

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – April 19, 2011**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Gleba, Torres, Valentine, McDonald, Higgins, Boyle, Jewell

Also Present: Richard Cushing, Municipal Attorney  
Richard Phelan, Borough Manager  
Kristine Blanchard, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

**PROCLAMATION**

Mayor McDonald read a Proclamation for Arbor Day

**PROCLAMATION OF THE BOROUGH OF WASHINGTON**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called **ARBOR DAY**, was first observed with the planting of a more than a million trees in Nebraska; and

**WHEREAS**, **Arbor Day** is observed throughout the nation and the world;  
and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**WHEREAS**, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever their planted, are a source of joy and spiritual renewal; and

**NOW, THEREFORE, I**, Scott McDonald, Mayor of the Borough of Washington do hereby proclaim **Friday, April 29, 2011** as

## **ARBOR DAY**

In the **BOROUGH OF WASHINGTON**, I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

**FURTHER**, I urge all citizens to plant trees to gladden hearts and promote the well-being of this and future generations.

### **FREEHOLDER EVERETT CHAMBERLAIN**

Freeholder Chamberlain stated he was here at the request of Council. He has also brought along the County CFO in order to help answer any questions.

Councilman Boyle stated the Borough of Washington does not have any county roads in the Borough. He understands that all residents of the Borough use county roads. Councilman Boyle asked how the taxes for county road maintenance are calculated and is there an opportunity for the Borough to have some of their roads taken over by the county to offset some of the costs to our municipality. Freeholder Chamberlain stated that in order for the county to consider taking over a roadway; the roadway to be considered would have to be connected to a county road and be considered a major corridor. The Freeholder Board would need to be petitioned to consider this. The calculation for county taxes is based on the county assessment. Items in the county road department budget include repairs to roads, bridges, drainage, etc.

Councilman Jewell asked how the county prioritizes the roads that will be repaved. Freeholder Chamberlain stated the Engineering department has a schedule and a five year plan for road maintenance. Freeholder Chamberlain provided this schedule of road maintenance to Council.

Councilman Torres asked about shared service opportunities for road maintenance and DPW Departments. Freeholder Chamberlain stated the county has a lot of equipment that can be rented by a municipality. The equipment and man power must be paid for by the municipality. Freeholder Chamberlain provided a list of equipment and fees available to the Borough Manager.

Councilman Jewell asked if the county would be looking to expand the Sheriff's office by possibly offering coverage to municipalities. Freeholder Chamberlain stated that the costs associated with that would be huge. Freeholder Chamberlain stated the only way he would entertain that would be via a ballot question.

Councilwoman Gleba asked about the freeze on the Open Space Tax Resolution adopted by the Borough earlier in the year. She asked what the outcome was of that Resolution. Freeholder Chamberlain stated that it was discussed by the Freeholders; however this tax was voted on via referendum by the county voters. Freeholder Chamberlain stated if it were to be revoked; he would like to see it revoked the same way, via referendum vote.

Councilman Higgins asked for an update on the new county library facility. Freeholder Chamberlain reported the new facility, which is located across from the old Best's Fruit Farm on Rt. 46, is nearing completion. There will be an open house on May 21, 2011.

Councilman Torres suggested the county hold events in Washington Borough as it is centrally located. Freeholder Chamberlain stated the county does not sponsor events due to financial restraints.

Mayor McDonald thanked Freeholder Chamberlain for his time and the information he provided.

### **MINUTES**

Motion made by Higgins, seconded by Boyle to approve the minutes from the Regular meeting of April 5, 2011.

Ayes: 7, Nays: 0  
Motion Carried

### **EXECUTIVE SESSION MINUTES**

Motion made by Higgins, seconded by Boyle to approve the Executive Session minutes of April 5, 2011.

Ayes: 7, Nays: 0  
Motion Carried

### **CORRESPONDENCE**

None

## **AUDIENCE**

Mayor McDonald opened the audience portion of the meeting.

