
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

April 20, 2021

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone, Norris, and Higgins.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into 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 Express Times Warren County Edition and posted on the borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Stephanie Stone, Taylor St., inquired about the temporary parking pad near the school and wanted to follow up with getting it back to a field again. Discussions on what to do with the area ensued.

Motion made by Norris and seconded by Cox to put the temporary parking pad back to its original state of grass and fence, all were in favor.

Hearing no further public comment, motion made by Cox and seconded by Norris to close the public portion, all were in favor.

MINUTES

Motion made by Conry and seconded by Norris to approve the following minutes.

April 6, 2021

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

Manager Hall explained the intentions of Washington Celebrates America, regarding a possible parade and fireworks for this year.

OLD BUSINESS

Special Meeting for the new marijuana legislation was discussed. It was the consensus of Council to set May 11th at 6:00 PM for the special meeting.

RESOLUTIONS

Motion made by Heinrich and seconded by Conry to adopt Resolution 2020-64

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2021-64

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Bala Partners LLC, PO Box 303, Pottersville, NJ 07979, in the amount of \$3,587.67 for taxes or other municipal liens assessed for the year 2018 in the name of Lagarenne, Thomas W & Regina A as supposed owners, and in said assessment and sale were described as 74 Youmans Ave., Block 82 Lot 5, which sale was evidenced by certificate #19-00029 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-7-21 and before the right to redeem was cut off, as provided by law, Thomas & Regina Lagarenne claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$32,704.61 which is the amount necessary to redeem Tax Sale Certificate #19-00029.

NOW THEREFORE BE IT RESOLVED, on this 20th day of April, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, PO Box 303, Pottersville, NJ 07979 in the amount of **\$64,704.61** (This consists of \$32,704.61 Certificate Amount redeemed + \$32,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 82 Lot 5 from the tax office records.

Motion made by Conry and seconded by Duchemin to adopt Resolution 2020-65.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2021-65

**ESTABLISHING CHANGE FUND FOR THE SOLID WASTE UTILITY IN THE
BOROUGH OF WASHINGTON, WARREN COUNTY IN THE AMOUNT OF
SEVENTY-FIVE DOLLARS.**

WHEREAS, Borough of Washington formally established Solid Waste Utility on January 1, 2021, and;

WHEREAS, in order to collect Solid Waste fees a need for the change fund exist, and;

WHEREAS, CFO and Tax Collector recommend establishing a change fund.

NOW THEREFORE, Governing Body of the Borough of Washington, County of Warren, authorizes establishment of the change fund in the amount of \$75.00 (seventy-five) dollars for the Solid Waste Utility.

Motion made by Conry and seconded by Duchemin to adopt Resolution 2020-66.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

**RESOLUTION 2021-66
BOROUGH OF WASHINGTON
FUND BALANCE POLICY**

WHEREAS, the Borough Council (the “Governing Body”) of the Borough of Washington acknowledges the maintenance of fiscal stability is important to the prudent operation of government and in determining its creditworthiness; and

WHEREAS, the ability to adjust local government revenues during the budget year and from year to year may be limited to meet unanticipated expenditures resulting from, inter alia, natural disasters, unforeseen increases in operating costs, unexpected capital expenditures; and

WHEREAS, changes in federal and state government spending policies can also impact local government revenues, particularly if reductions in such spending force local governments to increase their own spending to make up for the loss in federal and state government revenue; and

WHEREAS, fund balance, represents an available resource that can be used to meet working capital requirements, emergency expenditures and afford transition due to systemic changes in revenues and expenditures; and

WHEREAS, sufficient levels of unreserved fund balance can assure the continued orderly operation of government and the provision of services to taxpayers and the stability of the tax structure; and

WHEREAS, local governments frequently utilize a percentage of the municipality's annual operating expenditures as the means of determining the appropriate level of an unreserved fund balance; and

WHEREAS, maintaining the stability of sufficient levels of unreserved fund balance will be equally important for the Borough of Washington, so that the fund balance policy will be meaningful and effective; and

NOW THEREFORE, a fund balance target should be established and the following shall be used as guidelines.

1. The Borough of Washington shall establish or maintain a target fund balance of 4% to 10% of the previous year's operating expenditures (the "Target").
2. Amounts appropriated in the ensuing budget which reduce the fund balance below the target balance for the purpose of reducing the ensuing year's property tax levy, may be made only upon a specific vote of the Governing Body.
3. Drawdown of the fund balance, without the reasonable expectation of regenerating such amounts drawn down during the budget year, is evidence of a structural imbalance of the Borough of Washington budget. A plan shall be developed to restore fund balance to the Target balance within a three-year period.
4. As part of the annual budget process, amounts in excess of the Target that are used in the budget are considered "non-recurring" revenues and should be allocated/budgeted to, among other things, purchase capital assets with a useful life of 5 years or more, fund other reserves, or provide "one-time" direct tax relief and not to support increased operating expenses.
5. If the year-end available fund balance, based upon unaudited figures, is for any reason below the Target, then, to rebuild the fund balance toward the Target, no more than 40% of the surplus generated in the prior fiscal year shall be appropriated as a revenue in the succeeding year's budget.

6. The Governing Body, by vote, can declare a fiscal emergency and withdraw any amount of General Fund balance for purposes of addressing the fiscal emergency. Any such action must also provide a plan to restore fund balance to the Target within a five-year period.
7. This policy will be reviewed by the Governing Body every three years following adoption or sooner at the direction of the Governing Body.

the Solid Waste Utility.

Motion made by Heinrich and seconded by Noone to adopt Resolution 2020-67.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2021-67

RESOLUTION AUTHORIZING PURCHASE OF TWENTY-TWO (22) SCOTT #X8814025005304 X3PRO SCBAs PURSUANT TO STATE CONTRACT

WHEREAS, the Washington Fire Department applied for and was awarded a 2020 Assistance to Fire Fighters Grant from the Federal Emergency Management Agency (FEMA) for the purposes of purchasing needed self-contained breather apparatus (SCBA) in the amount of \$173,333.33; and

WHEREAS, **N.J.S.A 40A: 11-4** requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, the State of New Jersey (State) has awarded contracts to various vendors as successful bidders for State; and

WHEREAS, the Borough of Washington on behalf of the Washington Fire Department has accepted the aforementioned grant and wishes to purchase twenty-two (22) SCBAs from New Jersey Fire Equipment Company having a Vendor I.D. of 00000570 and pursuant to New Jersey State Contract number: **T0790;17-FLEET-00819**; and

WHEREAS, the Borough of Washington shall provide matching funds in the amount of \$9,634.47 in order to augment the grant of \$173,333.33 for a total of \$182,967.80; and

WHEREAS, funds are available in account # **02-2021-41-255-2-0** in the amount of \$173,333.33 and account # **01-2020-20-100-2-99** in the amount of \$9,634.47 for the purchase of the aforesaid items through funds appropriated as attached on certification of availability of funds by the Chief Financial Officer; and

WHEREAS, the Mayor and Council of the Borough of Washington wishes to express its gratitude to the Washington Fire Department and to FEMA for their work to defray the cost of this much needed equipment;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, that the purchase of twenty-two (22) SCOTT #X8814025005304 X3PRO SCBA and associated equipment from New Jersey Fire Equipment Company with offices located in Green Brook, NJ 08812 under New Jersey State Contract number: **T0790;17-FLEET-00819**; at a total of \$182,967.80 is hereby approved and authorized.
the Solid Waste Utility.

Motion made by Noone and seconded by Conry to adopt Resolution 2020-68.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.
Ayes: 7 Nays: 0
Motion passes.

RESOLUTION 2021-68

RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TO EXECUTE A THIRD AMENDMENT TO THE REDEVELOPER AGREEMENT

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), the Borough of Washington acting by resolution, determined that the Washington Avenue Core District was an "area in need of redevelopment" in accordance with N.J.S.A. 40A:12A-6(b); and

WHEREAS, Jade Partners, LLC (now known as Jade Partners Urban Renewal, LLC) ("Jade") is the current owner of the tract or parcel of land (the "Property") described on the Borough Tax Map as Block 95, Lots 3 and 4, which have been merged into a single Lot 4; and

