

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
SPECIAL MEETING MINUTES
January 13, 2022~7:30 p.m. (Thursday)

**☞PLEASE NOTE THIS IS A VIRTUAL MEETING
WITH REMOTE PUBLIC COMMENT☞**

CALL TO ORDER

Council President Morgan

STATEMENT

Welcome to the Special Public Meeting of January 13, 2022 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers on January 4, 2022 and this notice has been posted on the Township Bulletin Board, Electronic Message Board, WCTV and on the Township Web Site.

SALUTE TO THE FLAG

led by Council President Morgan

ROLL CALL

Councilmen Cascio, Councilwoman Feeney, Councilman Sears, Councilwoman Velez, Council President Morgan.

Let the record reflect also in attendance: Peter Calamari, Mayor; Robert Tovo, Township Administrator; Ken Poller, Township Attorney and Susan Witkowski, Township Clerk

APPROVAL OF MINUTES: None.

GENERAL PUBLIC COMMENT (Limit to five (5) minutes)

****TO PARTICIPATE IN THE GENERAL PUBLIC COMMENT PORTION OF THE MEETING, PLEASE CLICK ON THE LINK BELOW TO JOIN THE WEBINAR, BY PHONE, *9 TO RAISE HAND, *6 TO UNMUTE. EACH PERSON WISHING TO ADDRESS THE COUNCIL SHALL GIVE HIS OR HER NAME AND HOME ADDRESS FOR THE RECORD, AND WE ASK THAT ONLY ONE PERSON SPEAK AT A TIME, THERE IS A FIVE-MINUTE LIMIT PER CALLER. SPEAKERS ARE TO DIRECT ALL QUESTIONS TO THE COUNCIL PRESIDENT. WHEN THE SPEAKER IS FINISHED WITH QUESTION/STATEMENT, THE COUNCIL WILL RESPOND. ALL MEMBERS OF THE PUBLIC AND COUNCIL ARE EXPECTED TO CONDUCT THEMSELVES IN PROPER MANNER. ANY DEROGATORY, ABUSIVE OR THREATENING STATEMENTS WILL NOT BE PERMITTED. THE COUNCIL PRESIDENT WILL IMMEDIATELY RULE SUCH CONDUCT "OUT OF ORDER" AND TERMINATE ANY FURTHER COMMENTS****

A motion was made by Councilman Cascio, seconded by Councilwoman Velez, to open the public comment.

Ayes: Councilman Cascio, Councilwoman Feeney, Councilman Sears, Councilwoman Velez, Council President Morgan.

Nays: None.

Erica Amon, 208 Quakertown Road, Pittstown, New Jersey 08867- Ms. Amon requested Mr. Wine speak first.

Prime & Tuvel, Attorneys at Law
2 University Plaza Drive, Suite 109
Hackensack New Jersey 07601
Benjamin Wine, Esquire

Mr. Wine stated our firm represents Apple Montessori Schools. The reason we are here before you this evening is in relation to the property located at 95 Linwood Avenue, Block 2502.02, Lot 20. Our understanding is that the property is currently going through a condemnation process. Apple Montessori, my client is a contract purchaser, who has been a bidding contractor for quite some time now to purchase the property. He understands it has been vacant for quite a number of years, the goal with the purchase of the property is to operate a child care and school facility, it is well suited for the use, which you will hear in detail, but this is ultimately what she would like to do. Unfortunately, when we went through the renovation process this put a damper in those plans. Preliminary plans have been drawn, reports, working on that, ideally our plan is to file. We understand it is a non-conforming use, so it would be an application for the Zoning Board, certainly that comes with all the acquired proofs, and special reasons. By no means are we suggesting that the board would absolutely approve that application, but not withstanding we certainly have those plans in the works, the application is in the works and we would like the opportunity to proceed with those applications, to better the site. Again, it has been vacant for quite some time, so we think it would accommodate, accomplish what ultimately the township would be looking to do, which would be to put a use on that property where there is currently a lot of vacancy not really anything going on. He wanted to give a brief overview before introducing Ms. Amon, with that he will let Ms. Amon continue. Attorney Poller stated he would like to clarify one thing, there is no condemnation proceeding, no condemnation proceeding has started.

Ms. Amon thanked the council for taking the time, she appreciates it. She stated she represents Apple Montessori Schools, as their VP of Real Estate Development. We are a family-owned Montessori school with 17 schools opening up in New Jersey in the next few months, barring any more COVID. We have been in business for fifty years, have graduated 40,000 kindergartners through our program. Primarily, our schools are in the Bergen County, northeast Jersey area as all of the schools are in New Jersey. We have been working to find a site in Washington Township for quite some time and are really excited to come to the township. We are represented for the purpose of the zoning application. We want what is the best for the township, if the township needs the property, and intends to proceed with the condemnation, not withstanding our application, then we want to make sure that if we are going to go out in the field, which we have spent quite a good amount of money for the Zoning approval process, then we do it for the right reasons. We have come up with a concept plan for our school. We are early childhood education, the school is about 14,000 square feet, with 154 maximum capacities, built from the ground up. She understands this is not on tonight's agenda, but we would like to get an idea of the tenor of the council this evening relating to Apple Montessori coming into the community, we feel we are a benefit to the public good, we are a community service minded business, we serve infants up to six years. We have been working for a long time to find a site, this site turns out to be one of the best sites we have found so far. We want to support the township and would like the township to support us, we would love to be able to proceed with our Zoning and Planning applications, and the purchase of this site. Should the council feel it is worth it to let us proceed, perhaps the interest in the site is not really as great as we are under the impression.