Ms. Edna Detlefs 27 Fisher Avenue

Ms. Detlefs noted a tractor trailer incident on Fisher Avenue. She asked the Governing Body if there are weight or length restrictions for tractor trailers in the Borough. Attorney Cushing stated anything over four tons is prohibited except for deliveries in the Borough. He also noted that local ordinances can regulate weight; all other restrictions are regulated by the DOT in Title 39.

Bob DeElba 86 West Stewart Street

Thanked the Council members who were in attendance at the concerned citizens meeting and thanked the Council members who presented.

John Finnegan 23 Youmans Ave

Mr. Finnegan stated he is the newly elected president of the Community Garden Association. Mr. Finnegan thanked Council for all of their support last year in getting this project off the ground. He reported that last year the garden had 72 plots and donated 2,000 lbs of food to local food pantries. This year we are expanding to 92 plots and hope to increase the donation of food. Mr. Finnegan thanked Comcast for donating time to help prepare the garden. Mr. Finnegan also thanked William Liefer for his donation of time, John Curtis of Phillipsburg for his donation of time and manure. He also thanked the DPW Department for delivering wood chips. Mr. Finnegan reported that there is a work day scheduled for April 30 from 8:30 a.m. to 3:30 p.m. He hopes to see Council there.

The Governing Body thanked Mr. Finnegan for his hard work and providing this wonderful service to the Borough.

Hearing no other comments from the public a motion was made by Jewell, seconded by Boyle to close the public hearing.

Ayes: 7, Nays: 0  
Motion Carried

## **ORDINANCES**

None

**2011 MUNICIPAL BUDGET**

**BUDGET AMENDMENT PUBLIC HEARING**

Mayor McDonald opened the public hearing on the 2011 Municipal Budget Amendment.

Manager Phelan stated this is the same document introduced at the last Council meeting. No further changes have been made to the budget amendment resolution.

Hearing no comments from the audience, motion made by Gleba, seconded by Valentine to close the public hearing.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 79-2011 BUDGET AMENDMENT**

Motion made by Valentine, seconded by Gleba and adopted.

Roll Call: Valentine, McDonald, Gleba, Jewell, Higgins, Boyle, Torres

Ayes: 7, Nays: 0  
Abstain:  
Motion Carried

BOROUGH OF WASHINGTON

RESOLUTION TO AMEND BUDGET

	<u>FROM</u>	<u>TO</u>
Anticipated Revenues:		
3. Miscellaneous Revenues-Section F: Special Items of Revenue Anticipated With Prior Written Consent Director Of Local Government Services-Public and Private Revenues:		
Municipal Alliance		10,517.00
Total Section F: Special Items of Revenue Anticipated With Prior Written Consent Director Of Local Government Services-Public and Private Revenues	0.00	10,517.00

3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special		
Animal Control Trust Fund		10,108.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special	53,000.00	63,108.00
Summary of Revenues:		
3. Miscellaneous Revenues		
Total Section F:Public and Private Revenues	0.00	10,517.00
Total Section G: Special Items of General Revenue	53,000.00	63,108.00
Total Miscellaneous Revenues	902,776.00	923,401.00
4. Receipt from Delinquent Taxes	293,170.00	344,431.55
Subtotal General Revenues	1,502,627.36	1,574,513.91
6. Amount to Be Raised By Taxes		
a) Local Tax for munc. Purposes including Reserve for Uncollected Taxes	5,566,311.33	5,370,385.14
c) Minimum Library Tax	0.00	192,012.62
Total Amount to be Raised by Taxes for Suppot of Municipal Budget	5,566,311.33	5,562,397.76
7. Total General Revenues	7,068,938.69	7,136,911.67
	<u>FROM</u>	<u>TO</u>
8. General Appropriations:		
a. Operations Within "CAPS":		
Mayor and Council-Salaries and Wages	14,500.00	10,500.00
Planning Board- Other Expenses	11,737.34	7,637.34
Uniform Fire Safety Code Enforcement-Salaries and Wages	21,734.00	22,662.72
Uniform Fire Safety Code Enforcement-Other Expenses	5,750.00	4,821.28
Road Repaid and Maintenancne-Salaries and Wages	363,578.00	360,344.00
Animal Control-Salaries and Wages	0.00	10,108.00
Utilities-Telephone	35,000.00	30,000.00
Total Operations ( Items 8(A) Within "CAPS"	2,793,409.08	2,787,183.08
Total Operations Including Contingent Within "CAPS"	2,793,409.08	2,787,183.08
Salaries and Wages	1,002,325.55	1,006,128.27
Other Expenses	1,791,083.53	1,781,054.81
Total General Appropriations For Municipal Purposes Within "CAPS"	3,047,129.09	3,040,903.09
(A) Operations Excluded From "CAPS"		
Other Operations:		

Road Repaid and Maintenance-Salaries and Wages	0.00	3,234.00
Total Other Operations- Excluded From "CAPS"	192,663.00	195,897.00
(A) Operations Excluded From "CAPS"		
Shared Services		
Shared Police Services-Washington Township	2,085,000.00	2,143,646.13
Total Shared Services Agreements	2,247,622.00	2,306,268.13
Public and Private Programs Offset By Revenues		
Municipal Alliance-State Share	0.00	10,517.00
Municipal Alliance-Local Share	0.00	1,958.00
Total Public and Private Programs Offset By Revenues	0.00	12,475.00
Total Operations - Excluded From "CAPS"	2,440,285.00	2,514,640.13
Detail:		
Salaries and Wages	147,141.00	150,375.00
Other Expenses	2,293,144.00	2,364,265.13
	<u>FROM</u>	<u>TO</u>
(D) Municipal Debt Service - Excluded From CAPS		
Improvement Authority		
Total Municipal Debt Service - Excluded From CAPS		
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	3,319,112.05	3,393,467.18
(O) Total General Appropriations-Excluded From "CAPS"	3,319,112.05	3,393,467.18
(L) Subtotal General Appropriations {Items (h-1) and (o)}	6,366,241.14	6,434,370.27
(M) Reserve for Uncollected Taxes	702,697.55	702,541.40
9. TOTAL GENERAL APPROPRIATIONS	7,068,938.69	7,136,911.67

**RESOLUTION 80-2011 APPROVING ADOPTION OF THE 2011 MUNICIPAL BUDGET**

Motion made by Valentine, seconded by Boyle and adopted.

Discussion: Councilman Higgins noted this is an unusual budget year. In order to have the forensic audit the Municipal Budget must be adopted. Councilman Gleba noted that many items make up the budget not just the Forensic Audit. It is unfair to state that a no vote for budget is a no vote for the Forensic Audit.

Roll Call: Valentine, Boyle, Gleba, Torres, McDonald, Jewell, Higgins

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION #80-2011**  
**APPROVAL OF MUNICIPAL BUDGET**  
**OF THE BOROUGH OF WASHINGTON,**  
**WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, that the statements and revenues and appropriations shall constitute the Municipal Budget for the year 2011 in the amount of \$7,136,911.67 Current Fund and \$2,392,461.92 Sewer.

**BE IT RESOLVED**, that said Budget was published in the Star Gazette in the Issue of March 10, 2011 and a Public Hearing was held April 5, 2011. The governing body of the BOROUGH OF WASHINGTON does hereby approve the Budget for the year 2011.

**REPORTS:**

Motion was made by Higgins, seconded by Jewell to receive and file the following reports:

1. Managers Reports (redacted version)
2. Issues/Details
3. Police Activity Report
4. Municipal Court Report
5. Tax Collectors Current Fund
6. Tax Collectors Sewer Fund
7. Percent of Collection
8. DPW Report
9. CFO Report



Councilman Boyle noted the Percent of Collection Report is great information. Councilwoman Gleba agreed and noted the DPW Report is very good too. Councilman Boyle asked about the janitorial work performed by DPW. Manager Phelan stated the janitor is a part of the DPW Department. He was out on medical leave and another member of the DPW Department covered for him.

