is in need of a vehicle for its daily operations and is authorized to accept and maintain donations of real and personal property pursuant to N.J.S.A. 40:12-29; and

WHEREAS, the Town of Guttenberg has indicated they have a 2007 Ford Explorer utility vehicle (VIN# 1FM5K8AR3HGD60437), that is no longer needed for municipal purposes; and

WHEREAS, pursuant to New Jersey Local Public Contract Law, N.J.S.A. 40A:11-36(2), a municipality is permitted to convey property no longer needed for public use to other public entities without public sale.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of East Newark, in the County of Hudson, State of New Jersey, does hereby authorize the acceptance of the 2007 Ford Explorer (VIN #1FM5K8AR3HGD60437) from the Town of Guttenberg.

MONTHLY REPORTS

Borough Clerk Dr. Cosmo A. Cirillo indicated that the following reports were on file with the Office of the Borough Clerk and provided in the Council's Meeting packet.

- A. Fire Department – April 2024
- B. Health Department – April 2024
- C. Police Department – April 2024
- D. Senior Center – April 2024

PUBLIC PORTION

Hugo Luzbeth – 408 John Street

Mr. Luzbeth expressed concern regarding the parking situation in the Borough and indicated that it continues to get worse.

Gabriel Luzbeth – 408 John Street

Mr. Luzbeth expressed his support for adding additional cameras around the Borough for increased public safety and encouraged the Mayor and Council to ensure that some of them are focused on the parking lot area.

ADJOURNMENT

A motion was made by Councilman Graham, second by Councilwoman Zincavage, that this meeting be adjourned. The motion was adopted by the following votes.

Ayes: Diaz; Evaristo; Graham; Reis; Sheehan; Zincavage
Nays: None
Abstain: None
Absent: None

The Regular Meeting was adjourned at 7:33 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Borough Clerk

Dated: June 12, 2024

Accepted and approved by Council: June 12, 2024