

**Zoom Info:**  
**(877) 853-5247**  
**(Toll Free)**  
**Webinar ID:**  
**878 6845 8884**

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**AGENDA**

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**BOROUGH OF WASHINGTON, WARREN COUNTY, NJ**

**September 21, 2021**  
**7:00 PM**

**STATEMENT OF ADEQUATE NOTICE**

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

**ROLL CALL** Conry, Cox, Duchemin, Heinrich, Noone, Norris, Higgins.

**AUDIENCE/COUNCIL APPEARANCE**

Remarks, petitions, statements and testimony from guests

**MINUTES**

September 7, 2021 (Regular)

**NEW BUSINESS**

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**Agenda-Continued**

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**OLD BUSINESS**

**ORDINANCES**

**RESOLUTIONS**

- **RESOLUTION 2021-110**-RESOLUTION TO APPROVE COOPERATIVE AGREEMENT
- **RESOLUTION 2021-111**-APPROVAL OF GRANT MANAGEMENT PLAN FOR SMALL CITIES GRANT FOR AN INNOVATED DEVELOPMENT FUND PROJECT TO REHABILITATE SUPPORTIVE HOUSING UNITS FOR LOW INCOME RESIDENTS OF WARREN HOUSING OPPORTUNITIES, INC. UNITS IN WASHINGTON BOROUGH, WARREN COUNTY, NEW JERSEY
- **RESOLUTION 2021 –112**-FAIR HOUSING - STATEMENT OF ACTIONS
- **RESOLUTION 2021-113**-SMALL CITIES CITIZEN PARTICIPATION PLAN
- **RESOLUTION 2021-114**-RESOLUTION IMPOSING A HALLOWEEN CURFEW AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT WITHIN THE BOROUGH OF WASHINGTON
- **RESOLUTION 2021-115** RESOLUTION TO REFUND OVERPAYMENT ON 2021 REAL ESTATE TAXES

**VOUCHERS**

**REPORTS**

**RECAP**

**COUNCIL REMARKS**

Remarks, Reports, Discussions

**EXECUTIVE SESSION- Initiative Ordinances**

**ADJOURNMENT** \_\_\_\_\_ P.M.

**RESOLUTION 2021-110**  
**RESOLUTION TO APPROVE**  
**COOPERATIVE AGREEMENT**

This agreement is made and by the Borough Council of Washington Borough, with its Administrative Offices at 100 Belvidere Avenue, Washington, NJ 07882-1426, hereinafter referred to as the “Borough” and Warren Housing Opportunities, Inc., a non-profit corporation of the State of New Jersey, maintaining its office at 319 W. Washington Avenue, Washington New Jersey, 07882-1426, hereinafter referred to as the “Association”.

WHEREAS, the Borough recognizes the need to expand and improve services and opportunities for citizens with developmental disabilities; and

WHEREAS, the Association has proposed an innovative development fund project to rehabilitate its supportive housing group homes within the Borough that require renovations for energy efficiency, health, safety and welfare and to bring units up to code; and

WHEREAS, grants are available through the New Jersey Department of Community Affairs under the 2020 Small Cities Community Development Block Grant Program Innovative Development Fund Program to provide funding for the rehabilitation of various Association group homes within the Borough;

NOW THEREFORE, the parties do hereby mutually covenant and agree as follows:

1. Pursuant to the 2022 Small Cities Grant Application # 2022-02292-0225, the Association will oversee the rehabilitation of four (4) supervised apartments and will administer the grant funding for these improvements. Funds for the construction are provided through the grant applied for through the Small Cities Program. Any grant agreements made pursuant to the grant approval will be made part of this agreement.
2. The parties acknowledge, ratify and confirm and do further represent that funds received by the Borough from the Department of Community Affairs under the 2022 Small Cities Community Development Block Grant Program Innovative Development Fund Grant will be utilized to reimburse the Borough for funds expended upon grant services as set forth in the budget and scope of services in the grant application, which documentation shall be made part of this agreement.
3. The Borough shall be entitled to these funds identified above from the Department of Community Affairs upon presentation of duly executed Borough vouchers according to the Payment Schedule identified as follows: At a minimum, quarterly reports and vouchers are due no later than the 15<sup>th</sup> day of the month following the end of the quarter.

The vouchers shall be in the form of approved purchase orders from the Borough and shall have annexed thereto a detailed itemization of the services rendered during the period for which

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reimbursement is sought and will set forth in detail the costs and expenses incurred by the Association. Additional information may be requested by the Chief Financial Officer of the Borough or her designated agent to enable her to independently audit and verify the accuracy of the payment sought. Payments from the Borough to vendors shall be made after approval by the Association and the Borough Council and certification by the Chief Financial Officer of the Borough that the amount sought is validly and properly due for the services rendered.

4. The Association shall be solely responsible for all aspects of design and construction and administration of the agreement. The Association, or its consultants, shall serve as the administrator of the improvements, including but not limited to, the obtaining of all necessary governmental approvals and permits, retention of all necessary professionals, awarding of all construction contracts, the overseeing of all aspects of construction, and insuring compliance with the provisions and requirements contained in the grant. The Association will seek administrative assistance from the ARC of Warren County for some aspects of administering the grant at the sole expense of the WHO.
5. All persons employed by the Association in administering the improvements to the Association's supervised apartments shall be employees, officials and agents of the Association and the Association shall be solely responsible for said personnel and its independent contractors, and none of the persons employed or contracted by the Association shall be regarded as employees or agents of the Borough.
6. The Association does hereby represent that it currently maintains a policy of liability insurance and professional liability in the amount of not less than \$1,000,000 total arising from any one injury, which policies cover all services which will be performed under the terms of the agreement. The Association further represents that it shall maintain said policies in full force and effect at all times during the term of this agreement and shall indemnify and hold harmless the Borough from any and all claims and damages against and/or incurred by the Borough, including attorney's fees, resulting from performance by the Association, its employees, contractors, agents or clients.
7. The Association agrees to name the Borough as an additional insured on its Liability Insurance Policy and will provide the Borough with a Certificate of Insurance naming the Borough as an additional insured.
8. No modifications to the Agreement shall be made without a written request to and approval from the Borough.
9. This Agreement shall run to the mutual benefit of, and bind the parties hereto, for the period of January 1, 2022 through completion of the Innovative Development Fund Grant between the Department of Community Affairs and the Borough of Washington, which grant agreement shall be made part of this agreement if awarded to the Borough.
10. The Association agrees to record a deferred loan on the property that is the recipient of the improvements. The deferred loan will be in place for the life of the improvements as determined by the project architect. If the property in question is sold by the Association or for some reason is

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no longer utilized by low- and moderate-income persons, the deferred loan will be repaid to the Borough.

11. The Borough agrees that if the Association repays the deferred loan for any reason, the funds will be utilized by the Borough for the benefit of low- and moderate-income households in the Borough as outlined in its Housing Element and Fair Share Plan and used to benefit people of low and moderate-income as classified by the USHUD State CDBG Program. If funds are not utilized by the Borough within two (2) years from date of receipts, the Borough shall return the funds to the New Jersey Small Cities Grant program.
12. The Association agrees to comply with all Grant compliance provisions and requirements contained in any grant agreement made between the Borough of Washington and the New Jersey Small Cities Community Development Block Program and shall adhere to the Community Development Block Program Handbook, which has been previously supplied to them.
13. The Association shall execute mandatory equal opportunity language to be included as part of this agreement.
14. The Borough will be responsible for the following:
  - a. Coordinate the execution of all necessary Resolutions and Public Notices.
  - b. Establish and maintain record-keeping systems specific to the Small Cities Grant Program.
  - c. Review Quarterly Progress Reports.
  - d. Review the Fiscal Monitoring Reports, Contract Activity Reports, State Invoices and Requisition Forms.
  - e. Review and sign all reimbursement requests.
  - f. Receive and deposit Small Cities Grant funds in proper accounts.
  - g. Issue payments through the approved voucher system directly to vendors.

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IN WITNESS WHEREOF, the parties have set their hands and seals.

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_

Laurie Barton, RMC, Borough Clerk

\_\_\_\_\_

David Higgins, Mayor, Borough of Washington

By:

\_\_\_\_\_

Witness

\_\_\_\_\_

John Whitehead, CEO, Warren Housing Opportunities, Inc.

**RESOLUTION 2021-111**

**APPROVAL OF GRANT MANAGEMENT PLAN FOR SMALL CITIES GRANT FOR AN INNOVATED DEVELOPMENT FUND PROJECT TO REHABILITATE SUPPORTIVE HOUSING UNITS FOR LOW INCOME RESIDENTS OF WARREN HOUSING OPPORTUNITIES, INC. UNITS IN WASHINGTON BOROUGH, WARREN COUNTY, NEW JERSEY**

**WHEREAS**, the Borough Council of the Borough of Washington (Council) has been notified of the State Fiscal Year 2020 Community Development Block Grant (CDBG) Small Cities Program Request for Proposals which includes funding toward an Innovative Development Fund category and the Warren Housing Opportunities, Inc. desire to apply for \$400,000 in funding to rehabilitate substandard housing units to occupy for use as supportive housing (supervised apartments) by developmentally disabled adults of low and moderate incomes; and

**WHEREAS**, the Council has successfully applied for Small Cities CDBG funding in the past as a cooperative partner with the Warren Housing Opportunities, Inc. to provide improvements to the Warren Housing Opportunities, Inc. facilities; and

**WHEREAS**, the Council desires to apply for a grant for \$400,000; and

**WHEREAS**, the Council recognizes that a Grant Management Plan must be adopted in order to properly identify the responsible parties for overseeing and implementing the grant; and

DRAFT SUBJECT TO CHANGE

**WHEREAS**, the Council has reviewed the Grant Management Plan submitted for Warren Housing Opportunities, Inc., Supportive Housing Rehabilitation Project;

**NOW THEREFORE BE IT RESOLVED** that the Mayor, Council approve of the above-referenced Grant Management Plan; and

**BE IT FURTHER RESOLVED** that copies of this Resolution and the attached application shall be provided to Warren Housing Opportunities, Inc., c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; Bruce Benton, Administrator, Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ, 08625-0811; and the Sussex County Division of Planning.

**RESOLUTION 2021 –112  
FAIR HOUSING - STATEMENT OF ACTIONS**

**WHEREAS**, the Borough of Washington has made an application for a Small Cities Innovative Fund Development Grant with the New Jersey Department of Community Affairs (hereafter NJDCA) for the rehabilitation of the Warren Housing Opportunities, Inc. supervised apartments to provide supportive housing for low-income individuals with developmental disabilities; and

**WHEREAS**, the Borough of Washington must make efforts to affirmatively further fair housing; and

**WHEREAS**, the Borough of Washington has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter USHUD) and

**WHEREAS**, the Borough of Washington has made assurances that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

**NOW, THEREFORE, BE IT RESOLVED** that, Matthew C. Hall, Borough Manager shall be designated as the Fair Housing Officer for the County of Warren; and

**BE IT FURTHER RESOLVED** that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

**BE IT FURTHER RESOLVED** that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Borough of Washington; and

**BE IT FURTHER RESOLVED** that the Borough of Washington will publish in the local newspaper of record and post at the municipal hall a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.



**RESOLUTION 2021-113**  
**SMALL CITIES CITIZEN PARTICIPATION PLAN**

**WHEREAS**, the Borough of Washington is applying for a grant with the New Jersey Department of Community Affairs; and

**WHEREAS**, that Grant Agreement requires the Borough of Washington to comply with all federal regulations with respect to citizen participation; and

**WHEREAS**, the Borough of Washington has reviewed the Citizen Participation Plan prepared for Small Cities CDBG grantees;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Washington, Warren County, State of New Jersey, that the Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted by the Borough of Washington; and

**BE IT FURTHER RESOLVED** that the Borough of Washington will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above; and

**BE IT FURTHER RESOLVED** that copies of this Resolution and the attached application shall be provided to the WHO, c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; and Bruce Benton, Administrator, Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ, 08625-0811; and the Washington Borough Administrative Offices.

**Certification:** I, Laurie A. Barton, Clerk of the Borough of Washington, County of Warren, State of New Jersey, do hereby certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Borough Council of The Borough of Washington on September 21, 2021.

Laurie Barton, RMC, Clerk  
Borough Council  
Borough of Washington

**SMALL CITIES PROGRAM**

**CITIZEN PARTICIPATION PLAN**

**I. Purpose**

The federal Housing and Community Development Act of 1974, as amended, requires that all recipients of Small Cities funds certify that they are following a detailed Citizen Participation Plan (CPP). By choosing to participate in this program, the State of New Jersey has certified that it will comply with the law by preparing a CPP that identifies those tasks that units of local government receiving Small Cities funds must perform.

It is the State's responsibility to assist participating units of local government in complying with the law and in documenting such compliance. It is the responsibility of all grantees to certify to the State that they will manage their Small Cities program in accordance with the State's CPP. Grantees will provide documentation demonstrating such compliance.

In the following sections, basic requirements of the law will be presented and methods of satisfying these requirements discussed. Please read this material carefully and thoroughly. If you have any questions, contact your Small Cities Program Representative. It is essential that each grantee complies with these requirements, since no Small Cities funds will be disbursed until compliance is certified by the grantee and approved by the Department.

**II. Statutory Requirements**

Each recipient of Small Cities Community Development Block Grant (CDBG) funds must certify that it is following a detailed Citizen Participation Plan that --

- (A) encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of areas in which CDBG Funds are proposed to be used, and in the case of a grantee described in Section 106(a) of the Act, provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
- (B) provides citizens with reasonable and timely access to local meetings, information, and records relating the grantee's proposed and actual use of funds under this program;
- (C) provides for technical assistance to groups representative of persons of low and moderate income who request assistance in developing proposals with the level and type of assistance to be determined by the grantee;
- (D) provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program including at least the development of needs, the review of proposed activities, and review of program performance. Hearings shall be held after adequate notice at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped;
- (E) provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and
- (F) identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

The provision and implementation of a CPP may not be construed to restrict the responsibility or authority of the grantee for the development and execution of its community development program.

All grantees must adopt the CPP and provide documentation of compliance throughout the term of the grant agreement. The components of the Plan and the kind of information necessary to document compliance are discussed in the following section.

**RESOLUTION RE: SMALL CITIES CITIZEN PARTICIPATION PLAN**

**Summary:** This resolution declares that the Borough of Washington has reviewed the Citizen Participation Plan prepared for its Small Cities CBDG grant application and will comply with all federal regulations with respect to citizen participation as required.

**RESOLUTION 2021-114  
RESOLUTION IMPOSING A HALLOWEEN CURFEW  
AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT  
WITHIN THE BOROUGH OF WASHINGTON**

**WHEREAS**, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the Borough; and

**WHEREAS**, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a **suggested curfew** to assist parents and lawful guardians of minor children; and

**WHEREAS**, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Washington Township Police Department by abiding by the curfew; and

**WHEREAS**, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore, needs to be regulated to provide for the safety, health, and welfare of all persons within the community.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Washington, in the County of Warren, State of New Jersey that there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 pm from Friday, October 29, 2021 up to and including Monday, November 1, 2021. Curfew shall be extended for school sponsored events to one (1) hour after the conclusion of the event.

**BE IT FURTHER RESOLVED**, that Trick-or-Treat Night shall be observed within the Borough of Washington on Sunday, October 31, 2021 from 3:00 pm to 7:00 pm.

**BE IT FURTHER RESOLVED**, that due to the uncertainty related to the coronavirus pandemic, any and all guidance provided by the Governor of the State of New Jersey, the Warren County Prosecutor's Office, and/or the Township of Washington's Chief of Police shall be adhered to.

**RESOLUTION 2021-115**  
**A RESOLUTION TO REFUND OVERPAYMENT**  
**ON 2021 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$1,793.26 on 2021 3rd Quarter Regular Taxes paid on property located at 141 North Lincoln Ave. also known as Block 6 Lot 33, and in the name of Almeida, Matthew & Newman, Kirsten; and

**WHEREAS**, the property owner, Matthew Almeida and Corelogic Tax Service had both paid the 3rd Quarter 2021 property taxes, resulting in the overpayment; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and the property owner submitted a written request to receive a refund for the overpayment which caused the overage Block 6 Lot 33.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,793.26 payable to:

Matthew Almeida  
141 North Lincoln Ave.  
Washington, NJ 07882