

BOROUGH OF EAST NEWARK COUNTY OF HUDSON, STATE OF NEW JERSEY
MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOROUGH COUNCIL
DATE: OCTOBER 9, 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 6:30 P.M., by Acting Borough Clerk Johanna Fermaint.

MEETING NOTICE STATEMENT - As presiding officer of this Regular Meeting of the Mayor and Council of the Borough of East Newark, held on October 9, 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
Councilwoman Evaristo
Councilman Graham
Councilman Reis (via Zoom)
Councilman Sheehan
Councilwoman Zincavage
Mayor Grilo

Absent: None

Also in attendance: Mrs. Johanna Fermaint, Acting Borough Clerk
Mr. Fred Confessore, Borough Administrator
Mr. Michael Cifelli, Esq., Borough Attorney
Sgt. Robert Tomasko, Officer in Charge
Mr. Hiram Gonzalez, CFO

EXECUTIVE SESSION

A motion was made at 6:32 P.M. by Councilman Graham, second by Councilwoman Diaz, to go into Executive Session. The motion was adopted by the following votes.

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

A motion was made at 7:21 P.M. by Councilman Graham, second by Councilwoman Zincavage, to leave Executive Session and resume the public meeting. The motion was adopted by the following votes.

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

CAUCUS DISCUSSION

A. Comcast of the Meadowlands, LLC Municipal Consent Public Hearing

Karen Mastriano – Comcast Director of Government and Regulatory Affairs:

“Mayor Grilo and Members of the Governing Body. My name is Karen Mastriano and I am a Director of Government and Regulatory Affairs for Comcast’s Freedom Region Systems in Northern New Jersey. I have a prepared statement that I would like to read into the record. We are in the final stages of the cable television franchise renewal process which is governed by both federal and state statutes and regulations. Comcast began the renewal process on or about April 8, 2021 by sending a letter to the Borough indicating our intention to seek renewal of our non-exclusive franchise (under Section 626(A) of the Cable Communications Policy Act of 1984 and 1996. Comcast filed an application for renewal of municipal consent on or about July 17, 2024, that application has been available for public inspection in the Clerk’s Office. Tonight’s hearing is on that application. No action of the Council is required this evening. However, tonight’s hearing is an opportunity to hear from both the Governing Body and the public. The Governing Body must judge our application on the following four criteria: 1. Have we complied with the terms of the exist franchise? 2. Has the quality of service, signal quality, response to consumer complaints, and billing practices, been reasonable in light of community needs? 3. Does Comcast have the technical, financial, and legal ability to provide service as proposed? 4. Is our proposal reasonable in order to meet the future cable related needs and interests of the community? Two things the Governing Body may not consider in deciding to renew or deny renewal are: 1. Rates, these are governed by the state and federal statutes, not a municipal decision. 2. Programming, the cable operators channel lineup are protected by the 1st Amendment, just as newspaper content is. That is my statement and thank you for your time.”

Mayor Grilo – Thank you for the information.

No one further wished to speak.

- B. Upcoming Community Events Update – *Mayor Grilo*
- C. Covid-19 Update – *Mayor Grilo*
- D. Open Space Grant Update – *Mayor Grilo*
- E. Community Center Improvements Update – *Mayor Grilo*
- F. Recreation Center Federal Grant Update – *Mayor Grilo*
- G. Silvi Community Presentations Update – *Mayor Grilo*
- H. Police Department Update – *Sgt. Tomasko*
- I. DPW Update – *Mr. Confessore*
- J. Recreation Parking Lot Update – *Mr. Confessore*
- K. Harrison Water Billing Update – *Mr. Confessore*
- L. DCA Construction Department Update – *Mr. Confessore*
- M. New Construction Update – *Mr. Confessore*
- N. Business Owners Meeting Update – *Mr. Confessore*

CONSENT AGENDA - RESOLUTIONS

The consent agenda consisted of Resolutions 77-24, 86-24, 87-24, 88-24, 89-24, 90-24, 91-24, 92-24, 93-24, 94-24 and 95-24.

A motion was made by Councilwoman Evaristo, second by Councilwoman Diaz, 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: Note* - Councilwoman Diaz abstained on 87-24 and 88-24
 Absent: None

- A. Resolution 77-24 – Resolution approving the minutes of the August 14, 2024, Regular Meeting of the Mayor and Council of the Borough of East Newark

Resolution # 77-24
9-11-2024

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

**RESOLUTION APPROVING THE MINUTES OF THE AUGUST 14, 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 August 14, 2024, Regular Meeting be and are hereby approved.

B. Resolution 86-24 – Resolution approving the minutes of the September 11, 2024, Regular Meeting of the Mayor and Council of the Borough of East Newark

Resolution # 86-24
10-09-2024

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

RESOLUTION APPROVING THE MINUTES OF THE SEPTEMBER 11, 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 September 11, 2024, Regular Meeting be and are hereby approved.

C. Resolution 87-24 – Approving the payment of bills and issuance of checks for the period through October 9, 2024, in the amount of \$506,645.04

Resolution # 87-24
10-09-2024

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 OCTOBER 9, 2024, IN THE TOTAL AMOUNT OF \$506,645.04

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.

D. Resolution 88-24 –Authorizing Payment of Professional Service Invoices for Special Counsel Services to Hardin, Kundla, McKeon, and Poletto

Resolution # 88-24
10-09-2024

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

AUTHORIZING PAYMENT OF PROFESSIONAL SERVICE INVOICES FOR SPECIAL COUNSEL SERVICES TO HARDIN, KUNDLA, MCKEON, AND POLETTO

WHEREAS, the Borough of East Newark (“Borough”) retained the services of Hardin, Kundla, McKeon, and Poletto for Special Counsel services; and

WHEREAS, Hardin, Kundla, McKeon, and Poletto has submitted invoices to the Borough in the amount of \$26,525; and

WHEREAS, after reviewing the invoices, the Borough Administrator recommends payment to Hardin, Kundla, McKeon, and Poletto for such services for 2024.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey do hereby authorize payment in the amount of \$26,525 to Hardin, Kundla, McKeon, and Poletto for Special Counsel services; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, certifies that funds are available for the appropriation from Current Fund - 04-01-20-155-2150

E. Resolution 89-24 – Authorizing Use of the East Newark Community Center Parking Lot for Overnight Parking

Resolution # 89-24
10-09-2024

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

AUTHORIZING USE OF THE EAST NEWARK COMMUNITY CENTER PARKING LOT FOR OVERNIGHT PARKING

WHEREAS, the Borough of East Newark owns and operates the East Newark Community Center along with its corresponding parking lot; and

WHEREAS, the Mayor and Council wish to open the parking lot for overnight parking from 10:00PM to 7:00AM to vehicles with a valid East Newark Parking Permit on a first come, first serve basis.

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 vehicles with a valid East Newark Parking Permit are permitted to park in the East Newark Community Center Parking Lot on a first come, first serve basis from 10:00PM to 7:00AM effective retroactive to September 11, 2024.

F. Resolution 90-24 – Accepting the Resignation of Karol Franco as Violations Clerk for the East Newark Municipal Court

Resolution # 90-24
10-09-2024

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

**RESOLUTION ACCEPTING THE RESIGNATION OF KAROL FRANCO AS
VIOLATIONS CLERK FOR THE EAST NEWARK MUNICIPAL COURT**

WHEREAS, Karol Franco was hired by the Borough of East Newark as Violations Clerk for the East Newark Municipal Court on October 4, 2023; and

WHEREAS, Karol Franco has tendered her resignation from employment in the Borough of East Newark effective September 23, 2024.

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, that the resignation of Karol Franco from employment in the Borough of East Newark be, and is hereby accepted; and

BE IT FURTHER RESOLVED that the Mayor and Council on behalf of the Borough of East Newark extend best wishes to Karol Franco in her future endeavors.

G. Resolution 91-24 – Accepting the Resignation of Raymond Graham as Crossing Guard for the Borough of East Newark

Resolution # 91-24
10-09-2024

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

**RESOLUTION ACCEPTING THE RESIGNATION OF RAYMOND GRAHAM AS
CROSSING GUARD FOR THE BOROUGH OF EAST NEWARK**

WHEREAS, Raymond Graham was hired by the Borough of East Newark as Violations Clerk for the East Newark Municipal Court on April 4, 2022; and

WHEREAS, Raymond Graham has tendered his resignation from employment in the Borough of East Newark effective September 17, 2024.

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, that the resignation of Raymond Graham from employment in the Borough of East Newark be, and is hereby accepted; and

BE IT FURTHER RESOLVED that the Mayor and Council on behalf of the Borough of East Newark extend best wishes to Raymond Graham in his future endeavors.

H. Resolution 92-24 – Accepting the Resignation of John Simoes as Laborer for the East Newark Department of Public Works

Resolution # 92-24
10-09-2024

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

**RESOLUTION ACCEPTING THE RESIGNATION OF JOHN SIMOES AS
LABORER FOR THE EAST NEWARK DEPARTMENT OF PUBLIC WORKS**

WHEREAS, John Simoes was hired by the Borough of East Newark as Laborer for the East Newark Department of Public Works on February 5, 2024; and

WHEREAS, John Simoes has tendered his resignation from employment in the Borough of East Newark effective September 18, 2024.

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, that the resignation of John Simoes from employment in the Borough of East Newark be, and is hereby accepted; and

BE IT FURTHER RESOLVED that the Mayor and Council on behalf of the Borough of East Newark extend best wishes to John Simoes in his future endeavors.

