

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

DATE: NOVEMBER 12, 2025

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 6:32 P.M., by Borough Clerk Dr. Cosmo A. Cirillo.

PLEDGE OF ALLEGIANCE

MEETING NOTICE STATEMENT - As presiding officer of this Regular Meeting of the Mayor and Council of the Borough of East Newark, held on November 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 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.

ROLL CALL

Present: Councilman De Oliveira
Councilwoman Diaz
Councilwoman Evaristo
Councilman Graham
Councilman Reis
Councilwoman Zincavage

Absent: Mayor Grilo

Also in attendance: Dr. Cosmo A. Cirillo, Borough Clerk
Mr. Fred Confessore, Borough Administrator
Mr. Michael Cifelli, Esq., Borough Attorney (via teleconference)
Capt. Junior Fiori, Officer in Charge
Mr. Hiram Gonzalez, CFO

RESOLUTION

At the request of the Borough Council, Resolution 151-25 was removed from the consent agenda for a separate vote.

- A. Resolution 151-25 – Appointing Sergeant Junior Fiori as a Captain of the Borough of East Newark Police Department

A motion was made by Councilman Graham, second by Councilwoman Zincavage, to adopt Resolution 106-25. The motion was adopted by the following votes.

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

Resolution # 151-25
11-12-2025

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

**RESOLUTION APPOINTING SERGEANT JUNIOR FIORI AS A CAPTAIN OF THE
BOROUGH OF EAST NEWARK POLICE DEPARTMENT**

WHEREAS, Junior Fiori (“Sgt. Fiori”) was hired as a police officer of the Borough of East Newark Police Department on July 6, 2007 and subsequently promoted to sergeant on November 1, 2024; and

WHEREAS, due to supervisory needs within the department, the Mayor and Borough Administrator, after careful consideration, recommends the promotion of Sgt. Fiori to the rank of Police Captain.

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 Sgt. Junior Fiori is hereby appointed and promoted to the rank of Captain of the Borough of East Newark Police Department effective November 12, 2025; and

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

Note* - After the vote, Dr. Cirillo administered the Oath of Office to Captain Junior Fiori

- Councilman Reis read a statement on behalf of Mayor Grilo congratulating Capt. Fiori
- Former Councilman/Police Chief Kenneth Sheehan thanked the Mayor and Council for their support of the Police Department and congratulated Capt. Fiori
- Capt. Fiori thanked all in attendance and thanked the Mayor and Council for their trust in him to lead the Department

CAUCUS DISCUSSION

- A. Covid Update – *Councilman Reis*
- B. Upcoming Events Update – *Councilman Reis*
- C. DPW Update – *Mr. Confessore*
- D. Lead Pipe Replacement Update – *Mr. Confessore*
- E. Traffic Signal Update – *Mr. Confessore*
- F. Recreation Center Roof Replacement Update – *Mr. Confessore*
- G. Town Hall Improvements Update - *Mr. Confessore*
- H. Conversion of Mulock and Searing - *Mr. Confessore*
- I. Veterans Playground Upgrades Update - *Mr. Confessore*
- J. Hydrant Flushing Update - *Mr. Confessore*

CONSENT AGENDA - RESOLUTIONS

The consent agenda consisted of Resolutions 142-25, 143-25, 144-25, 145-25, 146-25, 147-25, 148-25, 149-25, 150-25, and 152-25.

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

Ayes: De Oliveira; Diaz; Evaristo; Graham; Reis; Zincavage
Nays: None
Abstain: Note* - Councilmembers Evaristo and Graham abstained on Resolution 142-25
Absent: None

- A. Resolution 142-25 – Approving the minutes of the October 8, 2025, Regular Meeting of the Mayor and Council of the Borough of East Newark

Resolution # 142-25
11-12-2025

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

RESOLUTION APPROVING THE MINUTES OF THE OCTOBER 8, 2025, 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 October 8, 2025, Regular Meeting be and are hereby approved.

- B. Resolution 143-25 – Approving the payment of bills and issuance of checks for the period through November 12, 2025, in the amount of \$635,607.55

Resolution # 143-25
11-12-2025

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 NOVEMBER 12, 2025,
IN THE TOTAL AMOUNT OF \$635,607.55

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.

C. Resolution 144-25 – Certifying the Mayor and Council’s Receipt and Review of the 2024 Annual Audit Report

Resolution # 144-25
11-12-2025

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

RESOLUTION CERTIFYING THE MAYOR AND COUNCIL’S RECEIPT AND
REVIEW OF THE 2024 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, 2024 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.