WHEREAS, the Jade received preliminary and final site plan approval with variance relief and conditions from the Borough of Washington Planning Board (the "Planning Board") pursuant to a resolution adopted on January 13, 2014, memorializing the Board's action on December 9, 2013 and amended pursuant to a resolution adopted on June 9, 2014, memorializing the Board's

action on May 12, 2014 and further amended pursuant to a resolution adopted on September 8, 2014 memorializing the Board's action on August 11, 2014 (collectively, the "Approvals") for the redevelopment of the Property consisting of demolition of the current structures on the Property and construction of a four story mixed use building of approximately 15,344 square feet with parking for 95 cars (the "Towne Center Project"); and

WHEREAS, in furtherance of same, the Borough of Washington and Jade entered into a certain Redeveloper's Agreement dated, September 16, 2014 (the "Redeveloper's Agreement"); and

WHEREAS, the Redeveloper's Agreement authorized Jade to redevelop the Property, in accordance with the terms thereof and attached here to as **Exhibit A**; and

WHEREAS, the Redeveloper's Agreement was amended on August 16, 2016 by Borough Council Resolution #127-16, setting forth the rights, duties and obligations of the parties in connection with the Approval (hereinafter the "First Amendment") which is attached hereto as **Exhibit B**; and

WHEREAS, the Redeveloper's Agreement was subject to a Second Amendment (hereinafter "Second Amendment") on June 17, 2017 attached hereto as **Exhibit C**; and

WHEREAS, the Second Amendment memorialized a requirement that the Redeveloper set aside and deed restrict twenty percent (20%) of the proposed fifty (50) units (ten units) for affordable housing rental units in exchange for a \$30,000.00 per unit contribution from the Borough's Affordable Housing Trust Fund; and

WHEREAS, the Second Amendment further extended the time pursuant to which the Redeveloper would have to purchase a surplus parking lot designated on the tax maps as Block 95

Lot 31 and authorized an agreement pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.*; and

WHEREAS, any terms of the Redeveloper' s Agreement not specifically modified in the aforesaid Amendments were expressly intended and continue to remain in full force and effect and binding upon Jade; and

WHEREAS, since the time the Second Amendment was executed on behalf of all parties, Block 95 Lot 31 has been purchased by Jade; and

WHEREAS, since the time of the execution of the Second Amendment the Borough has made an initial payment of seventy-five thousand dollars (\$75,000.00) to Jade pursuant to Section 1 (d)(i) of the Second Amendment; and

WHEREAS, Jade has asked for an extension of the dates set forth in the respective Redeveloper's Agreements and subsequent Amendments as incorporated by reference in Exhibits A, B and C due to financial difficulties which Jade represents have been resolved; and

WHEREAS, in furtherance of same, Jade has maintained that it has secured additional financing and will be able to meet the deadlines set forth by it in a Towne Center Development Timeline dated March 19, 2021 and attached hereto as **Exhibit D**; and

WHEREAS, given the representations of Jade, the Mayor and Council are desirous to work with Jade in order to complete development of the Towne Center Project and affordable housing units which are part of the Borough's affordable housing obligations; and

WHEREAS, the Mayor and Council have conditioned the approval of any extension of the completion date of the development of the Towne Center Project and affordable housing units on the Redeveloper providing, to the Borough's satisfaction, sufficient information to support that

the Redeveloper's financing is sufficient to adequately perform its obligations under the Terms of the Redevelopment Agreement and subsequent amendments.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, New Jersey, as follows:

I. EXTENSION OF DATES FOR COMPLETION

Section 1 (b), (c) and (h) of the Second Amendment to the Redeveloper's Agreement shall be deleted and replaced with following:

1. Affordable Housing Trust Fund Contribution

- a. Recording of Deed Restriction. Redeveloper and the Borough shall execute a Deed Restriction in a form substantially the same as attached hereto as Exhibit E. The Deed Restriction Such document shall be recorded with the Warren County Clerk upon issuance of the first certificate of occupancy for the Project.

If the affordable rental units are not completed by December 31, 2022, the Borough shall have the right pursuant to subsection (g) hereunder to seek return of any monies paid to the Owner hereunder.