- I. Resolution 93-24 – Authorizing the Hire of Savannah Martins as Violations Clerk for the East Newark Municipal Court

Resolution # 93-24
10-09-2024

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

RESOLUTION AUTHORIZING THE HIRE OF SAVANNAH MARTINS AS
VIOLATIONS CLERK FOR THE EAST NEWARK MUNICIPAL COURT

WHEREAS, there is a need to fill the vacancy for the position of Violations Clerk in the Borough of East Newark Municipal Court; and

WHEREAS, the Borough wishes to appoint Savannah Martins to the position of Violations Clerk for the East Newark Municipal Court; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of East Newark, in the County of Hudson, State of New Jersey, do hereby approve the hire and appointment of Savannah Martins as Violations Clerk of the East Newark Municipal Court retroactive to September 23, 2024 at a salary commensurate with the Borough's Salary Ordinance.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund – Municipal Court – Salary and Wages.

J. Resolution 94-24 – Authorizing an Agreement with Helpsy for Collection of Textile Recycling Materials

Resolution # 94-24
10-09-2024

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

RESOLUTION AUTHORIZING AN AGREEMENT WITH HELPSY FOR COLLECTION OF
TEXTILE RECYCLING MATERIALS

WHEREAS, Helpsy has submitted a proposal to the Borough as the official textile recycling partner for the collection of clothes, footwear and related goods; and

WHEREAS, Helpsy has the capability to provide the collection services pursuant to the submitted proposal; and

WHEREAS, the Borough Administrator has reviewed the proposal and recommends the Borough enter into an agreement with Helpsy for said services.

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, that the Mayor, Borough Administrator and/or Borough Clerk be and hereby are authorized to execute and attest, respectively, an agreement with Helpsy for the collection of textile recycling materials, in accordance with the forgoing terms and in a form acceptable to the Borough Attorney.

K. Resolution 95-24 – Capital Budget Amendment

Resolution # 95-24
10-09-2024

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

CAPITAL BUDGET AMENDMENT

Resolution # 95-24
CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2024 was adopted on the 11th day of September, 2024; and,

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Town of Guttenberg, County of Hudson, that the following amendment(s) to the adopted capital budget section of the 2024 Budget be made:

| | | | | | | |
|--------------------------------------|------|--|------|---------------------------------|---------|--------------------------|
| RECORDED VOTE (Insert Last Names) | AYES | Diaz (Evaristo (Graham (Reis (Sheehan (Zircavage | NAYS | () () () () () | ABSTAIN | () () () () |
|--------------------------------------|------|--|------|---------------------------------|---------|--------------------------|

FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2024

| 1 Project | 2 Project Number | 3 Estimated Total Cost | 4 Amounts Reserved in Prior Years | 5a 2024 Budget Appropriation | 5b Capital Improvement Fund | 5c Capital Surplus | 5d Grants in Aid and other funds | 5e Debt Authorized | 6 To Be Funded in Future Years |
|--------------------|------------------------|------------------------------|--|------------------------------------|--------------------------------------|--------------------------|---|--------------------------|---|
| Total All Projects | | | 2,995,000 | | | | 613,000 | 257,000 | 2,125,000 |

6 YEAR CAPITAL PROGRAM 2024-2029
Anticipated Project Schedule
and Funding Requirement

| 1 Project | 2 Project Number | 3 Estimated Total Cost | 4 Estimated Completion Time | 5 Funding Amounts Per Year | | | | | |
|--------------------|------------------------|------------------------------|--------------------------------------|-------------------------------|---------------------|-----------|-----------|-----------|-----------|
| | | | | Budget Year 2024 | Budget Year 2025 | 1 2026 | 2 2027 | 3 2028 | 4 2029 |
| Total All Projects | | | | 2,995,000 | 870,000 | 1,450,000 | 675,000 | | |

6 YEAR CAPITAL PROGRAM 2024-2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

| 1 Project | 2 Estimated Total Cost | Current Year 2024 | Future Years | 4 Capital Improvement Fund | 5 Capital Surplus | 6 Grants in Aid and Other Funds | BONDS AND NOTES | | | | |
|--------------------|------------------------------|----------------------|-----------------|-------------------------------------|-------------------------|--|-----------------|-------------|------------|--------|--|
| | | | | | | | General | Liquidating | Assessment | School | |
| Total All Projects | | 2,995,000 | | 45,625 | | 1,770,187 | 1,179,188 | | | | |

TO
CAPITAL BUDGET (CURRENT YEAR ACTION)

| 1 Project | 2 Project Number | 3 Estimated Total Cost | 4 Amounts Reserved in Prior Years | 5a 2024 Budget Appropriation | 5b Capital Improvement Fund | 5c Capital Surplus | 5d Grants in Aid and other funds | 5e Debt Authorized | 6 To Be Funded in Future Years |
|---------------------|------------------------|------------------------------|--|------------------------------------|--------------------------------------|--------------------------|---|--------------------------|---|
| Various Improvement | | | | 837,000 | | 40,000 | | 797,000 | |
| Total All Projects | | | | 3,832,000 | | 40,000 | 613,000 | 1,054,000 | 2,125,000 |