Ayes: 7, Nays: 0  
Motion Carried

### **COMMITTEE REPORTS:**

#### **Sewer Committee**

Councilman Higgins reported the sewer committee met last week He reported they met with Quick Chek and this will be discussed next. The committee also discussed the best way to correct the problems on South Prospect/Gardner's Court.

Borough Engineer, Andrew Holt reviewed the situation at Gardner's Court for the Governing Body. This section has ongoing issues with sewer backing up into homes during high peak usage. This occurs especially during large rain events. In 2006, the siphon was replaced in this area of town. Unfortunately, that did not alleviate the problem. The Engineer reviewed several options for the Governing Body to consider in order to fix this ongoing issue. These include; check valves, installation of pump station at each home, reconstruction of the siphon, and a regional pump station. The regional pump station being the most costly at \$250,000 approximately. The Engineer will be reviewing and will formulate a final recommendation to the Governing Body.

Manager Phelan noted the Governing Body would need to bond for a project that large.

Motion made by Higgins, seconded by Boyle to allow the Engineer to do further research and present the best course of action to the Governing Body; including a not to exceed amount.

Ayes: 7, Nays: 0  
Motion Carried

Councilman Higgins also reported the Sewer Committee should have more information regarding the DAM at the end of the month. Councilman Higgins stated that the next 100 manhole inserts should be ordered as well in order to reduce the I and I

issues. Council previously replaced 100 inserts. Veolia will install the manhole inserts at no charge. The cost of the inserts is \$48.00 each. Total cost of the inserts will be \$4800.00. Manager Phelan stated this \$4800.00 is not part of the Municipal Budget. Mayor McDonald stated that the CFO should make sure the money is available. The majority of Council wish to pursue this now.

Motion made by Higgins, seconded by Torres to authorized the purchase of 100 manhole inserts at \$48.00 each and allow Veolia to install at no charge to the Borough. Councilwoman Gleba noted the agreement with Veolia should be in writing.

Ayes: 5, Nays: 2 (McDonald and Valentine)  
Motion Carried

Councilman Higgins reported the sewer plant contract is up in 2013. The Governing Body will need to decide what to do regarding the operation of the sewer plant.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### **Quick Check Sewer Connection**

Councilman Boyle excused himself from this portion of the meeting due to a possible conflict. Debra Nichols, Esq. representing Quick Chek stated that previously, Quick Chek had come before this Governing Body to inquire about a possible sewer connection into the Borough's sewer system for the new Quick Chek located in Washington Township however; a very small portion of this property does lie within the Borough. Ms. Nichols explained that Quick Chek has already received the necessary approvals from the Washington Township Land Use Board and the Washington Borough Planning Board. Ms. Nichols also noted for the record that the piece of property adjacent to Quick Chek lies in the Borough and it is Quick Chek's intent to develop that property as well.

Ms. Nichols stated that she is back before this Governing Body to ask them to reconsider and allow Quick Chek to connect into the sewer system. She stated Quick Chek will only require 2,750 gallons. She noted that the DEP will have to give approval, and the Wastewater Management Plan in both the Township and Borough will have to be amended. The connection would be contingent upon the updated Wastewater Management plans receiving approval and DEP approval. Ms. Nichols stated Quick Chek is prepared to give \$50,000 to the Borough in lieu of a contribution for work previously done to the sewer system. Councilman Torres suggested Quick Chek contribute \$54,800.00 to help offset the costs of the manhole inserts as well.

Councilman Higgins noted the sewer committee recommends allowing Quick Chek to connect. The capacity is available. Attorney Cushing recommended Council come up with a policy regarding requests to connect to the Borough Sewer System. Councilman Higgins noted that the policy is having the requestor pay for necessary upgrades which Quick Chek has offered to do.