Council President Morgan thanked Ms. Amon for the information. Councilwoman Feeney asked what prompted Ms. Amon to call into this meeting tonight? Ms. Amon replied the seller of the property informed us that they were

made an offer by the township and told that a condemnation proceeding would be underway if an amicable purchase was not negotiated.

A motion was made by Councilwoman Feeney, seconded by Councilman Cascio, to close the public comment.

Ayes: Councilman Cascio, Councilwoman Feeney, Councilman Sears,
Councilwoman Velez, Council President Morgan.

Nays: None.

ORDINANCES:

Introduction, 1st Reading:

Ordinance No. 22-01

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$761,900 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION (464 RIDGEWOOD BOULEVARD NORTH).

A motion was made by Councilwoman Feeney, seconded by Councilwoman Velez, to introduce and pass Ordinance No. 22-01 at first reading by title.

Ayes: Councilman Cascio, Councilwoman Feeney, Councilman Sears,
Councilwoman Velez, Council President Morgan.

Nays: None.

A motion was made by Councilwoman Feeney, seconded by Councilwoman Velez, to approve Resolution No. 22-141.

Ayes: Councilman Cascio, Councilwoman Feeney, Councilman Sears,
Councilwoman Velez, Council President Morgan.

Nays: None.

Resolution No. 22-141

WHEREAS, Ordinance No. 22-01 entitled: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$761,900 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION (464 RIDGEWOOD BOULEVARD NORTH) was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 13th day of January, 2022; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 24th day of January, 2022 at 7:30pm, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record, a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 22-01

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$761,900 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION (464 RIDGEWOOD BOULEVARD NORTH).

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Washington, in the County of Bergen, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$800,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$38,100 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$800,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$761,900 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$761,900 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase pursuant to law including the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 *et seq.*), or by condemnation pursuant to law including the Eminent Domain Act of 1971 (N.J.S.A. 20:3-1 *et seq.*), of lands and any structures thereon (including the Washington Township Swim Club) in and by the Township located at 464 Ridgewood Boulevard North and shown as Lot 1 in Block 2301 and Lot 1.01 in Block 2401 on the Official Tax Map of the Township and consisting of approximately 6.516 acres, for public purposes including recreational purposes, including all environmental investigations, surveys, title searches and acquisition costs necessary therefor or incidental thereto.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$761,900.

The estimated cost of said purpose is \$800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$38,100 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$761,900, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$70,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township (the "Chief Financial Officer") provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

INDIVIDUAL RESOLUTIONS:

Resolution No. 22-142
Authorizing Temporary Capital Budget Section

A motion was made by Councilwoman Feeney, seconded by Councilwoman Velez, to approve Resolution No. 22-142.

Ayes: Councilwoman Feeney, Councilman Sears, Councilwoman Velez, Council President Morgan.

Nays: Councilman Cascio.

Resolution No. 22-142
Authorizing Temporary Capital Budget Section

WHEREAS, the local capital budget for the year 2022 has not been adopted; and

WHEREAS, it is desired to introduce a capital ordinance,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, County of Bergen that the following capital budget be made:

Capital Budget (Current Year Action 2022)

1. Project	Acquisition of Land 464 Ridgewood Boulevard North
2. Project Number	
3. Estimated Total Cost	\$800,000
4. Amounts Reserved in Prior Years	
5a. 2022 Budget Appropriations	
5b. Capital Improvement Fund	\$38,100
5c. Capital Surplus	
5d Grants in Aid and other Funds	
5c Debt Authorized	\$761,9000
6 To be funded in future years	
TOTAL ALL PROJECTS	\$800,000
5b Capital Improvement Fund	\$38,100
5c Debt Authorized	\$761,900

6 Year Capital Program 2022-2024
 Anticipated Project Schedule and Funding Requirement

1. Project	Acquisition of Land 464 Ridgewood Boulevard North
2. Project Number	
3. Estimated Total Cost	\$800,000
4. Estimated Completion Time	
Budget Year 2022	\$800,000
TOTAL ALL PROJECTS	\$800,000

6 Year Capital Program 2022-2024
 Summary of Anticipated Funding, Sources and Amounts

1. Project	Acquisition of Land 464 Ridgewood Boulevard North
2. Estimated Total Cost	\$800,000
3. Budget Appropriations	
Current Year 2022	
Future Years	
4. Capital Improvement Fund	\$38,100
5. Capital Surplus	
6. Grants in Aid and other Funds	
7. Bonds and Notes	
General	\$761,900
TOTAL ALL PROJECTS	\$800,000

CLOSED SESSION

Resolution No. 22-143

Contract negotiations; property acquisition

A motion was made by Councilwoman Feeney, seconded by Councilwoman Velez, on Resolution No. 22-143.

Ayes: Councilman Cascio, Councilwoman Feeney, Councilman Sears,
Councilwoman Velez, Council President Morgan.

Nays: None.

Resolution No. 22-143

Contract negotiations; property acquisition

WHEREAS, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12), which provides for the exclusion of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an "executive" or "closed" session) in which the following matters are to be discussed:

1. Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provision of subsection of a. of this section.

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendation, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

5. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed. **Property Acquisition**

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) of N.J.S.A. 10:4-12, herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **Contract negotiation**

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

BE IT FURTHER RESOLVED, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed session; that the doors to the Council chambers will be opened and an announcement will be made if the Township Council will be going into open session; and you may be present during such open session.

 The Township Council anticipates that an open session will be necessary.

 X The Township Council anticipates that an open session will not be necessary.

Time noted: 7:51 p.m.

/s/Susan Witkowski
Township Clerk

/s/Stacey Feeney
Council Vice - President

Approved: March 7, 2022

THE NEXT MEETING OF THE TOWNSHIP COUNCIL WILL BE ON
MONDAY, JANUARY 24, 2022 BEGINNING AT 7:30 P.M.