6 YEAR CAPITAL PROGRAM 2024-2029
Anticipated Project Schedule
and Funding Requirement

| 1 Project | 2 Project Number | 3 Estimated Total Cost | 4 Estimated Completion Time | 5 Funding Amounts Per Year | | | | | |
|---------------------|------------------------|------------------------------|--------------------------------------|-------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| | | | | Budget Year 2024 | Budget Year 2025 | Budget Year 2026 | Budget Year 2027 | Budget Year 2028 | Budget Year 2029 |
| Various Improvement | | | | 837,000 | | | | | |
| Total All Projects | | | | 3,832,000 | 1,707,000 | 1,450,000 | 675,000 | | |

6 YEAR CAPITAL PROGRAM 2024-2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

| 1 Project | 2 Estimated Total Cost | Current Year 2024 | Future Years | 4 Capital Improvement Fund | 5 Capital Surplus | 6 Grants in Aid and Other Funds | BONDS AND NOTES | | | | |
|---------------------|------------------------------|----------------------|-----------------|-------------------------------------|-------------------------|--|-----------------|-------------|------------|--------|--|
| | | | | | | | General | Liquidating | Assessment | School | |
| Various Improvement | 837,000 | | | 40,000 | | | 797,000 | | | | |
| Total All Projects | 3,832,000 | | | 85,625 | | 1,770,187 | 1,976,188 | | | | |

Be It Further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 9th day of October, 2024.

Certified by me

October 9, 2024

MUNICIPAL CLERK

TRENTON, NEW JERSEY

APPROVED _____, 2024

DIRECTOR OF LOCAL GOVERNMENT SERVICES

ORDINANCES

- A. Ordinance 3-2024 – **HEARING AND FINAL ADOPTION** – Ordinance of the Borough of East Newark Amending Chapter 2 Titled “ADMINISTRATION” Specifically by Amending § 2-19.4.d – to Create a Section Titled “Director of Public Safety”

ORDINANCE NUMBER 03-2024

FIRST READING/
INTRODUCTION: September 11, 2024

SECOND READING/
PUBLIC HEARING/
ADOPTION: October 9, 2024

ORDINANCE

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

**ORDINANCE OF THE BOROUGH OF EAST NEWARK AMENDING
CHAPTER 2 TITLED "ADMINISTRATION" SPECIFICALLY BY
AMENDING § 2-19.4D – TO CREATE A SECTION TITLED "DIRECTOR OF
PUBLIC SAFETY"**

§ 2-19.4.d DIRECTOR OF PUBLIC SAFETY.

1. Position Created.

There is hereby created the administrative position of Director of Public Safety of the Borough of East Newark. The position of Director of Public Safety may be in addition to or in lieu of the position of Chief of Police as determined by the Mayor and Council

2. Appointment, Term.

The Director of Public Safety shall be appointed by the Mayor and Borough Council. All employees not affiliated with, or members of a labor union shall be deemed "employees at will," employed at the will of the Borough of East Newark, with employment for no definite or established length of time, and subject to termination at any time, for any reason, or for no reason at all, consistent with law and Borough of East Newark's ordinances, regulations and policies.

3. Qualifications.

Any person seeking appointment to the position of Director of Public Safety shall demonstrate to the Mayor and Borough Council that he or she is qualified for the position by virtue of training or experience. By way of example and not limitation, such person may have prior law enforcement experience and/or supervisory and administrative experience in either the public or private sector.

4. Duties.

The duties of the Director of Public Safety shall include, but not be limited to, the following:

- a. Exercising full control over the Police Department seeing, among other things, to the proper enforcement of any rules and/or regulations adopted by the Mayor and Borough Council, which shall be deemed the appropriate authority under law.
- b. Reporting, from time to time, to the Mayor and Borough Council such matters related to the Police Department as may require their attention.
- c. Interviewing candidates for appointment to and/or promotion in the Police Department and making recommendations for such appointment and/or promotion to the Mayor and Borough Council, which shall determine and make all appointments and promotions.
- d. Bringing charges, when appropriate, against any member of the Police Department and, pending a hearing on those charges before an appropriate authority, suspend the charged member, with or without pay, if the Director deems such a suspension necessary to the good order and discipline of the Police Department.
- e. Developing programs of continuing education for the members of the Police Department to insure the highest level of training for the members of the Department.

- f. Establishing and maintaining communications with schools and public and private associations to help such schools and associations understand and cooperate in the public safety effort of the community.
- g. Establishing performance criteria for the members of the Police Department and periodically evaluating the members under the established criteria.
- h. Working with the Chief Financial Officer of the Borough of East Newark to establish the annual operating budget for the Police Department.
- i. Performing such other duties as may be required as part of the general duties of the Director of Public Safety or as may be reasonably requested by the Mayor and Borough Council.

6. Part-Time or Full-Time Position.

The position of Director of Public Safety may be deemed a part-time position calling for approximately 20 hours per week or a full-time position calling for approximately 40 hours per week, to be established within the discretion of the Mayor and Borough Council.

7. Salary.

The annual salary of the first Director of Public Safety shall be established by the Mayor and Borough Council. Thereafter the annual salary shall be as set forth in the salary ordinance of the Borough of East Newark.

A motion was made by Councilman Sheehan, second by Councilwoman Evaristo, to open the public hearing. The motion was adopted by the following votes.

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

Public Hearing on Ordinance 03-2024: No one wished to be heard.

A motion was made by Councilwoman Evaristo, second by Councilwoman Zincavage, to close the public hearing and adopt Ordinance 03-2024 on second reading. The motion was adopted by the following votes.

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

B. Ordinance 4-2024 – **INTRODUCTION** – Ordinance of the Borough of East Newark Amending Chapter 7 Titled “Traffic” Specifically by Amending §7-39.1 – “Handicap Parking on Streets”
A motion was made by Councilwoman Evaristo, second by Councilwoman Diaz, that this Ordinance be introduced on first reading. The motion was adopted by the following votes.

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

ORDINANCE NUMBER 4-2024

FIRST READING/
 INTRODUCTION: October 9, 2024

SECOND READING/
 PUBLIC HEARING/
 ADOPTION:

ORDINANCE

**BOROUGH OF EAST NEWARK
 COUNTY OF HUDSON, STATE OF NEW JERSEY
 ORDINANCE OF THE BOROUGH OF EAST NEWARK AMENDING CHAPTER 7 TITLED
 “TRAFFIC” SPECIFICALLY BY AMENDING § 7-39.1 –
 “Handicap Parking on Streets”**

§7-39.1 Handicap Parking On Streets

In accordance with the provisions of N.J.S.A. 39:4-197, the following street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

| Street | Location |
|------------------------------|---|
| <u>Second Avenue</u> | 429 Second Avenue |
| <u>Central Avenue</u> | 206 Central Avenue |
| <u>Third Street</u> | 304 Third Street |
| <u>Third Street</u> | 412 Third Street |
| <u>Third Street</u> | 413 Third Street |
| <u>Third Street</u> | 540 Third Street |
| <u>Grant Avenue</u> | 156 Grant Avenue |
| <u>Grant Avenue</u> | 46 Grant Avenue |
| <u>Sherman Avenue</u> | 29 Sherman Avenue |
| <u>Veterans’ Parking Lot</u> | Two (2) spots adjacent to 34 Sherman Avenue |

| | |
|----------------------------|-----------------------------|
| <u>North Second Street</u> | <u>340 N. Second Street</u> |
| <u>North Third Street</u> | <u>333 N. Third Street</u> |
| <u>President Street</u> | <u>37 President Street</u> |

C. Ordinance 5-2024- **INTRODUCTION** – Bond Ordinance to authorize the making of various public improvements and the acquisition of new communication and signal systems equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for the Borough of East Newark, in the County of Hudson, State of New Jersey , to appropriate the sum of \$837,000 to pay the cost thereof, to make a down payment, to authorize the issuance of bond to finance such appropriations and to provide for the issuance of bond anticipation notes in anticipation of the issuance of such bonds

A motion was made by Councilman Graham, second by Councilwoman Zincavage, that this Ordinance be introduced on first reading. The motion was adopted by the following votes.

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

ORDINANCE NUMBER 5-2024

FIRST READING/
 INTRODUCTION: October 9, 2024

SECOND READING/
 PUBLIC HEARING/
 ADOPTION: November 13, 2024

ORDINANCE

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

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$837,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of East Newark, in the County of Hudson, State of New Jersey, as follows:

Section 1. The Borough of East Newark, in the County of Hudson, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new communication and signal systems equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. (i) Acquisition of new communication and signal systems equipment consisting of radio equipment for the use of the Police Department and the Fire Department and (ii) installation of security cameras at various locations.

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$735,000 |
| Down Payment Appropriated | \$ 35,000 |

| | |
|----------------------------|-----------|
| Bonds and Notes Authorized | \$700,000 |
| Period of Usefulness | 10 years |

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, for the use of Parking Enforcement.

