

BOROUGH OF EAST NEWARK COUNTY OF HUDSON, STATE OF NEW JERSEY
MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND BOROUGH COUNCIL

DATE: JANUARY 30, 2025

TIME: 6:30 PM

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Special Meeting of the Mayor and Council of the Borough of East Newark was called to order at approximately 6:30 P.M., by Borough Clerk Dr. Cosmo A. Cirillo.

PLEDGE OF ALLEGIANCE

MEETING NOTICE STATEMENT - As presiding officer of this Special Meeting of the Mayor and Council of the Borough of East Newark, held on February 12, 2025 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. 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.

ROLL CALL

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

Absent: Councilwoman Diaz

Also in attendance: Dr. Cosmo A. Cirillo, Borough Clerk
Mr. Fred Confessore, Borough Administrator
Mr. Michael Cifelli, Esq., Borough Attorney
Mr. Hiram Gonzalez, CFO

APPOINTMENT OF COUNCIL VACANCY

- A. Appointment of Councilperson to Temporarily Fill Unexpired Term ending December 31, 2026 Pursuant to N.J.S.A. 40A:16-11

A motion was made by Councilman Graham, second by Councilwoman Zincavage, to accept the recommendation of the East Newark Democratic Committee and appoint Acacio De Oliveira as Councilperson to fill the unexpired term. The motion was adopted by the following votes.

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

OATH OF OFFICE

- Dr. Cirillo administered Oath of Office as Councilman to Acacio De Oliveira

CONSENT AGENDA - RESOLUTIONS

The consent agenda consisted of Resolutions 15-25, 16-25, 17-25, 18-25, 19-25, 20-25, and 21-25.

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

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

- A. Resolution 15-25 – Committing to DCA’s Fourth Round Affordable Housing Present Need and Prospective Need Numbers

Resolution # 15-25
1-30-2025

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

RESOLUTION COMMITTING TO DCA’S FOURTH ROUND AFFORDABLE HOUSING
PRESENT NEED AND PROSPECTIVE NEED NUMBERS

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter “Amended FHA”); and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Borough of East Newark’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 31 and a Prospective Need or New Construction Obligation of 22; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Borough of East Newark accepts the DCA calculations of Borough of East Newark’s fair share obligations and commits to its fair share of 31 units present need and 22 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Borough of East Newark reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Borough of East Newark also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Borough of East Newark reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Borough Council of Borough of East Newark finds that it is in the best interest of Borough of East Newark to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

WHEREAS, Borough of East Newark seeks a certification of compliance with the FHA and, therefore, directs its Redevelopment Counsel, Robert Beckelman, Esq. of Wilentz, Goldman, & Spitzer, P.A., to file a declaratory relief action within 48 hours of the adoption of this resolution in Hudson County.

NOW, THEREFORE, BE IT RESOLVED on this 30th day of January, 2025 by the Borough Council of Borough of East Newark as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Borough of East Newark hereby commits to the DCA Round 4 Present Need Obligation of 31 units and the Round 4 Prospective Need Obligation of 22 units described in this resolution, subject to all reservations of rights set forth above.
3. Borough of East Newark hereby directs its Redevelopment Counsel, Robert Beckelman, Esq. of Wilentz, Goldman, & Spitzer, P.A. to file a declaratory judgment complaint in Hudson County within 48 hours after adoption this resolution, attaching this resolution.
4. Borough of East Newark authorizes its Redevelopment Counsel, Robert Beckelman, Esq. of Wilentz, Goldman, & Spitzer, P.A. to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.

B. Resolution 16-25 – Authorizing the Mayor to Execute a Letter of Intent for the 2025 Hudson County Open Space Trust Fund – Veterans Playground and Waterpark Improvements

Resolution # 16-25
1-30-2025

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

AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR THE
2025 HUDSON COUNTY OPEN SPACE TRUST FUND –
VETERANS PLAYGROUND AND WATERPARK IMPROVEMENTS

WHEREAS, the Hudson County Open Space Trust Fund provides grant funding to support the development, improvement, and preservation of recreational facilities for the benefit of local communities; and

WHEREAS, the Borough of East Newark desires to submit a Letter of Intent to the Hudson County Open Space Trust Fund to formally express its intent to seek funding for the proposed Veterans Playground and Waterpark Improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey that:

1. The Mayor is hereby authorized to execute a Letter of Intent for the 2025 Hudson County Open Space Trust Fund to seek funding for improvements to the Veterans Playground and Waterpark.
2. The Mayor, Borough Administrator, and other appropriate officials are authorized to take all necessary actions to facilitate the submission of the Letter of Intent and any subsequent grant application for this project.

C. Resolution 17-25 – Authorizing the Mayor to Execute a Letter of Intent for the 2025 Hudson County Open Space Trust Fund – Veterans Soccer Field Improvements

Resolution # 17-25
1-30-2025

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

AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR THE
2025 HUDSON COUNTY OPEN SPACE TRUST FUND –
VETERANS SOCCER FIELD IMPROVEMENTS

WHEREAS, the Hudson County Open Space Trust Fund provides grant funding to support the development, improvement, and preservation of recreational facilities for the benefit of local communities; and

WHEREAS, the Borough of East Newark desires to submit a Letter of Intent to the Hudson County Open Space Trust Fund to formally express its intent to seek funding for the proposed Veterans Soccer Field Improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey that:

1. The Mayor is hereby authorized to execute a Letter of Intent for the 2025 Hudson County Open Space Trust Fund to seek funding for improvements to the Veterans Soccer Field.

2. The Mayor, Borough Administrator, and other appropriate officials are authorized to take all necessary actions to facilitate the submission of the Letter of Intent and any subsequent grant application for this project.

D. Resolution 18-25 – Authorizing the Mayor to Execute a Letter of Intent for the 2025 Hudson County Open Space Trust Fund – Riverfront Park Improvements

Resolution # 18-25
1-30-2025

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

AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR THE
2025 HUDSON COUNTY OPEN SPACE TRUST FUND –
RIVERFRONT PARK IMPROVEMENTS

WHEREAS, the Hudson County Open Space Trust Fund provides grant funding to support the development, improvement, and preservation of recreational facilities for the benefit of local communities; and

WHEREAS, the Borough of East Newark desires to submit a Letter of Intent to the Hudson County Open Space Trust Fund to formally express its intent to seek funding for the proposed Riverfront Park Improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey that:

1. The Mayor is hereby authorized to execute a Letter of Intent for the 2025 Hudson County Open Space Trust Fund to seek funding for improvements to the Riverfront Park.
2. The Mayor, Borough Administrator, and other appropriate officials are authorized to take all necessary actions to facilitate the submission of the Letter of Intent and any subsequent grant application for this project.

E. Resolution 19-25 – Authorizing the Submission of Grant Application to the New Jersey Department of Community Affairs for Veterans Soccer Field Improvements

Resolution # 19-25
1-30-2025

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

AUTHORIZING THE SUBMISSION OF GRANT APPLICATION TO THE
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR VETERANS SOCCER
FIELD IMPROVEMENTS

WHEREAS, the Borough of East Newark desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for up to approximately \$45,000 to carry out a project to provide improvements to Veterans Soccer Field.

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, as follows:

1. that the Mayor and Council of the Borough of East Newark do hereby authorize the application for such a grant
2. that the Mayor and Council of the Borough of East Newark recognize and accept that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of East Newark and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)
Dina M. Grilo

(type or print name)
Mayor

(title)

(signature)
Fred Confessore

(type or print name)
Business Administrator

(title)

- F. Resolution 20-25 – Authorizing Approval to Enter Into a Contract with the East Orange Water Commission for the Continuation and Eventual Discontinuation of Services to the Borough of East Newark

Resolution # 20-25
1-30-2025

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

RESOLUTION AUTHORIZING APPROVAL TO ENTER INTO A CONTRACT WITH THE
EAST ORANGE WATER COMMISSION FOR THE CONTINUATION AND EVENTUAL
DISCONTINUATION OF SERVICES TO THE BOROUGH OF EAST NEWARK

WHEREAS, the Borough of East Newark and the East Orange Water Commission entered into a contract circa 2009 for certain services provided to the Borough by the East Orange Water Commission;

WHEREAS, the 2009 contract expired without a written extension of its terms and conditions;

WHEREAS, after the expiration of the 2009 contract, the East Orange Water Commission continued to provide services to the Borough;

WHEREAS, the Borough and the East Orange Water Commission have agreed to continue the Water Commission's services until those services are transferred to and assumed by the Borough;

WHEREAS, the Borough and the East Orange Water Commission desire a structured and orderly transfer of services to and assumed by the Borough through a written contract;

NOW, THEREFORE, BE IT RESOLVED that Council of East Newark formally approves the entry of the Borough of East Newark into a contract for the continuation and eventual discontinuation of services by the East Orange Water Commission; and

BE IT FURTHER RESOLVED that the Mayor (or her designee) and the Borough Administrator (or his designee) are hereby authorized to negotiate and enter a contract on behalf of the Borough with the East Orange Water Commission for the continuation of services to the Borough by the East Orange Water Commission until such services are transferred and assumed by the Borough; and

BE IT FURTHER RESOLVED that the Mayor (or her designee) and the Borough Attorney (or his designee) are hereby authorized to sign the contract with the East Orange Water Commission on behalf of East Newark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

G. Resolution 21-25 – Approving the payment of bills and issuance of checks for the period through January 30, 2025

Resolution # 21-25
1-30-2025

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 JANUARY 30, 2025, IN THE TOTAL AMOUNT OF
\$1,014,369.02**

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 2024 and/or 2025 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.

PUBLIC PORTION

No one wished to be heard.

ADJOURNMENT

Note* - Prior to accepting a motion to adjourn, Councilman De Oliveira thanked the Mayor and Council for the opportunity and looks forward to serving the Borough.

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:	De Oliveira; Graham; Evaristo; Reis; Zincavage
Nays:	None
Abstain:	None
Absent:	Diaz

The Special Meeting was adjourned at 6:39 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Borough Clerk

Dated: March 12, 2025
Accepted and approved by Council: Resolution #23-25