Councilman Higgins motioned for a Resolution to be drafted to authorize Quick Chek to connect to the Borough Sewer System, pending the Wastewater Management Plan update and approval by DEP. Quick Chek will pay for the professional fees and fees associated with the Wastewater Management Plan update and contribute \$50,000.00 to the Borough for sewer system upgrades. Seconded by Councilman Jewell.

Ayes: 6, Nays: 0  
Abstain: 1 (Gleba)  
Motion Carried

**Approval of Shared Service Agreement for Library Director Services between the Borough of Washington and the Washington Borough Board of Education**

Motion made by Higgins, seconded by Jewell and adopted.

Roll Call: Higgins, Jewell, Gleba, Torres, McDonald, Valentine

Ayes: 6, Nays: 0  
Motion Carried

**A SHARED SERVICES AGREEMENT FOR LIBRARY DIRECTOR SERVICES BETWEEN THE BOROUGH OF WASHINGTON AND THE WASHINGTON BOROUGH BOARD OF EDUCATION**

**THIS AGREEMENT**, made this April 19, 2011, between the **BOROUGH OF WASHINGTON**, a municipal corporation in the County of Warren, State of New Jersey, having its principal offices at 100 Belvidere Avenue, Washington, New Jersey, 07882 (hereinafter referred to as “the Borough”); and the **WASHINGTON BOROUGH BOARD OF EDUCATION** a Local Board of Education in the County of Warren, State of New Jersey having its principal offices at 300 West Stewart Street, Washington, New Jersey 07882 (hereinafter referred to as “the Local BOE”);

WITNESSETH

**WHEREAS**, the current Library Director for the Washington Borough Public Library (“the Library”) has retired; and

**WHEREAS**, the Borough wishes to provide adequate, supervisory oversight of the Library via a qualified Library Director; and

**WHEREAS**, the Local BOE has a person in their employ that is close by, qualified, and available to serve as a part-time Library Director; and

**WHEREAS**, the sharing of this employee between the Borough and Local BOE will benefit both entities by expanding services and decreasing the costs of those services; and

**WHEREAS**, this Agreement is authorized under *N.J.S.A. 40A:65-1 et seq.* (“the Shared Services Act”); and

**NOW, THEREFORE**, with the foregoing recitals incorporated herein by reference and in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree as follows:

### **SERVICES TO BE PROVIDED**

The Local BOE will furnish a qualified employee to serve as a part-time Library Director for the Washington Borough Public Library (“the Library Director”). At all times, the Library Director will be considered an employee of the Local BOE. Notwithstanding the foregoing, the Library Director will report to the Borough Manager and/or Library Board of Trustees as appropriate.

The day-to-day operations, active-record keeping, administrative and scheduling functions of the Library shall be the responsibility of the Library Director, subject to the approval of the Borough Manager and/or Library Board of Trustees as appropriate. Said duties include, but are not limited to staff supervision, departmental budget preparation and oversight, adherence to purchasing and financial policies and regulations, program and event planning (as needed), attendance at monthly Library Board of Trustees meetings, preparation of reports as required by the Library Board of Trustees, compliance with all applicable statutes governing the operation of a public library, and facility oversight.

The Library Director shall work 49.9% of the contracted hours at the Washington Borough Public Library. When the Library Director is working at the Washington Borough Public Library, they shall report to the Library Board of Trustees and/or the Borough Manager (as applicable), as well as abide by all Borough policies and procedures. When the Library Director is working at the Board of Education, they shall report to the Superintendent of Local Schools, and will abide by all Board of Education policies and procedures.

The Local BOE will provide workers compensation, liability and motor vehicle insurance coverage for all claims related to services provided by its employee as Library Director, regardless of where the incident that caused the claim arises. The Local BOE shall provide appropriate proof of insurance coverage at the level of coverage of the Local BOE, naming the Borough as additional insured.

### **LOCATION OF AND DAYS OF OPERATION**

The Washington Borough Public Library is located at 20 Carlton Ave., Washington, New Jersey, 07882. Days and hours of operation are set by the Library Board of Trustees in consultation with the Library Director and may be amended from time-to-time as needed.

If the Board of Education close local schools, have a delayed opening, or early dismissal due to inclement weather, the Library Director will still need to work the contractual obligated hours indicated above.

### **PAYMENT BY THE BOROUGH FOR SERVICES**

The Borough shall be responsible for 49.9% of the total compensation cost of the employee serving as Library Director. For the initial term of this Agreement, the total compensation cost will be \$65,000 of which the Borough's share will be \$32,500. Payment will be made by the Borough in four (4) equal quarterly installments. Bills and vouchers will be submitted by the Local BOE to the Borough before the 15<sup>th</sup> day of March, June, September and December. The bills will be paid by the Borough before the last business day of the aforementioned months. Should this Agreement be extended for additional terms, the Local BOE shall certify the new total compensation cost to the Borough in writing no later than ninety (90) days prior to the end of the then current term.

The Local BOE shall ensure that the compensation of the employee serving as Library Director is fixed by a salary ordinance, professional services contract or collective bargaining agreement in accordance with all applicable Federal, State and Local laws, regulations or ordinances governing such matters, and may be adjusted on a yearly basis.

### **TERM OF AGREEMENT**

This initial term of this Agreement shall run from May 1, 2011 - April 30, 2012. This Agreement may be extended for subsequent twelve (12) month periods by resolution of the Borough Council and Local BOE. In no instance can this agreement exceed a total of five (5) twelve (12) month terms.

### **EARLY TERMINATION**

Either party may terminate their participation in the agreement prior to the end of the term with no financial penalty being imposed, provided that written notice of termination is given to the other party ninety (90) days in advance of the termination date.

**IN WITNESS WHEREOF**, the Borough of Washington and Borough of Washington Board of Education have caused these presents to be signed and attested to by their respective officers and their respective seals to be affixed hereto the day and year first above written.

### **Resolution 78-2011 Cancel Municipal Tax Lien**

Resolution 78-2011 was moved on a motion made by Higgins, seconded by Gleba and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION #78-2011**

**A RESOLUTION TO CANCEL TAX LIEN CERTIFICATE #86-86**

**WHEREAS**, the Tax Collector's records show a Tax Title Lien Certificate #86-86 was sold on 10-14-86 to the Borough of Washington in the amount of \$541.92 for taxes assessed for the year of 1985, property known as Block 84 Lot 35 and assessed in the name of Owner Unknown as supposed owner; and

**WHEREAS**, the Tax Collector has received a recommendation from the Borough Auditor to cancel this lien as the property was deeded over to the Borough in 2003. A Quit Claim deed between the Borough of Washington and Dolores Kerkendall was filed on 12-17-2003 giving the Borough a right of way on this property; and

**WHEREAS**, the Tax Collector is requesting to be authorized to cancel this certificate due to the fact that the property is now Borough property and is exempt.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector be authorized to cancel Certificate #86-86 due to the change in ownership.

Councilman Boyle returned to the meeting.

**Resolution 81-2011 Authorizing the Approval of the Developers Agreement with Jade Developers**

Resolution 81-2011 was moved on a motion made by Boyle, seconded by Higgins and adopted.

Council Discussion: Councilman Boyle asked the status of the COAH obligation. Mayor McDonald stated this is an ongoing discussion with COAH and a final decision has not been made. Councilman Higgins asked if the contribution for Recreation will be placed in the Recreation Trust. Attorney Cushing noted that is probably a Governing Body decision when the contribution is made.

Ayes: 6, Nays: 0  
Abstain: 1 (Gleba)  
Motion Carried

**RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A DEVELOPER'S AGREEMENT WITH JADE ACQUISITION, LLC**

WHEREAS, Jade Acquisition, LLC (“Jade”) is the current owner of the tract or parcel of land (the "Property") described on the Borough Tax Map as Block 73.01, Lots 1-59; block 73.02, Lots 1-42, and Block 73.03, Lot 1; and

WHEREAS, Jade is a party to a 2006 Developer’s Agreement regarding the Property as the Assignee of Regency at Washington I, LLC under a 2010 Assignment of Developer’s Agreement; and

WHEREAS, Regency at Washington I, LLC received final major site plan and final major subdivision approval by the Borough of Washington Planning Board (the “Planning Board”) pursuant to a resolution memorialized on October 9, 2006 (the “2006 Approval”) for the construction of a project know as “Regency at Washington” consisting of a residential age-restricted townhouse community, a community center with a pool and a tennis court and for private roadways and various utilities serving the project; and

WHEREAS, pursuant to the 2006 Approval and 2006 Developer’s Agreement, certain improvements, including eight partially completed units were constructed; and

WHEREAS, in 2010 Jade applied for amended site plan approval under the Age Restricted Housing Conversion statute to convert the Regency at Washington project, now known as Washington Square, to non-age-restricted housing; and

WHEREAS, Jade received Preliminary and Final Site Plan Approval from the Planning Board on September 13, 2010 or construction of 72 market-rate units and 18 affordable housing units except that if the Council on Affordable Housing (“COAH”) approves the Developer’s contribution in lieu of construction of onsite affordable units then the Developer is entitled to construct 86 market-rate units; and

WHEREAS, the obligations of Jade with respect to this approved development have been set forth in a Developer’s Agreement to be executed by the parties which replaces and supersedes the 2006 Developer’s Agreement; and

WHEREAS, the Mayor and Council have reviewed the Developer’s Agreement and find that it is in the best interests of the Town to enter into the Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the Developer’s Agreement between the Borough of Washington and Jade Acquisition, LLC in the form attached hereto after it is executed by Jade Acquisition, LLC.

## **VOUCHERS**

Mayor McDonald entertained a motion to approve the payments and vouchers in the amount of \$671,778.06.

Motion made by Higgins, seconded by Boyle and approved.

Councilman Boyle noted he had asked a question regarding the bond principal. Manager Phelan noted that voucher 11-00389 should be pulled from the bill list.

Roll Call: Torres, McDonald, Boyle, Higgins, Valentine, Jewell, Gleba – Yes  
Jewell – abstain from EMS and Fire Department vouchers  
Gleba – abstain from Finelli Consulting Engineers vouchers  
Higgins – abstain from Fire Department vouchers

Ayes: 7, Nays: 0

Abstain: 3 (Jewell – EMS, Fire, Gleba – Finelli, Higgins - Fire)

Motion Carried

Mayor McDonald stated asked if Councilman Torres's handout regarding the Recreation Commission Ordinance be tabled until the next meeting. Council agreed.

### **RECAP**

Manager Phelan stated will work with Veolia to order and install the manhole covers.

### **COUNCIL REMARKS**

Councilwoman Gleba thanked the person who replaced the flag in the center of town. Councilman Higgins stated the BID replaced the flag. She also asked about the wood chip program that the Borough used to have. She is curious why we don't offer it anymore. Manager Phelan stated it is more than likely due to permitting.

Councilman Jewell thanked the sewer committee on a job well done tonight. He also wished everyone a Happy Easter.

Councilman Higgins stated that a roads committee should be established again. Mayor McDonald recommended committees be discussed at the next meeting. Councilman Higgins asked for an update on the crosswalk from the engineer. The Engineer explained the mechanism that detects pedestrians in the crosswalk is loose. This is more than likely due to the mechanism being hit by snow plows, cars, etc. He will more than likely be recommending a push button mechanism to turn the flashers on at the crosswalk. A retrofit will probably cost around \$3,200.00

Councilman Boyle asked for a target date of the forensic audit. Manager Phelan stated the paperwork was sent to the state and we are waiting approval. Attorney Cushing is working on a contract. He stated we may have an answer from the state by the next meeting.



Hearing no further business, a motion was made by Higgins, seconded by Jewell, to adjourn the meeting at 10:05 pm.

Ayes: 7, Nays, 0  
Motion Carried.

---

Mayor Scott McDonald

---

Kristine Blanchard, Borough Clerk