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 25,000 |
| Down Payment Appropriated | \$ 1,330 |
| Bonds and Notes Authorized | \$ 23,670 |
| Period of Usefulness | 5 years |

C. Renovation of Police Headquarters. It is hereby determined and stated that the public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 15,000 |
| Down Payment Appropriated | \$ 715 |
| Bonds and Notes Authorized | \$ 14,285 |
| Period of Usefulness | 15 years |

D. Undertaking of the following public improvements: (i) installation of parking machine kiosks at various locations; (ii) replacement of the water valve at the intersection of Central and Passaic Avenues; (iii) replacement of the bathroom doors at the Senior Center; and (iv) repair of the rear stairs at the Municipal Building. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 62,000 |
| Down Payment Appropriated | \$ 2,955 |
| Bonds and Notes Authorized | \$ 59,045 |
| Period of Usefulness | 15 years |

| | |
|--|-----------|
| Aggregate Appropriation and Estimated Cost | \$837,000 |
| Aggregate Down Payment Appropriated | \$ 40,000 |
| Aggregate Amount of Bonds and Notes Authorized | \$797,000 |

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$25,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$40,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$40,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$797,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$797,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.31 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$797,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Hudson, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable

expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

D. Ordinance 6-2024- INTRODUCTION – An Ordinance approving and authorizing the execution of a financial agreement with Clark Mill Urban Renewal LLC for Certain Improvements in the Thread Mill District

A motion was made by Councilwoman Evaristo, second by Councilman Graham, that this Ordinance be introduced on first reading. The motion was adopted by the following votes.

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

ORDINANCE NUMBER 06-2024

FIRST READING/
INTRODUCTION: October 9, 2024

SECOND READING/
PUBLIC HEARING/
ADOPTION: November 13, 2024

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

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A
FINANCIAL AGREEMENT WITH CLARK MILL URBAN RENEWAL LLC FOR
CERTAIN IMPROVEMENTS IN THE THREAD MILL DISTRICT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of land in the municipality designated as “areas in need of redevelopment or rehabilitation”; and

WHEREAS, the Mayor and Borough Council (hereinafter referred to as the “Governing Body”) serve as an instrumentality and agency of the Borough of East Newark pursuant to the Redevelopment Law for the purpose of implementing a redevelopment plan and carrying out redevelopment projects within the pertinent redevelopment area; and

WHEREAS, on November 30, 2006, the Borough designated the entire property at Block 12, Lot 1 as designated on the tax maps of the Borough of East Newark as an “Area in Need of Redevelopment”, in accordance with the Redevelopment Law (the “Property” or “Redevelopment Area”); and

WHEREAS, on August 23, 2017, the Borough adopted Ordinance Number 09-2017 implementing the East Newark Redevelopment Plan, which includes redevelopment and rehabilitation of the complex of buildings described therein as the Thread Mill District, pursuant to the Redevelopment Law (the “Redevelopment Plan”); and

WHEREAS, the Property has been approved for adaptive reuse of the existing structures on the Property for a mixed-use development in accordance with the Redevelopment Plan; and

WHEREAS, on May 9, 2007, the Borough designated East Newark Towne Center, LLC (the “Redeveloper”) as redeveloper for the Property; and

WHEREAS, on November 17, 2017, the Borough and Redeveloper entered into a redevelopment agreement for the Redevelopment Area (the “Redevelopment Agreement”); and

WHEREAS, Redeveloper has formed an affiliate entity, Clark Mill Urban Renewal LLC (the “Entity”), through which to undertake the redevelopment of the Property; and

WHEREAS, the proposed redevelopment of the Redevelopment Area by the Entity has been found consistent with the Borough’s goals for redeveloping the Redevelopment Area as stipulated in Planning Board Resolution PB-15-19 adopted by the East Newark Planning Board on December 5, 2019, as amended by Board Resolution April 25, 2024 (collectively referred to as the “Site Plan Approval”); and

WHEREAS, pursuant to the Site Plan Approval, as part of the overall project the Entity proposes to finance, construct and implement upon a portion of the Property an adaptive

reuse of one of the existing buildings (identified as Building 64) to include 67 senior affordable/military and/or veteran housing units (the “Project”). Accordingly, the Project will generate significant amounts of new municipal revenue through the Annual Service Charge, fulfill housings where there is a gap of such housing, improvement to the quality of life and creation of public benefits for existing and future residents of the Borough; and

WHEREAS, the Borough has determined that the Entity possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances and regulations; and

WHEREAS, pursuant to and in accordance with the provisions of the Long-Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “**Long Term Tax Exemption Law**”, as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for payment in lieu of taxes within a redevelopment area; and

WHEREAS, in order to ensure the financial feasibility of the Project, the Entity submitted an application for the approval the Project (the “Senior Housing Application”) as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “**Exemption Application**”); and

WHEREAS, after review of the Senior Housing Application, a copy of which is on file with the Clerk and incorporated herein by reference, the Mayor recommended that the Senior Housing Application be approved; and

WHEREAS, the Borough determined that the assistance provided to the Project pursuant to this Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance; and

WHEREAS, in lieu of a separate Resolution, this Ordinance shall serve as the enactment in which the Borough hereby approves the Entity’s Senior Housing Application; and

WHEREAS, the parties have now negotiated a proposed form of financial agreement, a copy of which is on file with the Clerk and incorporated herein by reference, and the Mayor and Council have determined that it is appropriate to approve the execution of the financial agreement substantially in the form that is on file; and

WHEREAS, the Borough Council makes the following findings with respect to the relative benefits of the Project to the redevelopment of the Property when compared to the costs, if any, associated with the tax exemption:

Relative benefits of the Project when compared to the costs include:

The financial agreement will benefit the Borough and its inhabitants by furthering the redevelopment objectives of the Redevelopment Plan for the Redevelopment Area, which is an underutilized property;

The combination of commercial space, residential living space and parking areas will serve to stabilize and contribute to the economic growth of existing local businesses and may spur other development and commercial activity in the surrounding area, and will serve the existing residents and attract additional people to the Borough;

The proposed development will generate significant municipal revenues to the Borough. It is not anticipated that there will be any large or extraordinary municipal costs associated with the Project. The Borough's review and analysis indicates that the benefits of the Project outweigh any costs to the Borough;

It is expected that the Project will create approximately 62 jobs during construction and 2 permanent jobs after construction; and

The relative stability and predictability of the service charges will allow the Entity to stabilize their expenses, allowing a high level of urban design and aesthetics as well as the use of high-quality materials which will maintain the appearance of the building over the life of the Project, which will insure the likelihood of the Project's success and ensure that it will have a positive impact on the surrounding area.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of East Newark, County of Hudson and State of New Jersey as follows:

Section 1. The findings set forth above are hereby adopted and made part of this Ordinance.

Section 2. Pursuant to the authority granted under the Exemption Law, this Ordinance authorizes the long term tax exemption with respect to the Improvements of Building 64 of the Project on Block 12, Lot 1 on the official tax map of the Borough of East Newark.

Section 3. The Mayor is authorized to execute the financial agreement substantially in the form on file with the Clerk, and any other agreement or document related thereto deemed relevant and appropriate by counsel to the Borough in furtherance of the financial agreement and this Ordinance.

Section 4. The financial agreement herein authorized shall be subject to all requirements of the Exemption Law and all applicable federal, State and local laws and regulations.

E. Ordinance 7-2024- **INTRODUCTION** – An Ordinance approving and authorizing the execution of a financial agreement with Clark Mill Urban Renewal, LLC for certain improvements in the Thread Mill District of the Redevelopment Area

A motion was made by Councilman Graham, second by Councilwoman Zincavage, that this Ordinance be introduced on first reading. The motion was adopted by the following votes.

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

ORDINANCE NUMBER 07-2024

FIRST READING/
INTRODUCTION: October 9, 2024

SECOND READING/
PUBLIC HEARING/
ADOPTION: November 13, 2024

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

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A
FINANCIAL AGREEMENT WITH CLARK MILL URBAN RENEWAL, LLC FOR
CERTAIN IMPROVEMENTS IN THE THREAD MILL DISTRICT OF THE
REDEVELOPMENT AREA**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of land in the municipality designated as “areas in need of redevelopment or rehabilitation”; and

WHEREAS, the Mayor and Borough Council (hereinafter referred to as the “Governing Body”) serve as an instrumentality and agency of the Borough of East Newark pursuant to the Redevelopment Law for the purpose of implementing a redevelopment plan and carrying out redevelopment projects within the pertinent redevelopment area; and

WHEREAS, on November 30, 2006, the Borough designated the entire property at Block 12, Lot 1 as designated on the tax maps of the Borough of East Newark as an “Area in Need of Redevelopment”, in accordance with the Redevelopment Law (the “Property” or “Redevelopment Area”); and

WHEREAS, on August 23, 2017, the Borough adopted Ordinance Number 09-2017 implementing the East Newark Redevelopment Plan, which includes redevelopment and rehabilitation of the complex of buildings described therein as the Thread Mill District, pursuant to the Redevelopment Law (the “Redevelopment Plan”); and

WHEREAS, the Property has been approved for adaptive reuse of the existing structures on the Property for a mixed-use development in accordance with the Redevelopment Plan; and

WHEREAS, on May 9, 2007, the Borough designated East Newark Towne Center, LLC (the “Redeveloper”) as redeveloper for the Property; and

WHEREAS, on November 17, 2017, the Borough and Redeveloper entered into a redevelopment agreement for the Redevelopment Area; and

WHEREAS, Redeveloper has formed an affiliated entity, Clark Mill Urban Renewal LLC (the “Entity”), to undertake the redevelopment of the Property; and

WHEREAS, the proposed redevelopment of the Redevelopment Area by the Entity has been found consistent with the Borough’s goals for redeveloping the Redevelopment Area as stipulated in Planning Board Resolution PB-15-19 adopted by the East Newark Planning Board on December 5, 2019, as amended by Board Resolution April 25, 2024 (collectively referred to as the “Site Plan Approval”); and

WHEREAS, pursuant to the Site Plan Approval, the Entity proposes to redevelop and repurpose through the adaptive reuse of existing infrastructure at the Property to develop, finance and construct 616 residential units, 66,311 sq. ft. of retail space, 104,620 sq. ft. of future commercial/office space, and a parking structure having 892 parking spaces of a total number of 1,353 parking spaces (the “**Project**”); Accordingly, the Project will generate significant amounts of new municipal revenue through the Annual Service Charge, improvement to the quality of life and creation of public benefits for existing and future residents of the Borough; and

WHEREAS, the Borough has determined that the Entity possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, and all other applicable laws, ordinances and regulations; and

WHEREAS, pursuant to and in accordance with the provisions of the Long-Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “**Long Term Tax Exemption Law**”, as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for payment in lieu of taxes within a redevelopment area; and

WHEREAS, in order to ensure the financial feasibility of the Project, the Entity submitted an application for the approval of the Project, as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “**Exemption Application**”); and

WHEREAS, after review of the Application, a copy of which is on file with the Clerk and incorporated herein by reference, the Mayor recommended that the Application be approved; and

WHEREAS, the Borough determined that the assistance provided to the Project pursuant to this Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance; and

WHEREAS, in lieu of a separate Resolution, this Ordinance shall serve as the enactment in which the Borough hereby approves the Entity's Application; and

WHEREAS, the parties have now negotiated a proposed form of financial agreement, a copy of which is on file with the Clerk, and the Mayor and Council have determined that it is appropriate to approve the execution of the financial agreement substantially in the form that is on file; and

WHEREAS, the Borough Council makes the following findings with respect to the relative benefits of the Project to the redevelopment of the Property when compared to the costs, if any, associated with the tax exemption:

Relative benefits of the Project when compared to the costs include:

The financial agreement will benefit the Borough and its inhabitants by furthering the redevelopment objectives of the Redevelopment Plan for the Redevelopment Area, which is an underutilized property;

The combination of commercial space, residential living space and parking areas will serve to stabilize and contribute to the economic growth of existing local businesses and may spur other development and commercial activity in the surrounding area, and will serve the existing residents and attract additional people to the Borough;

The proposed development will generate significant municipal revenues to the Borough. It is not anticipated that there will be any large or extraordinary municipal costs associated with the Project. The Borough's review and analysis indicates that the benefits of the Project outweigh any costs to the Borough;

It is expected that the Project will create approximately 650 jobs during construction and 244 permanent jobs after construction; and

The relative stability and predictability of the service charges will allow the Entity to stabilize their expenses, allowing a high level of urban design and aesthetics as well as the use of high-quality materials which will maintain the appearance of the building over the life of the Project, which will insure the likelihood of the Project's success and ensure that it will have a positive impact on the surrounding area.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of East Newark, County of Hudson and State of New Jersey as follows:

Section 1. The findings set forth above are hereby adopted and made part of this Ordinance.

Section 2. Pursuant to the authority granted under the Exemption Law, this Ordinance authorizes the long term tax exemption with respect to the Improvements of the Project, excepting 67 residential units to be constructed in Building 64, which is the subject of a separate application on Block 12, Lot 1 on the official tax map of the Borough of East Newark.

Section 3. The Mayor is authorized to execute the financial agreement substantially in the form on file with the Clerk, and any other agreement or document related thereto deemed relevant and appropriate by counsel to the Borough in furtherance of the financial agreement and this Ordinance.

Section 4. The financial agreement herein authorized shall be subject to all requirements of the Exemption Law and all applicable federal, State and local laws and regulations.

MONTHLY REPORTS

Acting Borough Clerk Johanna Fermaint indicated that the following reports were on file with the Office of the Borough Clerk and provided in the Council's Meeting packet.

- A. Construction Department – September 2024
- B. Fire Department – September 2024
- C. Health Department – September 2024
- D. Police Department – September 2024
- E. Senior Center – September 2024

PUBLIC PORTION

Mike Mancini – 342 John Street

I'm the liaison for the School Board to the Town and a member of the Planning Board. I would like to thank all the members of the committee particularly Chairwoman Evaristo and Councilwoman Zincavage and Mayor Grilo for organizing the committee.

Based on our meetings, our main topic of discussion has been parking. On the School Board side we have a formal proposal we've submitted to Council and we strongly urge the Council to consider the proposal. The Borough would be able to rent the portion of the lot that is currently owned by the School Board. We believe this will be the fastest way for the Borough to be able to open those parking spots for however you believe they are best used. Thank you for your time and your continued advocacy.

EXECUTIVE SESSION

A motion was made at 7:52 P.M. by Councilman Graham, second by Councilwoman Zincavage, to go into Executive Session. The motion was adopted by the following votes.

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

A motion was made at 8:08 P.M. by Councilman Graham, second by Councilwoman Zincavage, to leave Executive Session and resume the public meeting. The motion was adopted by the following votes.

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

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 8:10 P.M.

Respectfully Submitted,

Johanna Fermaint
Acting Borough Clerk

Dated: November 13, 2024

Accepted and approved by Council: