

**BOROUGH OF WATCHUNG
RESOLUTION: R1**

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: IDEMIA, 5515 East La Palma Ave, Anaheim, CA 92807
Item: LiveScan Maintenance and Support, Coverage: Nov 2021-Oct 2022
Total Price: \$3,930.57
Charged to: 1-01-190-273

Vendor: Northeast Communications Group, 242 Route 156, Yardville, NJ 08620
Item: Improvements to Network Infrastructure
Total Price: \$4,490.00
Charged to: 1-01-610-203

Vendor: Lawsoft, Inc., 15 Hamburg Turnpike, Bloomingdale, NJ 07403
Item: Support and Maintenance for CAD/RMS and NIBRS Interface
Total Price: \$5,400.00
Charged to: 1-01-190-273

Vendor: Shack Shine, 226 Willow Street, Bound Brook, NJ 08805
Item: Texier House Holiday Lights
Total Price: \$4,032.50
Charged to: 1-01-110-278


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: PURCHASING
C: B. HANCE

**BOROUGH OF WATCHUNG
RESOLUTION: R2**

USAGE, COMMUNICATIONS/SOCIAL MEDIA, AND CELLULAR PHONE POLICY

WHEREAS, the Borough shall by resolution amend from time-to-time Personnel Policies and Procedures to maintain compliance with applicable Federal and State employment related law. The amendments to the Borough's personnel policies and procedures adopted pursuant to this resolution shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Borough. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

WHEREAS, it is the policy of the Borough to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and,

WHEREAS, the Borough has determined that there is a need for amendments to certain sections of the personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

WHEREAS, internet access enables Borough employees to access a vast array of information resources and to allow participation in and access to increasing county and state resources. With that access comes certain responsibilities of the individual user to protect the Borough from the risks associated with internet usage. This policy provides rules and regulations concerning employee use of the internet during actual working hours.

WHEREAS, communications media/social media use, both professional and personal, is a popular way to connect with the public, friends, foster relationships and create a complex group of online networks and communities. However, these methods of communication and networking opportunities create new challenges for public entities in management of its employees and workplace; and, responsibilities for those who engage in the platforms that facilitate such methods of communication and interaction. The effect of employee usage of social media, may not only impact the individual user, but may also impact the image of the public entity by whom they are employed. This policy provides practical guidelines to employees when participating in online social media activities and is in no way intended to inhibit or prevent employees from expressing their personal views when engaging in social media for personal use, during non working hours.

WHEREAS, the Borough has a legitimate interest in preventing distractions, lost time and lost productivity due to their employees' personal use of cell phones. Conversely, employees have a right to utilize their cellular telephones to make and receive emergency telephone calls and to engage in critical, quality of life activities as defined herein. This policy provides reasonable guidelines for the use of cellular telephones and associated accessories during actual working hours, while respecting the realities of the technological world in which we live in, and the

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RESOLUTION: R2**

necessity to communicate using such modes of technology.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Governing Body of the Borough of Watchung that the following policies shall replace any existing internet usage; communications media/social media; and, cellular telephone usage policies presently existing in the Borough's last adopted version of the Personnel Policies and Procedures Manual, and any supervisory supplement, as the case may be.

Internet Usage Policy

The Borough provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing County and State resources.

Employees must comply with all policies adopted by the Borough, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using the Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with Borough's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts

This Policy shall include any and all electronic communications relating to the Borough of Watchung and shall include but not be limited to any e-mail, voice mail, text messaging, computer, cell phone and internet communications. Any Borough e-mail, voice mail, text messaging, computer, cell phone and the Internet are for official business and use for non-business purposes is prohibited. All e-mail, voice mail and internet messages are official documents, and may be subject to the provisions of the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq.

All data stored on and/or transmitted through Borough media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

Employees should have no expectation of privacy while using Borough equipment, including computers or cell phones.

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The Borough reserves the right to monitor, obtain, review and disclose all e-mail messages, text messages, cell phone media, internet communications, computer files, voice mail and Internet messages on the computer and communications systems of the Borough as deemed necessary and appropriate. By using the Borough's E-Mail, computer systems, cell phone/text messaging, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, cell phone/text messages, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information. E-mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incidents or occurrences with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images, or recordings taken with any device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guidelines or directives concerning storage, release, and disposal. Employees who have recorded any photographs, images, or recordings with any personal device shall notify their supervisor as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flight from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written consent of the Borough Administrator.

Communication Media/ Social Media Policy

The Borough's Communication Media/ Social Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media/Social Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the Borough's Communication Media/Social for personal purposes during company time on company equipment without prior authorization from the Administrator to do so.

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The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media/Social Media are not private to the individual. All Communication Media/Social Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media/Social Media. By using the Borough's equipment and/or Communication Media/Social Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

However, nothing in this social media policy prevents employees from using his/her own personal Communication Media/Social Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administrator, and are asked to refrain from posting comments or materials on Communication Media/Social Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media/Social Media.

Employees can only use the Borough's Communication Media/Social Media for legitimate business purposes. Employees may not use Borough's Communication Media/Social Media any way that is defamatory, obscene or harassing or in violation of any Borough rules or policies. Examples of forbidden or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media/Social Media, whether same is performed on the Borough's equipment or on the employee's own personal Communication Media/Social Media.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

Information security is necessary to protect the Borough's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough.

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All employees may access data only for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Borough data must be stored centrally as required by the Borough. This provides greater security and ensures backup of all Borough data is performed.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install or *modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses, etc.

Social Media and its uses in government and daily life are expanding each year, however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by Borough Administrator may engage in social media activity during work time through the use of the Borough's Communication Media/Social Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the Borough's Communication Media/Social Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough Administrator.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen

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RESOLUTION: R2**

combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media/Social Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, through the use of the Communication Media/Social Media may be issued unless it has first been approved by the Borough Administrator or his/her designee. Specifically, employees are forbidden from using the Borough's Communication Media/Social Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media/Social Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

Because authorized postings placed on the Internet through the use of the Borough's Communication Media/Social Media will display on the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media/Social Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media/Social media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Boroughs and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the sources of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough's employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Borough, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related

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to the Borough or the Borough's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Borough Administrator or his/her designee.

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough; as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough, expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Borough employees have the right to engage in or refrain from such activities.

Employees that maintain personal web pages and web sites, including by way of example, but not limited to, Facebook, Instagram, Twitter, Tumblr, LinkedIn, WhatsApp, Snapchat, Pinterest, Reddit, Slack, YouTube, Mix, Tagged, Nextdoor, Deviantart, Quora, Google+, Meetup, ReverbNation, Flixster, Bebo, Goodreads, Twitch, CaringBridge, Wattpad, Viadeo, Crunchyroll, Skyrock, VK, Ello, MyHeritage, LiveJournal, Classmates, SoundCloud, Bubbly, Flickr, We Heart It, Influenster, FilmAffinity, Open Diary, Yelp, CollegeHumor, Gaia Online, MocoSpace, CouchSurfing, Funny or Die, italki, eToro, XING, MeetMe, Ravelry, Care2, YY, Vero, Medium, GIPHY, Tribe shall not post information on such sites that would constitute a violation of the personnel policies of the Borough if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the Borough.

Departments that use social media are responsible for complying with applicable federal, state and county laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, record retention, the Freedom of Information Act (FOIA), the Open Public Records Act (OPRA) N.J.S.A. 47:1A-1, et seq., First Amendment privacy laws, Open Public Meetings Act (OPMA), otherwise known as the "Sunshine Law" and information security policies established by the Borough, its administrators, departments and governing body. The Webmaster shall download, on a monthly basis, all social media posts, comments and account information as a permanent archive.

Employees representing the Borough on social media outlets must identify themselves by name and when relevant, by role in the Borough's municipal government. All municipal policies are

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RESOLUTION: R2**

applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

The official webmaster shall monitor content on all social media sites to ensure adherence to the Social Media Policy for appropriate use, message and branding consistent with the goals of the Borough.

Cell Phone Usage Policy:

Because cell phones can present a distraction in the workplace, resulting in lost time and productivity, personal cell phone usage shall be limited to work-related or "critical, quality of life activities" only, during actual working hours. Nothing in this policy shall prohibit an employee from utilizing their cell phone, at their own discretion, during their break times and meal times, and during non-working hours.

Cell phone usage shall include placing and receiving telephone calls, placing and receiving/reviewing text/SMS messages, digital photography, accessing websites and applications, including games, on a cellular telephone, along with the use of any accessory supported by the cellular telephone; for example, "air-pods" or "wireless speakers".

"Critical, quality of life activities" include activities such as communications with service or health care professionals who cannot be reached during a break or after hours, receiving/placing a call from a child's educational facility in the event of an emergency, receiving/placing calls to family members in the event of an emergency, etc.

While at work, employees are expected to exercise discretion in using personal cellphones. In general, cell phones should not be used when they could pose a security or safety risk, or when they distract from work tasks:

- Never use a cell phone while driving.
- Never use a cell phone while operating equipment.
- Do not use cell phones for surfing the internet or gaming during work hours.
- Avoid using work cell phones for personal tasks.
- Do not use personal cell phones for work tasks.
- Do not use cell phones during meetings.
- Do not use cell phones to record confidential information.
- Do not use cell phone accessories such as "air-pods", "headphones", or "wireless speakers."

We realize the cell phones can be great tools for our employees. It is permissible for employees to use cell phones when:

- Making or receiving work calls in the appropriate place and situation to do so; and,
- For other work-related communication, such as text messaging or emailing in appropriate places and situations.

Improper use of cell phones may result in disciplinary action. Continued use of cell phones at inappropriate times or in ways that distract from work may lead to having cell phone privileges revoked. Cell phone usage for illegal or dangerous activity, for purposes of harassment, or in ways

**BOROUGH OF WATCHUNG
RESOLUTION: R2**

that violate any other Borough policy will result in disciplinary action, up to an including termination.

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey that the above amendments to the Personnel Policies and Procedures Manual are hereby adopted.

BE IT FURTHER RESOLVED, that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator, in consultation with the Borough's Labor Counsel, shall be responsible for the implementation of the policies and procedures in this manual.

BE IT FURTHER RESOLVED, that the Borough Administrator shall ensure that each employee subject to the amendments be provided with a copy of this Resolution.


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: PERSONNEL, MISC.
C: E.HORSFALL, A. HART
ALL EMPLOYEES

**BOROUGH OF WATCHUNG
RESOLUTION: R3**


WHEREAS, the Borough of Watchung has received a Winter Holiday Display Application which has been reviewed by the Borough's Zoning Officer and Borough Clerk; and

WHEREAS, Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said display application at the recommendation of the Borough.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the use of the Village Green for a Winter Holiday Display is authorized for the intended use as noted below and is hereby approved for:

1. St. Mary-Stony Hill Church to display a Nativity Scene, from December 3, 2021 through January 6, 2022.
2. Approval subject to having an acceptable insurance certificate and payment of all Borough application fees.


Wendy Robinson, Council Member


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: MISC.,
C: LM, PD

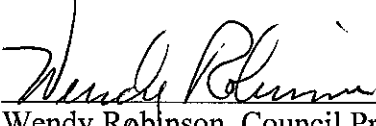
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RESOLUTION: R4**


WHEREAS, the 2021 added & omitted assessment bills were mailed in October; and

WHEREAS, due to a new tax assessment software being implemented this year, property owner names and addresses were not updated on the added tax bills for properties that were sold; and

WHEREAS, the new property owners have received delinquent notices and have requested an extension of time to pay based upon this being the first bill that they have seen.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Tax Collector is hereby authorized to extend the grace period for the 2021 added and omitted assessment bills to December 29, 2021 as per NJ State Statute provisions.


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: FINANCE-MISC.
C: B. HANCE, D. GAEBELE

**BOROUGH OF WATCHUNG
RESOLUTION: R5**

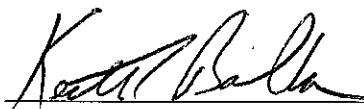
WHEREAS, a property located at 633 Valley Road, also known as Block 7100 Lot 1.01 was sold during the time the sewer bills were mailed and the new homeowner did not receive the bill;

WHEREAS, the new homeowner has paid the bill after receiving a delinquent notice; and

WHEREAS, the homeowner is requesting that the \$7.44 in delinquent interest be waived due to them never receiving the original bill

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Tax Collector is authorized to reimburse the property \$7.44 in interest that was assessed for the delinquent payment.


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: FINANCE-MISC.
C: B. HANCE, D. GAEBELE


**BOROUGH OF WATCHUNG
RESOLUTION: R6**


WHEREAS, a property located at 437 Johnston Drive, also known as Block 6501 Lot 4, made their tax payment by mail; and

WHEREAS, due to post office issues, the payment was not received by the borough; and

WHEREAS, it has been determined that the property owners should not pay delinquent interest and the tax payments have been made in full.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Tax Collector is authorized to reimburse the property owners at 437 Johnston Drive, \$31.66 in interest that was assessed for the delinquent payment.


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: FINANCE-MISC.
C: B. HANCE, D. GAEBELE

**BOROUGH OF WATCHUNG
RESOLUTION: R7**


WHEREAS, the Environmental Commission of the Borough of Watchung, in an effort to enhance community awareness of and promote sustainable practices in an ecologically safe manner, believes it is in the best interest of the residents of the Borough of Watchung to establish a Styrofoam Recycling Program; and

WHEREAS, the Governing Body of the Borough of Watchung wishes to authorize said Styrofoam Recycling Program, as recommended by the Environmental Commission, to be managed in collaboration with the Department of Public Works.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that a Styrofoam Recycling Program is hereby established as recommended by the Watchung Environmental Commission, to be held twice a year on a designated Saturday in the month of January and the month of September, subject to expansion should the program prove successful; and

BE IT FURTHER RESOLVED, that the Styrofoam Recycling Program be conducted in accordance with the attached Styrofoam Recycling Program Policy.


Wendy Robinson, Council President


Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: MISC., GREEN TEAM,
C: LM, ENV. COM.

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

APPROVING THE AMENDED AND RESTATED APPLICATION FOR A FINANCIAL AGREEMENT FILED BY BONNIE BURN REDEVELOPERS URBAN RENEWAL, LLC (formerly STERLING WATCHUNG, LLC) FOR A LONG-TERM TAX EXEMPTION PURSUANT TO N.J.S.A. 40A:20-1, ET SEQ. FOR AN INCLUSIONARY HOUSING PROJECT ON PROPERTY KNOWN AS 291 BONNIE BURN ROAD IDENTIFIED AS BLOCK 7403, LOTS 5 AND 10 AND BLOCK 7402, LOTS 19.01 AND 19.02 ON THE TAX MAP OF THE BOROUGH OF WATCHUNG

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (“LRHL”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Borough acts as redevelopment entity for the purpose of implementing redevelopment plans and carrying out redevelopment within the Borough pursuant to the LRHL; and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the Borough to enter into contracts or agreements for the planning, construction or undertaking of any development or redevelopment work in an area in need of redevelopment; and

WHEREAS, the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq., as amended and supplemented (“LTTEL”), establishes a payment in lieu of taxes program for the use of municipalities and urban renewal entities to assist with the development of projects in areas in need of redevelopment including inclusionary housing projects; and

WHEREAS, N.J.S.A. 40A:20-8 authorizes the Mayor of the Borough to receive tax exemption applications on behalf of the Borough and submit them with a recommendation to the Council of the Borough of Watchung (the “Council”) for consideration and final approval; and

WHEREAS, Karka Investments, Inc. (“Karka”) and Phillip Properties, Inc. (“Phillip”) are the owners of the property (collectively “Property Owners”) known as 291 Bonnie Burn Road, Watchung, New Jersey, and identified as Block 7403 Lots 5 and 10 and Block 7402 Lots 19.01 and 19.02 on the tax maps of the Borough of Watchung (collectively referred to as “the Property”), specifically Karka is the owner of the portion of the Property designated as Block 7402, Lots 19.01 and 19.02 and Block 7403 Lot 5 and Phillip is the owner of the portion of the Property designated as Block 7403, Lot 10; and

WHEREAS, on June 7, 2018, pursuant to Resolution R10:06/07/18, the Council authorized the Mayor and Council to enter into a settlement agreement with Fair Share Housing Center, Inc. in the matter captioned In the Matter of the Borough of Watchung (Mt. Laurel), Docket No. SOM-L-902-15, to confirm Watchung’s compliance with its affordable housing obligations, which designated the Property as a site for affordable housing and the Borough’s primary affordable housing compliance mechanism; and

WHEREAS, on June 7, 2018, pursuant to Resolution No. R11:06/07/18, the Mayor and Council directed the Borough of Watchung Planning Board (the “Planning Board”) to conduct a preliminary investigation to determine whether the Property should be designated as an area in need of redevelopment according to the criteria set forth in the LRHL; and

WHEREAS, on August 21, 2018, the Planning Board held a properly noticed public hearing at which the Borough planner presented findings resulting in a determination to recommend to the Council that the Property be designated as a non-condemnation area in need of redevelopment, memorialized by Resolution No. PB18-R08, adopted on September 18, 2018; and

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

WHEREAS, on October 4, 2018, pursuant to Resolution No. R11:10/04/18, the Council designated the Property as an Area in Need of Non-Condemnation Redevelopment (the “Redevelopment Area”); and

WHEREAS, on December 6, 2018 via Ordinance No. OR:18/20, the Borough adopted a redevelopment plan (the “Redevelopment Plan”), providing for the redevelopment of the Redevelopment Area; and

WHEREAS, the Property is in the Redevelopment Plan area and is subject to the Redevelopment Plan; and

WHEREAS, on December 6, 2018 pursuant to Resolution No. R9:12/06/18, the Borough conditionally designated BNE-Watchung, LLC (“BNE”) as the redeveloper of the Property conditioned upon the Borough and BNE entering into a Redevelopment Agreement and a Financial Agreement; and

WHEREAS, on April 18, 2019 via Ordinance No. OR:19/05, the Council amended the Redevelopment Plan to address comments of the Planning Board (as amended, the “Redevelopment Plan”); and

WHEREAS, on or about May 9, 2019 BNE filed a site plan application for the Property with the Planning Board designated as PB19-01 (“Application”), which was subsequently deemed complete and Planning Board hearings related to the Application commenced thereafter; and

WHEREAS, prior to the conclusion of the Planning Board hearings for the Application on or about May 5, 2020, BNE’s counsel advised the Planning Board that BNE terminated its contract with the Property Owners; and

WHEREAS, on May 19, 2020, the Planning Board voted to dismiss the Application without prejudice and adopted a resolution confirming same on June 16, 2020; and

WHEREAS, the Borough and BNE did not enter into a Redevelopment Agreement under the LHRL or a Financial Agreement under the LTTEL; and

WHEREAS, on July 13, 2020, the Property Owners filed an action against the Planning Board as a result of the dismissal of the Application in the matter captioned Karka Investments, Inc. and Phillip Properties Inc. v. The Borough of Watchung Planning Board, Docket No. SOM-L-806-20 (“Litigation”); and

WHEREAS, at the request of the Property Owners on November 19, 2020, by way of Resolution R8:11/19/20, the Borough conditionally designated the Property Owners as redeveloper of the Property for purposes of the Planning Board Application and the approval process; and

WHEREAS, at the request of the Property Owners on December 17, 2020 via Ordinance No. OR 20/06, the Borough adopted an Ordinance further amending and clarifying the Redevelopment Plan; and

WHEREAS, on February 23, 2021, the Property Owners and the Planning Board entered into a settlement agreement to dismiss the Litigation and allow the Planning Board Application to continue to be heard by the Planning Board; and

WHEREAS, thereafter, the Property Owners entered into a contract of sale to sell the Property to Sterling Watchung, LLC (now Bonnie Burn Redevelopers Urban Renewal, LLC); and

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

WHEREAS, on or about March 12, 2021 Sterling Watchung, LLC provided the Mayor and Council with information regarding its development experience and qualifications; and thereafter, advised the Council of its proposal to develop an inclusionary housing project containing six (6) residential buildings, consisting of not more than two hundred thirty (230) total rental units, of which not more than one hundred eighty-four (184) will be market-rate units and not more than forty-six (46) will be affordable housing units; one clubhouse building; and other related improvements on the Property (the "Project") consistent with the Redevelopment Plan; and

WHEREAS, by way of correspondence dated April 12, 2021, Karka and Phillips and Sterling Watchung, LLC requested that the Borough conditionally designate Sterling Watchung, LLC as Redeveloper of the Redevelopment Area; and

WHEREAS, on May 20, 2021, pursuant to Resolution No. R5:05/20/2021, the Borough conditionally designated Sterling Watchung, LLC (now Bonnie Burn Redevelopers Urban Renewal, LLC) ("Conditional Redeveloper") as the redeveloper of the Property; and

WHEREAS, pursuant to Resolution No. R5:05/20/2021, Conditional Redeveloper was permitted to convert to an urban renewal entity or assign said redeveloper selection and designation to an urban renewal entity controlled by Conditional Redeveloper; and

WHEREAS, pursuant to Resolution No. R5:05/20/2021, designation was conditioned upon the Conditional Redeveloper and the Borough entering into a Redevelopment Agreement and Financial Agreement under the LTTEL (Payment in Lieu of Taxes Program) including the adoption of any authorizing Resolution or Ordinance, acceptable to both parties within ninety (90) days of the adoption of Resolution No. R5:05/20/2021; and

WHEREAS, after receiving the approval of the State of New Jersey, Conditional Redeveloper converted to the urban renewal entity named Bonnie Burn Redevelopers Urban Renewal, LLC (the "Redeveloper"); and

WHEREAS, the Conditional Redeveloper designation as redeveloper was transferred to Redeveloper by operation of law and as authorized by Council Resolution No. R5:05/20/2021; and

WHEREAS, on June 8, 2021 the Redeveloper filed an Application for the Approval of a 30-year long term tax exemption for the Project under the LTTEL seeking a payment in lieu of taxes program based upon 10% of annual gross revenue (AGR) generated by the Project for years 1 through 10; 11% of AGR for years 11 through 16; 12% of AGR for years 17 through 22; 13% of AGR for years 23 through 28; and 14% of AGR for years 29 and 30, all subject to the statutory staged increases as required by the LTTEL; and

WHEREAS, at the request of the Redeveloper, on June 17, 2021 via Ordinance No. 21:08, the Council adopted an Ordinance further amending and clarifying the Redevelopment Plan; and

WHEREAS, on October 28, 2021 the Redeveloper obtained from Planning Board a preliminary site plan approval authorizing the development of the Project as an inclusionary housing project; and

WHEREAS, on November 3, 2021, after consultation and collaboration with the Borough and its professionals, Redeveloper has filed an Amended and Restated Application seeking the approval of a 30-year long term tax exemption for the Project under the LTTEL with a payment in lieu of taxes program based upon 13% of AGR generated by the Project for years 1 through 15, and 15% of AGR for years 16 through 30, all subject to the statutory staged increases as required by the LTTEL (the "Amended Application"); and

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

WHEREAS, the Amended Application contains documentation with respect to the Project, estimated total development costs, estimated time schedule for commencement and completion of the Project, and conceptual plans; and

WHEREAS, on November 22, 2021, pursuant to Resolution No. R10:11/22/2021, the Borough extended the conditional redeveloper designation until December 3, 2021; and

WHEREAS, the Council has evaluated the Amended Application together with the information provided by Redeveloper regarding its qualifications, capabilities, experience, and expertise; and

WHEREAS, under all of the circumstances, the Borough has determined that the Project qualifies for the long-term tax exemption under the LTTEL; and

WHEREAS, the Mayor has recommended the approval of the Amended Application; and,

WHEREAS, the Council has reviewed the Amended Application and seeks to approve it.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Watchung that the Amended Application filed by the Redeveloper under the LTTEL seeking a 30-year long term tax exemption for the Project with a payment in lieu of taxes program based upon 13% of AGR generated by the Project for years 1 through 15, and 15% of AGR for years 16 through 30 be and hereby is approved; and

BE IT FURTHER RESOLVED by the Council of the Borough of Watchung that the conditional redeveloper designation contained in Resolution No. R10:11/22/2021 is hereby extended to January 31, 2022 in order for the Borough and Redeveloper to finalize the Redevelopment Agreement and Financial Agreement for the Project.



Pietro Martino, Council Member



Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: CODE, PLANNING,
GENERAL CODE, C.TAYLOR
C: B. HANCE, T, SNYDER, 12/3/21

**BOROUGH OF WATCHUNG
RESOLUTION: R9**

BE IT RESOLVED that Ordinance **OR:21/12** entitled:

“AN ORDINANCE APPROVING THE FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF WATCHUNG AND BONNIE BURN REDEVELOPERS URBAN RENEWAL, LLC (formerly STERLING WATCHUNG, LLC) UNDER THE LONG-TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1, ET SEQ.) FOR AN INCLUSIONARY HOUSING PROJECT ON PROPERTY KNOWN AS 291 BONNIE BURN ROAD IDENTIFIED AS BLOCK 7403, LOTS 5 AND 10 AND BLOCK 7402, LOTS 19.01 AND 19.02 ON THE TAX MAP OF THE BOROUGH OF WATCHUNG”

Public Hearing December 16, 2021

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 16TH day of December, 2021 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.



Pietro Martino, Council Member



Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: CODE, PLANNING,
C: GENERAL CODE, C. TAYLOR
T. SNYDER, B. HANCE, 12/3/21

**BOROUGH OF WATCHUNG
ORDINANCE: 21/12**

APPROVING THE FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF WATCHUNG AND BONNIE BURN REDEVELOPERS URBAN RENEWAL, LLC (formerly STERLING WATCHUNG, LLC) UNDER THE LONG-TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1, ET SEQ.) FOR AN INCLUSIONARY HOUSING PROJECT ON PROPERTY KNOWN AS 291 BONNIE BURN ROAD IDENTIFIED AS BLOCK 7403, LOTS 5 AND 10 AND BLOCK 7402, LOTS 19.01 AND 19.02 ON THE TAX MAP OF THE BOROUGH OF WATCHUNG

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (“LRHL”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Borough acts as redevelopment entity for the purpose of implementing redevelopment plans and carrying out redevelopment within the Borough pursuant to the LRHL; and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the Borough to enter into contracts or agreements for the planning, construction or undertaking of any development or redevelopment work in an area in need of redevelopment; and

WHEREAS, the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq., as amended and supplemented (“LTTEL”), establishes a payment in lieu of taxes program for the use of municipalities and urban renewal entities to assist with the development of projects in areas in need of redevelopment including inclusionary housing projects; and

WHEREAS, N.J.S.A. 40A:20-8 authorizes the Mayor of the Borough to receive tax exemption applications on behalf of the Borough and submit them with a recommendation to the Borough of Watchung Council (the “Council”) for final approval; and

WHEREAS, Karka Investments, Inc. (“Karka”) and Phillip Properties, Inc. (“Phillip”) are the owners of the property (collectively “Property Owners”) known as 291 Bonnie Burn Road, Watchung, New Jersey, and identified as Block 7403 Lots 5 and 10 and Block 7402 Lots 19.01 and 19.02 on the tax maps of the Borough of Watchung (collectively referred to as “the Property”), specifically Karka is the owner of the portion of the Property designated as Block 7402, Lots 19.01 and 19.02 and Block 7403 Lot 5 and Phillip is the owner of the portion of the Property designated as Block 7403, Lot 10; and

WHEREAS, on June 7, 2018, pursuant to the authority granted to it in Resolution R10:06/07/18, the Council entered into a settlement agreement with Fair Share Housing Center, Inc. in the matter captioned In the Matter of the Borough of Watchung (Mt. Laurel), Docket No.

**BOROUGH OF WATCHUNG
ORDINANCE: 21/12**

SOM-L-902-15, to confirm Watchung's compliance with its affordable housing obligations, which designated the Property as a site for affordable housing and the Borough's primary affordable housing compliance mechanism (the "Affordable Housing Settlement Agreement"); and

WHEREAS, on June 7, 2018, pursuant to Resolution No. R11:06/07/18, the Mayor and Council directed the Borough of Watchung Planning Board (the "Planning Board") to conduct a preliminary investigation to determine whether the Property should be designated as an area in need of redevelopment according to the criteria set forth in the LRHL; and

WHEREAS, on August 21, 2018, the Planning Board held a properly noticed public hearing at which the Borough planner presented findings resulting in a determination to recommend to the Council that the Property be designated as a non-condemnation area in need of redevelopment, memorialized by Resolution No. PB18-R08 adopted on September 18, 2018; and

WHEREAS, on October 4, 2018, pursuant to Resolution No. R11:10/04/18, the Council designated the Property as an Area in Need of Non-Condensation Redevelopment (the "Redevelopment Area"); and

WHEREAS, on December 6, 2018 via Ordinance No. OR:18/20, the Borough adopted a redevelopment plan (the "Redevelopment Plan"), providing for the redevelopment of the Redevelopment Area; and

WHEREAS, the Property is in the Redevelopment Plan area and is subject to the Redevelopment Plan; and

WHEREAS, on December 6, 2018 pursuant to Resolution No. R9:12/06/18, the Borough conditionally designated BNE-Watchung, LLC ("BNE") as the redeveloper of the Property conditioned upon the Borough and BNE entering into a Redevelopment Agreement and a Financial Agreement; and

WHEREAS, on April 18, 2019 via Ordinance No. OR:19/05, the Council amended the Redevelopment Plan to address comments of the Planning Board (as amended, the "Redevelopment Plan"); and

WHEREAS, on or about May 9, 2019 BNE filed a site plan application for the Property with the Planning Board designated as PB19-01 ("Application"), which was subsequently

**BOROUGH OF WATCHUNG
ORDINANCE: 21/12**

deemed complete and Planning Board hearings related to the Application commenced thereafter;
and

WHEREAS, prior to the conclusion of the Planning Board hearings for the Application on or about May 5, 2020, BNE's counsel advised the Planning Board that BNE terminated its contract with the Property Owners; and

WHEREAS, on May 19, 2020, the Planning Board voted to dismiss the Application without prejudice and adopted a resolution confirming same on June 16, 2020; and

WHEREAS, as a result of the foregoing the Borough and BNE did not enter into a Redevelopment Agreement under the LHRL or a Financial Agreement under the LTTEL; and

WHEREAS, on July 13, 2020, the Property Owners filed an action against the Planning Board as a result of the dismissal of the Application in the matter captioned Karka Investments, Inc. and Phillip Properties Inc. v. The Borough of Watchung Planning Board, Docket No. SOM-L-806-20 ("Litigation"); and

WHEREAS, at the request of the Property Owners on November 19, 2020, by way of Resolution R8:11/19/20, the Borough conditionally designated the Property Owners as redeveloper of the Property for purposes of the Application and the approval process; and

WHEREAS, at the request of the Property Owners on December 17, 2020 via Ordinance No. OR 20/06, the Borough adopted an Ordinance further amending and clarifying the Redevelopment Plan; and

WHEREAS, on February 23, 2021, the Property Owners and the Planning Board entered into a settlement agreement to dismiss the Litigation and allow the Application to continue to be heard by the Planning Board; and

WHEREAS, thereafter, the Property Owners entered into a contract of sale to sell the Property to Sterling Watchung, LLC (now Bonnie Burn Redevelopers Urban Renewal, LLC); and

WHEREAS, on March 12, 2021 Sterling Watchung, LLC provided the Mayor and Council with information regarding its development experience and qualifications; and thereafter, advised the Council of its proposal to develop an inclusionary housing project containing six residential buildings, consisting of not more than 230 total rental units, of which not more than 184 will be market-rate units and not more than 46 will be affordable housing units with one clubhouse building; and related improvements on the Property (the "Project"); and

**BOROUGH OF WATCHUNG
ORDINANCE: 21/12**

WHEREAS, by way of correspondence dated April 12, 2021, Karka and Phillips and Sterling Watchung, LLC requested that the Borough conditionally designate Sterling Watchung, LLC as Redeveloper of the Redevelopment Area; and

WHEREAS, on May 20, 2021, pursuant to Resolution No. R5:05/20/2021, the Borough conditionally designated Sterling Watchung, LLC (now Bonnie Burn Redevelopers Urban Renewal, LLC) (“Conditional Redeveloper”) as the redeveloper of the Property; and

WHEREAS, pursuant to Resolution No. R5:05/20/2021, Conditional Redeveloper was permitted to convert to an urban renewal entity or assign said redeveloper selection and designation to an urban renewal entity controlled by Conditional Redeveloper; and

WHEREAS, pursuant to Resolution No. R5:05/20/2021, designation was conditioned upon the Conditional Redeveloper and the Borough entering into a Redevelopment Agreement and Financial Agreement under the LTTEL (Payment in Lieu of Taxes Program) including the adoption of any authorizing Resolution or Ordinance, acceptable to both parties within ninety (90) days of the adoption of Resolution No. R5:05/20/2021; and

WHEREAS, after receiving the approval of the State of New Jersey, Conditional Redeveloper converted to the urban renewal entity named Bonnie Burn Redevelopers Urban Renewal, LLC (the “Redeveloper”); and

WHEREAS, the Conditional Redeveloper designation as redeveloper was transferred to Redeveloper by operation of law and as authorized by Council Resolution No. R5:05/20/2021; and

WHEREAS, on June 8, 2021 the Redeveloper filed an Application for the Approval of a 30-year long term tax exemption for the Project under the LTTEL seeking a payment in lieu of taxes program based upon 10% of annual gross revenue (AGR) generated by the Project for years 1 through 10; 11% of AGR for years 11 through 16; 12% of AGR for years 17 through 22; 13% of AGR for years 23 through 28; and 14% of AGR for years 29 and 30, all subject to the statutory staged increases as required by the LTTEL; and

WHEREAS, at the request of the Redeveloper, on June 17, 2021 via Ordinance No. 21:08, the Council adopted an Ordinance further amending and clarifying the Redevelopment Plan; and

BOROUGH OF WATCHUNG
ORDINANCE: 21/12

WHEREAS, on October 28, 2021 the Redeveloper obtained from Planning Board a preliminary site plan approval authorizing the development of the Project as an inclusionary housing project; and

WHEREAS, on November 3, 2021, after consultation and collaboration with the Borough and its professionals, Redeveloper filed an Amended and Restated Application seeking the approval of a 30-year long term tax exemption for the Project under the LTTEL with a payment in lieu of taxes program based upon 13% of AGR generated by the Project for years 1 through 15, and 15% of AGR for years 16 through 30, all subject to the statutory staged increases as required by the LTTEL (the "Amended Application"); and

WHEREAS, the Amended Application contains documentation with respect to the Project, estimated total development costs, estimated time schedule for commencement and completion of the Project, and conceptual plans; and

WHEREAS, the Council evaluated the Amended Application together with the information provided by Redeveloper regarding its qualifications, capabilities, experience, and expertise; and

WHEREAS, the Borough determined that the Project qualifies for the long term tax exemption under the LTTEL; and

WHEREAS, the Mayor recommended the approval of the Amended Application; and,

WHEREAS, pursuant to Resolution No. R8:12/02/21, adopted on December 2, 2021, the Council approved the Amended Application; and

WHEREAS, the Redeveloper submitted with the Amended Application, a proposed Financial Agreement to be entered into by Redeveloper and the Borough (the "Financial Agreement") setting forth the payment in lieu of taxes program applicable to the Project and the rights, responsibilities and obligations of Redeveloper and the Borough under the LTTEL; and

WHEREAS, the Council has reviewed the Financial Agreement and makes the following findings in accordance with N.J.S.A. 40A:20-11(a) and N.J.S.A. 40A:20-11(b) regarding the relative benefits and costs of granting the tax exemption for the Project, the importance of the tax

BOROUGH OF WATCHUNG
ORDINANCE: 21/12

exemption in realizing the development of the Project and complying with the Affordable Housing Settlement Agreement:

- I. the tax exemption granted pursuant to the Financial Agreement will benefit the Borough and the community by assuring the successful redevelopment of the Property, which has exhibited the statutorily recognized redevelopment criteria for years;
- II. the benefits of granting the tax exemption will substantially outweigh the costs, if any, associated with the tax exemption;
- III. the Project is the Borough's primary mechanism for complying with its Third-Round affordable housing obligation as memorialized in the Affordable Housing Settlement Agreement, therefore, granting the tax exemption is critically important to the Borough, the Redeveloper, and the proposed occupants of the Project because without the incentive of the Financial Agreement, it is unlikely that the Project would be undertaken;
- IV. the high costs associated with the development and construction of the Project and the real estate taxes that would otherwise be levied upon the Project would operate as a disincentive to the redevelopment of the Property, and would therefore frustrate the goals and objectives of the Redevelopment Plan, the Affordable Housing Settlement Agreement, and would make the Project materially less competitive in the marketplace;
- V. the relative stability and predictability of the Annual Service Charges set forth in the Financial Agreement will make the Project more attractive to lenders and investors needed to finance the Project;
- VI. the relative stability and predictability of the Annual Service Charges set forth in the Financial Agreement will allow the Redeveloper to stabilize its operating budget, allowing a high level of maintenance to the complex over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project;
- VII. the Project will contribute to the economic growth of businesses in the surrounding area;

**BOROUGH OF WATCHUNG
ORDINANCE: 21/12**

- VIII. the Project will further the overall redevelopment objectives of the Redevelopment Plan and the Affordable Housing Settlement Agreement;
- IX. the current real estate taxes on the Property generate revenue of approximately \$8,000 of total taxes of which the Borough receives approximately \$2,500, whereas, the Annual Service Charge as estimated in the Financial Agreement, will generate revenue of \$833,000 to the Borough and an additional sum of approximately \$33,000 to Somerset County; and
- X. it is anticipated that the Project will create construction jobs and new permanent jobs.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey that:

A. The aforementioned recitals are incorporated herein as though fully set forth at length.

B. The Mayor and Borough Clerk are hereby authorized to execute a Financial Agreement, which shall include at a minimum the following terms and conditions:

1. Term: the earlier of (i) 30 years from Substantial Completion of the Project or thirty-five (35) years from the execution of the Financial Agreement;
2. Annual Service Charge: each year the greater of:
 - (i) the Minimum Annual Service Charge; (ii)(a) 13% of Annual Gross Revenue each year for years 1 through 15 of the Financial Agreement (e.g. in year 1 such amount would be \$865,681 based on the projected Annual Gross Revenue of \$6,659,087); (b) 15% of Annual Gross Revenue each year for years 16 through 30 of the Financial Agreement (e.g. in year 16 such amount would be \$1,344,338 based on the projected Annual Gross Revenue of \$8,962,254); and (iii) and which shall be subject to statutory staged increases under N.J.S.A. 40A:20-12.b (2) as specifically set forth in the Financial Agreement;
3. Administrative Fee: 2% of the prior year's Annual Service Charge which sum is estimated to be \$17,000;

**BOROUGH OF WATCHUNG
ORDINANCE: 21/12**

4. County Payment: the Borough to remit 5% of the Annual Service Charge received and collected to Somerset County which sum is estimate to be \$33,000;

C. The Borough Clerk shall deliver a certified copy of the Ordinance and executed Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.

D. The Amended Application together with the Financial Agreement is on file with the office of the Borough Clerk. The Financial Agreement to be executed shall be in substantially the form on file in the Office of the Borough Clerk, subject to such modification as the Mayor, Financial Consultant, Borough Administrator and/or Borough Council deems appropriate or necessary.

E. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

F. This ordinance shall take effect at the time and in the manner provided by law.

INTRODUCED: MARTINO
PASSED: DECEMBER 2, 2021
PUBLISHED:
ADOPTED:

INDEX: CODE, PLANNING
C: GENERAL CODE, C. TAYLOR
C. TAYLOR, CODE

ATTEST:

APPROVED:

Edith G. Gil, Borough Clerk

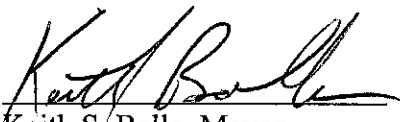
Keith S. Balla, Mayor

**BOROUGH OF WATCHUNG
RESOLUTION: R10**

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the salary of Deputy Clerk, **Regina Angelo**, be hereby adjusted to **\$61,381.00**, with an effective date of December 16, 2021.



Ronald Jubin, Council Member



Keith S. Balla, Mayor

DATE: DECEMBER 2, 2021
INDEX: MISC.,
C: FINANCE 12/3/21

**BOROUGH OF WATCHUNG
RESOLUTION: R11**

**AUTHORIZING EXECUTION OF A REVISED SHARED SERVICE AGREEMENT FOR THE
RESALE OF COMMODITIES AND OTHER RELATED SERVICES WITH THE SOMERSET
COUNTY DEPARTMENT OF PUBLIC WORKS**

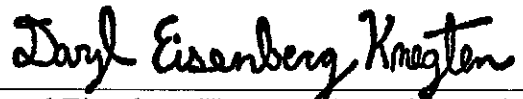
WHEREAS, the County of Somerset is a leader in the concept of shared services as evidenced by a history of Inter-local Services Agreements; and

WHEREAS, the Borough of Watchung entered into a Commodity Resale Agreement with the County of Somerset originally on January 12, 2012, in accordance with P.L. 2007; C.63, Uniform Shared Services and Consolidation Act, and the terms of an agreement, copy of which is on file with the Clerk of the Board; and

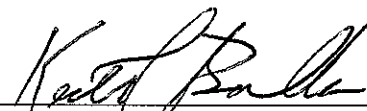
WHEREAS, the County of Somerset has issued a revised contract under the Commodity Resale System #201SCCRS, modifying the original contract to be in accordance with the rules and regulations set forth by the State of New Jersey, Department of Community Affairs, Division of Local Government Services, for the resale of gasoline, diesel fuel, snow removal chemicals, and public works materials and supplies; and

WHEREAS, the Borough of Watchung wishes to continue this Agreement with Somerset County for services as described above.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough Watchung, County of Somerset, State of New Jersey that the Mayor is hereby authorized to sign the revised agreement for the opportunity to accept public works commodities and services through with Somerset County for a five (5) year the period, ending December 31, 2026.



Daryl Eisenberg Knegten, Council Member



Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: FINANCE MISC., PURCHASING
C: W. HANCE, ENGINEERING, 12/3/21

**BOROUGH OF WATCHUNG
RESOLUTION: R12**

AUTHORIZING AND DIRECTING THE BOROUGH CLERK TO FORWARD MAYOR AND COUNCIL MEETING AGENDAS AND SUPPORTING DOCUMENTATION TO COUNCIL MEMBERS ELECT

WHEREAS, it has been the policy of the Mayor and Council of the Borough of Watchung to promote the efficient transition from outgoing elected officials to those newly elected; and

WHEREAS, while it has been the policy of the Mayor and Council to allow newly elected officials, once the election results have been certified by the County Clerk, to attend Executive Session conducted by the Mayor and Council at the public meetings, current legal counsel has raised concerns relating to the possibility of a claim of waiver of the attorney-client privilege and the possible implications of the same; and

WHEREAS, the Mayor and Council wish to continue to foster transparency, and promote an efficient transition between the outgoing and newly elected Council Members within the confines of the concerns raised by legal counsel.

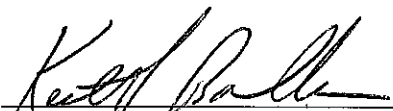
NOW. THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Borough Clerk is hereby authorized and directed to forward Mayor and Council Meeting Agendas and supporting material and documentation to the newly elected Council Members which are to be sworn in and take office on January 1, 2022; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Watchung that although permission to attend Executive Session has been historically provided, due to the concerns raised by legal counsel relating to the possible claim of a waiver of the attorney client privilege and the implications of same, the newly elected Borough Council Members who have not yet taken office will not be permitted to attend Executive Sessions prior to swearing-in and taking office; and

BE IT FURTHER RESOLVED by the Mayor and Council that this Resolution shall take effect immediately.



Ronald Rubin, Council Member



Keith S. Balla, Mayor

ADOPTED: DECEMBER 2, 2021
INDEX: MISC.
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