D. Resolution 145-25 – Appointing Members to the Borough of East Newark Best Practices Committee

Resolution # 145-25
11-12-2025

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

APPOINTING MEMBERS TO THE BOROUGH OF EAST NEAWRK
BEST PRACTICES COMMITTEE

WHEREAS, the State of New Jersey has promulgated the “Best Practices” for contracts which do not have to be bid and has advocated the use of the “Best Practices” for the award of all professional services and extraordinary unspecifiable services contracts; and

WHEREAS, to obtain the best services for the Borough of East Newark, it will follow the “Best Practices” process and recommendations from the Office of the State Comptroller as set forth in his manual “Best Practices for Awarding Service Contracts” and criteria for selection of municipal attorneys and other professional services; and

WHEREAS, to implement these best practices, the Town has selected a committee to review and evaluate all professional service contract proposals, in order to make recommendations to the Mayor and Council for the award of contracts; and

WHEREAS, the committee, reviewing the proposals, shall utilize the attached evaluation process and grading sheet to compare the proposals submitted to obtain the professional services, including legal services, which are the most appropriate and cost effective for East Newark.

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

1. The committee to evaluate all proposals for professional service contracts shall consist of Mayor Dina Grilo, Borough Administrator Fred Confessore, Qualified Purchasing Agent Cosmo Cirillo and Chief Financial Officer Hiram Gonzalez.
2. The Mayor and Council adopt the attached evaluation process and grading sheet for review and recommendation of all professional service contracts.

- E. Resolution 146-25 – Authorizing the Borough of East Newark to Seek Fair and Open Process in Compliance with the Pay to Play Statutes for the Receipt of Proposals and/or Qualifications for Various Services

Resolution # 146-25
11-12-2025

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

**AUTHORIZING THE BOROUGH OF EAST NEWARK TO SEEK FAIR AND OPEN
PROCESS IN COMPLIANCE WITH THE PAY TO PLAY STATUTES FOR THE RECEIPT
OF PROPOSALS AND/OR QUALIFICATIONS FOR VARIOUS SERVICES**

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. mandates a municipality to comply with Pay to Play requirements; and

WHEREAS, the Mayor and Council of the Borough of East Newark (“Borough”) wish to receive and consider proposals for services as may be needed by the Borough on November 12, 2025 at 4:00PM, including but not limited to legal/professional services as follows:

Auditing/Consultant – General Municipal Services
Engineering Services – General Municipal Services
Engineering Services – Planning and Zoning Boards
Grant Consultant – General Municipal Services
Legal Counsel – General Municipal Services
Municipal Prosecutor Services
Municipal Public Defender Services
Professional Planning Services – General Municipal Services
Professional Planning Services – Planning and Zoning Board Services
Special Legal Counsel – Bond Services
Special Legal Counsel – Litigation/Defense and Public Sector Labor Services
Special Legal Counsel – Municipal Tax Appeals Services
Special Legal Counsel – Planning and Zoning Boards
Special Legal Counsel – Redevelopment Matters and Services

WHEREAS, the Borough has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and qualifications for legal/professional and/or extraordinary unspecifiable services.

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Borough Clerk is authorized and directed to publish and advertise a Request for Proposals and/or Qualifications for the various legal/professional services as may be needed by the Borough.
3. Such Request for Proposals (s) and or Qualifications (s) shall be published and advertised in accordance with a Fair and Open Process at least ten (10) days in advance, of the opening of the responses to the Requests for Proposals received such opening to take place on or before the next regularly scheduled meeting of the Mayor and Council, on or before which time all Statements of Proposals must be submitted by interested parties, for consideration by the Review Committee herein established; and
4. With the exception of submissions for Municipal Attorney, the Procurement Committee, and Borough Attorney all in an advisory capacity, will review all Statements of Proposals and to make recommendations to the Mayor and

Council of the Borough of East Newark prior to its next regularly scheduled meeting.

- F. Resolution 147-25 – Authorizing Payment of Pay Certificate Number 2 to JC Contracting Inc. for Central Avenue and North Second Street Traffic Signal Project

Resolution # 147-25
11-12-2025

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

RESOLUTION AUTHORIZING PAYMENT OF PAY CERTIFICATE NUMBER 2 TO JC CONTRACTING INC. FOR CENTRAL AVENUE AND NORTH SECOND STREET TRAFFIC SIGNAL PROJECT

WHEREAS, the Mayor and Council of the Borough of East Newark awarded a contract to JC Contracting located at 681 Mill Street, Rahway, NJ for the Central Avenue and North Second Street Traffic Signal Project; and

WHEREAS, JC Contracting now submits Pay Certificate Number 2 in the amount of \$83,563.71; and

WHEREAS, the Town Engineers have reviewed the invoice and work completed and recommend payment of Pay Certificate No. 2 in the amount of \$83,563.71 and certify that the work is within the scope of the original contract.

NOW THEREFORE, BE RESOLVED, that Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey, authorize Pay Certificate Number 2 to JC Contracting located at 681 Mill Street, Rahway, NJ for the Central Avenue and North Second Street Traffic Signal Project in the amount of \$83,563.71; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from the BO 8-24 - Traffic Sigl Upgr-Central & 2nd - C04-50-410-1003.

- G. Resolution 148-25 – Authorizing Payment of Pay Certificate Number 1 to Shauger Property Services for Various Street Improvements 2021 Project

Resolution # 148-25
11-12-2025

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

**RESOLUTION AUTHORIZING PAYMENT OF PAY CERTIFICATE NUMBER 1 TO
SHAUGER PROPERTY SERVICES FOR VARIOUS STREET IMPROVEMENTS 2021
PROJECT**

WHEREAS, the Mayor and Council of the Borough of East Newark awarded a contract to Shauger Property Services located at 429 Dodd Street, East Orange, NJ for the Various Street Improvements 2021 Project; and

WHEREAS, Shauger Property Services now submits Pay Certificate Number 1 in the amount of \$155,364.06; and

WHEREAS, the Town Engineers have reviewed the invoice and work completed and recommend payment of Pay Certificate No. 1 in the amount of \$155,364.06 and certify that the work is within the scope of the original contract.

NOW THEREFORE, BE RESOLVED, that Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey, authorize Pay Certificate Number 1 to Shauger Property Services located at 429 Dodd Street, East Orange, NJ for the Various Street Improvements 2021 Project in the amount of \$155,364.06; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from the BO 15-21 – Searing/Mulock Place - C04-50-350-1001.

H. Resolution 149-25 – Authorizing Approval to Enter Into a Right-of-Way Agreement with Pilot Fiber, LLC for the Installation of a Private Network in the Borough of East Newark as Permitted by the Board of Public Utilities

Resolution # 149-25
11-12-2025

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

RESOLUTION AUTHORIZING APPROVAL TO ENTER INTO A RIGHT-OF-WAY
AGREEMENT WITH PILOT FIBER, LLC FOR THE INSTALLATION OF A PRIVATE
NETWORK IN THE BOROUGH OF EAST NEWARK AS PERMITTED BY THE BOARD
OF PUBLIC UTILITIES

WHEREAS, Pilot Fiber, LLC is a private company that provides "dark fiber" to its clients, which is a private network that creates redundancies in cases of outages and solely for Pilot Fiber's client's private or commercial use.

WHEREAS, to provide the service to its clients Pilot Fiber, LLC needs to attach a single line to existing telephone or utility poles.

WHEREAS, the placement of Pilot Fiber, LLC's line on existing poles to provide internet services presents two issues for Pilot; i.e., the need for approval by the Board of Public Utilities ("BPU"), and, the need for permission from the Borough to place its line on existing telephone/utility poles;

WHEREAS, on July 16, 2025, the BPU granted Pilot Fiber, LLC's request for permission to provide telecommunication services.

WHEREAS, after being approved by the BPU, pursuant to N.J.S.A.48:3-19 requires Pilot Fiber, LLC to obtain the consent of the Borough for the joint use of an existing telephone pole;

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Borough of East Newark and its citizens to grant consent to Pilot Fiber, LLC; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of an agreement to be negotiated and executed as permitted herein.

NOW, THEREFORE, BE IT RESOLVED that Council of East Newark formally approves the entry of the Borough of East Newark into an agreement with Pilot Fiber, LLC for the non-exclusive use of the Public Right-of-Way for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; 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 Right-of-Way Agreement or

contract on behalf of the Borough with Pilot Fiber, LLC a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED that the Mayor (or her designee) and the Borough Administrator (or his designee) are hereby authorized to engage the appropriate professionals, should it be determined necessary, to review, determine and/or approve the proper placement of Pilot Fiber, LLC's line on the telephone or other poles.

BE IT FURTHER RESOLVED that the Mayor (or her designee) and the Borough Administrator (or his designee) are hereby authorized to sign the contract with Pilot Fiber, LLC on behalf of East Newark and that their signature constitutes acceptance of the terms and conditions of the agreement or contract and approves the execution of the agreement or contract.

- I. Resolution 150-25 – Resolution of the Borough of East Newark, in the County of Hudson, State of New Jersey, Determining the Form and Other Details of its “Water Utility Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank”, to be Issued in the Principal Amount of up to \$2,000,000, and Providing for the Issuance and Sale of Such Note to the New Jersey Infrastructure Bank, and Authorizing the Execution and Delivery of Such Note by the Borough of East Newark in Favor of the New Jersey Infrastructure Bank, All Pursuant to the New Jersey Infrastructure Bank Water Bank Construction Financing Program

Resolution # 150-25
11-12-2025

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

RESOLUTION OF THE BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “WATER UTILITY NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$2,000,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF EAST NEWARK IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK WATER BANK CONSTRUCTION FINANCING PROGRAM

WHEREAS, the Borough of East Newark (the “Local Unit”), in the County of Hudson, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a certain project which consists of the undertaking of the Lead Service Line Replacement

Project (Phase III) (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “Environmental Infrastructure Financing Program”) of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Water Bank Construction Financing Program of the I-Bank (the “Water Bank Construction Financing Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Water Bank Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank its “Water Utility Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in the principal amount of up to \$2,000,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award of the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by a bond ordinance of the Local Unit, finally adopted on June 11, 2025, and entitled: “BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF PHASE III OF THE BOROUGH-WIDE LEAD SERVICE LINE REPLACEMENT PROJECT IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, 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”, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$2,000,000;
- (b) the maturity of the Note shall be as determined by the I-Bank, and the Note may be renewed from time to time as may be determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJWB-CFP-25-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Rogut McCarthy LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Water Bank Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale

of the Note and the participation of the Local Unit in the Water Bank Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Water Bank Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Rogut McCarthy LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

J. Resolution 152-25 – Authorizing Acceptance of a Bid Proposal and Awarding a Contract for Contractor Services for New Roof and Waterproofing at Recreation Center

Resolution # 152-25
11-12-2025

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A BID PROPOSAL AND
AWARDING A CONTRACT FOR CONTRACTOR SERVICES FOR
NEW ROOF & WATERPROOFING AT RECREATION CENTER

WHEREAS, the Borough of East Newark ("Borough") advertised for bids for contractor services for the New Roof & Waterproofing at Recreation Center project within the Borough; and

WHEREAS, after the required legal advertising was published, sealed bids were received by the Borough Clerk's Office on or before Thursday, October 30, 2025, at 10:00 AM and opened thereafter on the same date, by the Borough Clerk (or his designee) in the Council Room in accordance with the New Jersey Local Public Contracts Law ("LPCL"), N.J.S.A. 40A:1 1-1 et seq.; and

WHEREAS, ten (10) bids were received from prospective vendors and are listed as follows:

- 1) **MTB LLC**
100 Steiner Avenue, Neptune City, NJ 07753

	Base Bid (#1 – 3 inclusive):	\$ 220,000.00
	Alternate A (#A1)	\$ 21,000.00
	Alternate B (#B1)	\$ 30,000.00
2)	Safeway Contracting Inc.	
	1200 Springfield Road, Union, NJ 07083	
	Base Bid (#1 – 3 inclusive):	\$ 172,400.00
	Alternate A (#A1)	\$ 50,000.00
	Alternate B (#B1)	\$ 86,000.00
3)	P. Cipollini Inc.	
	171 East Blackwell Street, Dover, NJ 07801	
	Base Bid (#1 – 3 inclusive):	\$ 201,000.00
	Alternate A (#A1)	\$ 45,910.00
	Alternate B (#B1)	\$ 120,460.00
4)	Arco Construction Inc.	
	15 Fairfield Place, West Caldwell, NJ 07006	
	Base Bid (#1 – 3 inclusive):	\$ 207,000.00
	Alternate A (#A1)	\$ 32,700.00
	Alternate B (#B1)	\$ 52,000.00
5)	Mak Group LLC	
	82 Midland Avenue, Suite D, Saddle Brook, NJ 07663	
	Base Bid (#1 – 3 inclusive):	\$ 259,758.00
	Alternate A (#A1)	\$ 24,758.00
	Alternate B (#B1)	\$ 39,758.00
6)	Galia Construction Inc.	
	94 Gordon Avenue, Totowa, NJ 07512	
	Base Bid (#1 – 3 inclusive):	\$ 274,000.00
	Alternate A (#A1)	\$ 35,000.00
	Alternate B (#B1)	\$ 50,000.00
7)	Pax Mundus Enterprise LLC	
	7 Tamaron Court, Monmouth Junction, NJ 08852	
	Base Bid (#1 – 3 inclusive):	\$ 292,760.00
	Alternate A (#A1)	\$ 29,000.00
	Alternate B (#B1)	\$ 49,000.00
8)	Northeast Roof Maintenance	

**649 Catherine Street, Perth Amboy, NJ
08861**

Base Bid (#1 – 3 inclusive):	\$ 328,000.00
Alternate A (#A1)	\$ 102,000.00
Alternate B (#B1)	\$ 183,000.00

- 9) Detwiler Roofing LLC
1578 Main Street, East Earl, PA 17519**
- | | |
|-------------------------------------|----------------------|
| Base Bid (#1 – 3 inclusive): | \$ 407,000.00 |
| Alternate A (#A1) | \$ 72,000.00 |
| Alternate B (#B1) | \$ 131,000.00 |
- 10) Best Restoration Services Inc.
23 Grand Avenue, Suite 4, Farmingdale, NY 11735**
- | | |
|-------------------------------------|----------------------|
| Base Bid (#1 – 3 inclusive): | \$ 375,000.00 |
| Alternate A (#A1) | \$ 21,000.00 |
| Alternate B (#B1) | \$ 30,000.00 |

; and

WHEREAS, the bids were referred to the Borough Engineer for review; and

WHEREAS, the Borough Engineer has reviewed said bids and recommend the award of the Contract for NEW ROOF & WATERPROOFING AT RECREATION CENTER to: MTB LLC ("MTB", or "Vendor"), whose place of business is 100 Steiner Avenue, Neptune City, New Jersey 07753, in an amount not to exceed two hundred fifty thousand dollars and 00/100 (\$250,000.00); and

WHEREAS, the Borough Attorney (or his designee) shall be authorized in drafting, amending, modifying and reviewing any contract between the Borough of East Newark and the Vendor for the new roof & waterproofing contractor services, to seek any additional terms and conditions favorable to the Borough; and

WHEREAS, the Borough's Chief Financial Officer shall certify that funding is and shall be available in the applicable budget years for the Borough to cover the expenditures for the various street improvements; and

WHEREAS, the Mayor, Borough Administrator and Borough Attorney recommend that the Council's acceptance of the Vendor's Bid and the award of the Contract to the Vendor is in the best interest of the Borough and its residents.

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

Proposals of, and awards a contract to MTB LLC ("MTB", or "Vendor"), whose place of business is 100 Steiner Avenue, Neptune City, New Jersey 07753, in an amount not to exceed two hundred fifty thousand dollars and 00/100 (\$250,000.00), subject to the review and approval of the bids and bidding process; and

BE IT FURTHER RESOLVED, that said contract is awarded based on the Vendor's submission under Base Bid Items (# 1 - 3 inclusive), and Alternate B (# B1), in an amount not to exceed two hundred fifty thousand dollars and 00/100 (\$250,000.00); and

BE IT FURTHER RESOLVED, the Borough Attorney is hereby authorized in drafting, amending, modifying and reviewing any contract between the Borough of East Newark and the Vendor for the various water system improvements contractor services, to seek any additional terms and conditions favorable to the Borough; and

BE IT FURTHER RESOLVED, that said contracts shall commence on or about a reasonable time as agreed to upon both parties' execution of a contract for said services; and

BE IT FURTHER RESOLVED, that the Mayor (or her designee) and Borough Clerk be authorized to execute the implementing contract to effectuate obtaining said services, upon submission of the following items (including, but not limited to:), from MTB LLC to the review and satisfaction of the Borough Engineer (or his designee) and Borough Attorney (or his designee):

1. Documents of required insurance coverage in conformance with the bid document (if not already submitted); and
2. Execution and return of the proposed contract agreements.

ORDINANCES

- A. Ordinance 14-2025 – **HEARING AND FINAL ADOPTION** – Bond Ordinance to Authorize the Making of Various Road Improvements in, by and for the Borough of East Newark, in the County of Hudson, State of New Jersey, to Appropriate the Sum of \$950,000 to Pay the Cost Thereof, 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

ORDINANCE NUMBER 14-2025

FIRST READING/
INTRODUCTION: October 8, 2025

SECOND READING/
PUBLIC HEARING/
ADOPTION: November 12, 2025

ORDINANCE

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

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS ROAD IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$950,000 TO PAY THE COST THEREOF, 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 road improvements 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 by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves projects to be funded by State grants, as set forth in Section 4 hereof. 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 estimated maximum amount of bonds and notes to be issued for each such purpose, and (3) 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. Improvement of Sherman Avenue (entire length). It is hereby determined and stated that (i) said road 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") and (ii) the Borough anticipates receiving a \$408,427 grant from the State of New Jersey Department of Transportation ("NJDOT") for such road

improvement, which shall be applied as set forth in Section 11 of this ordinance.

Appropriation and Estimated Cost	\$ 450,000
Bonds and Notes Authorized	\$ 450,000
Period of Usefulness	10 years

B. Improvement of Grant Avenue (from Central Avenue to the Kearny border). It is hereby determined and stated that (i) said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law and (ii) the Borough anticipates receiving a \$467,172 NJDOT grant for such road improvement, which shall be applied as set forth in Section 11 of this ordinance.

Appropriation and Estimated Cost	\$ 500,000
Bonds and Notes Authorized	\$ 500,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$950,000
Aggregate Amount of Bonds and Notes Authorized	\$950,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$200,000 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. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$950,000 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 7. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$950,000 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 8. 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 9. 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 years computed from the date of said bonds.

Section 10. 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 \$950,000 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 11. 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 12. 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 13. 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 14. 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 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

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

Public Hearing on Ordinance 14-2025: No one wished to be heard.

A motion was made by Councilman Graham, second by Councilwoman Zincavage, to close the public hearing and adopt Ordinance 14-2025 on second reading. The motion was adopted by the following votes.

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

- B. Ordinance 15-2025 – **HEARING AND FINAL ADOPTION** – Bond Ordinance to Authorize the Making of Various Public Improvements in, by and for the Water Utility of the Borough of East Newark, in the County of Hudson, State of New Jersey, to Appropriate the Sum of \$200,000 to Pay the Cost Thereof, 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

ORDINANCE NUMBER 15-2025

FIRST READING/
INTRODUCTION: October 8, 2025

SECOND READING/
PUBLIC HEARING/
ADOPTION: November 12, 2025

ORDINANCE

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

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, 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 in, by and for the Water Utility of said Borough, as more particularly described in Section 4 hereof. Said improvements shall include 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 by this ordinance. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(h). Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

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 estimated maximum amount of bonds and notes to be issued for each such purpose, and (3) 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. Supplemental funding for the undertaking of Phase I of the Borough-wide Lead Service Line Replacement Project. It is hereby determined and stated that the Borough has heretofore appropriated the sum of \$338,000 (anticipated to be received as a grant from the United States Environmental Protection Agency) for such improvement pursuant to Ord. No. 09-2024 adopted on December 11, 2024.

Appropriation and Estimated Cost	\$100,000
Bonds and Notes Authorized	\$100,000
Period of Usefulness	30 years

B. Supplemental funding for the undertaking of Phase II of the Borough-wide Lead Service Line Replacement Project. It is hereby determined and stated that the Borough has previously appropriated the sum of \$217,022 in Federal American Rescue Plan Act funding (received through the County of Hudson) for such improvement.

Appropriation and Estimated Cost	\$100,000
Bonds and Notes Authorized	\$100,000

Period of Usefulness 30 years

Aggregate Appropriation and Estimated Cost \$200,000
Aggregate Amount of Bonds and
Notes Authorized \$200,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$162,000 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that the Water Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2024, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4 1/2%) per annum on said bonds or notes, and the amount of the first installment of serial bonds legally issuable to finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Water Utility.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$200,000 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 \$200,000 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 30 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 \$200,000, but said \$200,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the

debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the 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.

A motion was made by Councilman Graham, second by Councilman De Oliveira, to open the public hearing. The motion was adopted by the following votes.

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

Public Hearing on Ordinance 15-2025: No one wished to be heard.

A motion was made by Councilwoman Zincavage, second by Councilwoman Evaristo, to close the public hearing and adopt Ordinance 15-2025 on second reading. The motion was adopted by the following votes.

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

- C. Ordinance 16-2025 – **INTRODUCTION** – Ordinance of the Borough of East Newark, County of Hudson, State of New Jersey to Address the Borough’s Compliance with its Affordable Housing Obligations

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

ORDINANCE NUMBER 16-2025

FIRST READING/
INTRODUCTION: November 12, 2025

SECOND READING/
PUBLIC HEARING/
ADOPTION: December 29, 2025

ORDINANCE

BOROUGH OF EAST

NEWARK

COUNTY OF HUDSON, STATE OF NEW JERSEY

**AN ORDINANCE OF THE BOROUGH OF EAST NEWARK, COUNTY OF HUDSON,
STATE OF NEW JERSEY TO ADDRESS THE BOROUGH'S COMPLIANCE
WITH ITS AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Borough Council of the Borough of East Newark, Hudson County, New Jersey, based upon the recommendations of the Borough's professionals, desires to amend Chapter 33 of the Code of the Borough of Keyport to create Section 33-2.1, entitled "Mandatory Affordable Set-Aside" to include provisions addressing the Borough's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 et. seq.; and

WHEREAS, the East Newark Borough Planning Board has prepared a Round Four Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., and

WHEREAS, this Ordinance implements and incorporates the prepared Round Four Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

NOW THEREFORE, BE IT ORDAINED that Chapter 33 Section 33-2.1, entitled "Mandatory Affordable Set-Aside," of the Code of the Borough of East Newark is hereby created to read as follows:

§25-1-15.21 Mandatory Affordable Set-Aside.

All multi-family developments producing 5 or more units shall have a required affordable housing set-aside of 20% for all projects. The 20% set-aside shall be restricted to low and moderate income households. Fractions of .49 or less may be rounded down; fractions of .50 or more shall be rounded up.

All affordable units created under this section shall be developed in accordance with the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 et. seq. as amended (the "FHA") and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq., as amended (the "UHAC"). This standard shall apply to all multi-family developments that apply for site plan approval after the date of adoption of this ordinance, including any future redevelopment or rehabilitation areas designated within the Borough pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12a-1 et. seq.

All affordable housing units shall comply with the Borough's affordable housing regulations in its Affordable Housing Ordinance, as well as the FHA and the UHAC. This shall include but is not limited to:

- i. The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty (30%) or less of median income,
- ii. Appropriate bedroom distribution of 1-, 2-, and 3-bedroom units,
- iii. Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
- iv. Minimum unit sizes by square footage for affordable housing units.

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.

BE IT FURTHER ORDAINED that construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).

BE IT FURTHER ORDAINED copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Borough Clerk.

BE IT FURTHER ORDAINED this ordinance shall take effect upon final passage and publication according to law.

BE IT FURTHER ORDAINED the Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J. S.A. 40:550-15. Upon adoption of this Ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:550-16 and with the Borough Tax Assessor.

BE IT FURTHER ORDAINED all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

- D. Ordinance 17-2025 – **INTRODUCTION** – Ordinance of the Borough of East Newark, County of Hudson, State of New Jersey, Amending Chapter 32 to Create a New Section Entitled “Affordable Housing Development Fees”

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

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

ORDINANCE NUMBER 17-2025

FIRST READING/
INTRODUCTION: November 12, 2025

SECOND READING/
PUBLIC HEARING/
ADOPTION: December 29, 2025

ORDINANCE

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

AN ORDINANCE OF THE BOROUGH OF NEW EAST NEWARK, COUNTY OF HUDSON, STATE OF NEW JERSEY, AMENDING CHAPTER 32 TO CREATE A NEW SECTION ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES"

BE IT ORDAINED by the Mayor and the Borough Council of the Borough of East Newark, that Chapter 32 entitled "Affordable Housing Development Fees," is hereby established to read as follows:

§32-1 Purpose

A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 *et seq.*, and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH).

B. Pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential development.

C. This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a Court-approved Spending Plan.

D. On March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter "A4" or "Amended FHA"), which, among other things, formally abolished COAH. However, because new regulations regarding the preparation and implementation of a development fee ordinance have not been adopted, the following ordinance continues to apply the standards consistent with COAH's regulations.

§32-2 Basic Requirements

A. This Ordinance shall not be effective until approved by the Court or body of competent jurisdiction.

B. The Borough of East Newark shall not spend development fees until the Court or body of competent jurisdiction has approved a plan for spending such fees (Spending Plan).

§32-3 Definitions

The following terms, as used in this Ordinance, shall have the following meanings:

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

"Development fee" means money paid by a developer for the improvement of property as permitted at N.J.A.C. 5:97-8.3.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

"Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§32-4 Residential Development Fees

A. Imposition of Fees

1) Within the Borough of East Newark, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable

housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating

the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

- 1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- 2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- 3) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- 4) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- 5) Where there is an improvement to, expansion of, reconstruction or replacement of an existing residential structure requiring a Construction Permit, no development fee shall be required to be paid. The construction or improvement of a permitted accessory structure on a lot containing an existing residential structure shall not require the payment of a development fee.
- 6) Developers of houses of worship and other uses that are entitled to exemption from New Jersey real property tax shall be exempt from the payment of a development fee, provided that such development does not result in the construction of any additional housing or residential units, including assisted living and continuing care retirement communities.

§32-5 Non-Residential Development Fees

A. Imposition of Fees

- 1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development

1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a two and a half percent (2.5%) development fee, unless otherwise exempted below.

2) The two and a half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.

3) Non-residential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.

4) A developer of a non-residential development exempted from the nonresidential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of East Newark as a lien against the real property of the owner.

6) Pursuant to P.L. 2009, c. 90 and P.L.2011, c. 122, the non-residential statewide development fee of two and one-half (2.5%) percent for non-residential development is suspended for all non-residential projects that received preliminary or final site plan approval subsequent to July 17, 2008 until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

§32-6 Collection Procedures

A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.

B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. The Construction Official responsible for the issuance of a Construction Permit shall notify the Borough Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.

E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G. Should the Borough of East Newark fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).

H. Except as provided in Section 5.A.3) hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.

I. Appeal of Development Fees

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of East Newark. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions

of the State Tax Uniform Procedure Law, R.S. 54:48-1, *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of East Newark. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1, *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§32-7 Affordable Housing Trust Fund

A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of East Newark for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

- 1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of East Newark;
- 2) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
- 3) Rental income from municipally operated units;
- 4) Repayments from affordable housing program loans;
- 5) Recapture funds;
- 6) Proceeds from the sale of affordable units; and
- 7) Any other funds collected in connection with East Newark's affordable housing program.

C. In the event of a failure by the Borough of East Newark to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (affd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of East Newark, or, if not practicable,

then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court or body of competent jurisdiction.

§32-8 Use of Funds

A. The expenditure of all funds shall conform to a Spending Plan approved by the Court or body of competent jurisdiction. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court/body of competent jurisdiction to address the Borough of East Newark's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing nonresidential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court or body of competent jurisdiction and specified in the approved Spending Plan.

B. Funds shall not be expended to reimburse the Borough of East Newark for past housing activities.

C. At least 30 percent of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of the median income for Housing Region 2, in which East Newark is located.

1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

2) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to

make them affordable to households earning 30 percent or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.

3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of East Newark, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Borough of East Newark may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

E. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent of collected development fees that may be expended on administration.

2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

§32-9 Monitoring

The Borough of East Newark shall provide annual reporting of Affordable Housing Trust Fund activity through the DCA monitored online Affordable Housing Monitoring System. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Borough), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with East Newark's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by a Court or body of competent jurisdiction.

§32-10 Ongoing Collection of Fees

A. The ability for the Borough of East Newark to impose, collect and expend development fees shall expire with the expiration of the Fourth Round when at such time, a new Housing Element and Fair Share Plan will be required to be prepared and adopted.

B. If the Borough of East Newark fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

C. The Borough of East Newark shall not impose a residential development fee on a development that receives preliminary or final site plan approval should the Borough not receive approval of this development fee, nor shall the Borough of East Newark retroactively impose a development fee on such a development.

E. Ordinance 18-2025 – **INTRODUCTION** – Ordinance Adopting the Silvi Concrete Plant Redevelopment Plan

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

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

ORDINANCE NUMBER 18-2025

FIRST READING/
INTRODUCTION: November 12, 2025

SECOND READING/
PUBLIC HEARING/
ADOPTION: December 29, 2025

ORDINANCE

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

ORDINANCE ADOPTING THE SILVI CONCRETE PLANT REDEVELOPMENT PLAN

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 areas in need of rehabilitation or areas in need of redevelopment; and

WHEREAS, pursuant to the requirements of the Redevelopment Law and by Resolution No. #38-22, the Borough Council of the Borough of East Newark ("Borough Council") determined that the entire Borough qualifies as an "area in need of rehabilitation" under Section 14 of the Redevelopment Law (the "Rehabilitation Area"); and

WHEREAS, the Rehabilitation Area contains certain parcels known as 800 Passaic Avenue, designated as Block 18, Lots 1, 2, 3, 4, 5 and 6 (the "Silvi Concrete Plant"), and 246 Passaic Avenue, designated as Block 16, Lot 17 on the Borough's tax map (the "Property"); and

WHEREAS, the Borough Council, by Resolution #129-25 adopted on September 17, 2025, directed the Planning Board of the Borough of East Newark (the "Planning Board") to prepare a redevelopment plan for the Property; and

WHEREAS, by Resolution #R-08, the Planning Board retained the Borough Planners, the planning firm of Heyer, Gruel & Associates ("HGA"), to prepare a redevelopment plan to establish standards under which the historically existing Silvi Concrete Plant can be redeveloped to reflect modern practices while mitigating negative externalities in furtherance of the Borough's goals to prevent further deterioration and promote the overall development of the community; and

WHEREAS, at a duly noticed special public meeting held on November 6, 2025, the Planning Board reviewed the proposed Redevelopment Plan and found the Redevelopment Plan to be substantially consistent with the Master Plan, afforded members of the public present an opportunity to be heard, and made recommendations as the Board deemed appropriate; and

WHEREAS, the Council having reviewed the comments of the Planning Board set forth in the attachment to Planning Board Resolution #R-09-2024 recommending adoption of the Redevelopment Plan, and prior to final adoption of this Ordinance considered such comments and recommendations from the Planning Board; and

WHEREAS, the Mayor and Council wish to adopt the Silvi Concrete Plant Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of East Newark, in the County of Hudson, State of New Jersey, that:

1. The Borough Council hereby approves and adopts the Silvi Concrete Plant Redevelopment Plan.
2. The Silvi Concrete Plant Redevelopment Plan shall supersede existing zoning for the Redevelopment Area and the Borough Zoning Ordinance District Map is hereby, and shall be, amended to specifically designate the Silvi Concrete Plant Redevelopment Plan Zoning District.

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. Administrator's Office – October 2025
- B. Construction Department – October 2025
- C. Fire Department – October 2025
- D. Health Department – October 2025
- E. Municipal Court – October 2025
- F. Police Department – October 2025
- G. Senior Department – October 2025

PUBLIC PORTION

No one wished to be heard.

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

The Regular Meeting was adjourned at 7:12 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Borough Clerk

Dated: December 10, 2025

Accepted and approved by Council: Resolution 153-25