- b. Recording of Temporary Mortgage on Parking Lot Property. Pursuant to Section 7 hereunder, Redeveloper has purchased certain property from the Borough located at Block 95, Lot 31 and currently used as a municipal parking lot (the "Parking Lot"). In order to secure the Borough's interest in the completion of the affordable rental units, Redeveloper and the Borough shall execute a Temporary Mortgage on the Parking Lot in a form substantially the same as attached hereto as Exhibit F. The Temporary Mortgage is only intended to remain in effect until the residential portion of the Project is complete to ensure that the affordable rental units are completed. The Temporary Mortgage shall be recorded with the Warren County Clerk upon execution of this Agreement. Within thirty (30) days of the issuance of the final certificate of occupancy for all ten (10) of the affordable rental units in the Project, the Borough shall file a discharge of the Temporary Mortgage. However, such discharge shall not occur until the Deed Restriction pursuant to subsection (b) hereunder is duly recorded.

If the affordable rental units are not completed by December 31, 2022, the Borough shall have the right to enforce the Temporary Mortgage.

- f. Remedies and Enforcement. In the event that Redeveloper fails to complete the Project by December 31, 2022, the Borough shall have all remedies in law or equity, including seeking a return of all monies paid pursuant to subsection (c) hereunder and all remedies available pursuant to the Temporary Mortgage and Deed Restriction set forth in subsection (b) hereunder.

Section 10 of the Second Amendment to the Redeveloper's Agreement shall be deleted and replaced with following:

10. Extension for Completion of Work.

Pursuant to Paragraph 6 of the Redeveloper's Agreement, Redeveloper was to complete all work contemplated under the Redeveloper Agreement within two years of signing of the final site plan. Such period has expired and an extension of the Redeveloper's Agreement until December 31, 2022 was requested and is granted.

II. EXECUTION

(a) The Mayor is hereby authorized to execute the Third Amendment to the Redeveloper's Agreement, a form of which is attached hereto as **Exhibit G** (the "Third Amendment"), together with such additions, deletions and modifications as are necessary and desirable in consultation with counsel to effectuate the same.

(b) The Borough Clerk is hereby authorized and directed, upon execution of the Third Amendment to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Borough upon such document.

III. SEVERABILITY

If any part of this Resolution or Agreement shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Borough

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage,

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Conry to pay vouchers and claims.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

RECAP

Manager Hall recapped the following:

- Will get a cost estimate to restore Taylor Street field.
- Continue to monitor the state requirements for gatherings with regards to the parade and fireworks.
- Promote the May 11th special meeting.

COUNCIL REMARKS

Councilman Heinrich gave the following remarks:

- Glad to see the Mayor back.
- Getting second vaccine shot tomorrow.

Councilwoman Cox gave the following remarks:

- Inquired about being on the cannabis committee.
- Glad to see the park going back to its original state.
- Missed the Mayor from the last two meetings
- Wished everyone well.

Councilwoman Duchemin gave the following remarks:

- Warren county has a lot of vaccine appointments available.
- Hope everyone is staying safe.

Councilwoman Noone gave the following remarks:

- Happy to see Taylor street field getting cleaned up.
- Stated that the borough doesn't have a lot of playground parks in the areas of community that are easily walkable for children.
- Expressed concerns regarding the maintenance of the library building.

Councilman Norris gave the following remarks:

- Welcomed the Mayor back and hopes that everyone is doing good.

- Stated that Deputy Mayor Conry did a great job in the Mayor's absence.
- Inquired about the inmates coming in to town to paint the curbs.
- Inquired about commercial parking and if the borough has an ordinance.
- Discussed trailer parking on Route 57 in the borough that are commercial trailers.

Deputy Mayor Conry gave the following remarks:

- Discussed trailers being parked on the roads and was under the impression there is an ordinance addressing it.
- Stated that things need to be reported to the police department and for it to be transparent.
- Glad to see Mayor Higgins back.
- Thanked everyone for helping her get through the meetings she presided over.

Mayor Higgins gave the following remarks:

- Thanked the Council and expressed a special thanks to Deputy Mayor Conry for doing the meetings while he was out recovering.
- Inquired about Washington Township Fire Department purchasing an ambulance.
- Inquired about the project on Flower Avenue and its completion date.
- Asked the Manager to post on social media that the Library and Land Use Board need members.
- Arbor Day meeting at Borough hall will take place on Sunday from 10am-12pm. The Green Team will also be there. All council members are invited.

Ayes: 7: Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk