
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

February 2, 2021

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

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

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Tara St. James, Attorney

Absent: Duchemin

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into record:

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

PUBLIC COMMENT

Bob Flynn, JCP&L, introduced himself as the new representative for municipalities replacing Stan Praetor as he recovers from surgery.

Gina Appleby, Willow Ave., inquired about the first two resolutions. Asked if resolutions can be added to online agenda.

Robin Klimko, Willow Ave., inquired about getting an answer for her inquiry into the led lights at a borough business. Attorney Parikh recommended the ordinance be referred to the Land Use Board who has jurisdiction over the issue. Presently the ordinance is vague in addressing led lights. Mrs. Klimko inquired about snow removal and offered to have DPW use a vacant lot to store excess snow that is across street from her.

Eileen Wildreck (sp), Oakridge Rd., commended the DPW on clearing the roads of snow. Commented on the ongoing discussions of the garbage utility whether keeping it separate or part of taxes.

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

MINUTES

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

January 19, 2021.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

NEW BUSINESS

Motion

Motion made by Noone to request that the Land Use Board look at Article 6, 94-9 Lighting, to get it updated. Motion seconded by Conry; all were in favor.

ORDINANCES 2nd reading

Motion made by Noone and seconded by Conry to open the public hearing for Ordinance 2020-01 all were in favor.

Hearing no public comment, motion made by Coney and seconded by Heinrich to close the public hearing, all were in favor.

Motion made by Heinrich and seconded by Conry to adopt Ordinance 2020-01.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

ORDINANCE 2021-01

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE SALARY
ORDINANCE FOR CERTAIN POSITIONS AND ADDING CERTAIN TITLES AS FOLLOWS**

WHEREAS, pursuant to changes to state minimum wage requirements, various collective bargaining agreements, and the reorganization of certain positions, it has become necessary to adjust certain salary ranges and add various titles;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following salary ranges be amended:

SCHEDULE A – FULL-TIME CLASSIFIED

Clerk 1 (NC) Shared Services Stipend					\$8,750			AN
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SCHEDULE B – PART-TIME CLASSIFIED

Deputy Municipal Emergency Management Coordinator (Combined with Manager-Stipend)					\$6,500*			AN
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SCHEDULE C – UNCLASSIFIED SERVICE

Chief Financial Officer Shared Service Stipend					\$27,500			AN
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Deputy Municipal Clerk Shared Service Stipend					\$14,250.00			AN
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Municipal Clerk Shared Service Stipend					\$22,500			AN
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Municipal Emergency Management Coordinator Stipend					\$8,500*			AN
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Municipal Manager Shared Service Stipend					\$22,500			AN
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*** Dependent upon availability of Emergency Management Agency Assistance (EMAA) grant funds. In the event that EMAA funds are reduced and/or eliminated, stipend will be reduced in an amount commensurate with the reduction in grant funds.**

BE IT FURTHER RESOLVED, that upon passage of this ordinance the foregoing stipends be paid retroactively to January 1, 2021.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was duly adopted on 02-02-2021 at the regular meeting held at the Washington Borough Municipal Building; 100 Belvidere Avenue; Washington, New Jersey

OLD BUSINESS

Garbage Utility-discussions concerning Resolution 2021-15

Motion

Motion made by Cox and seconded by Norris to do away with garbage utility and to put it back into taxes.

Discussions ensued regarding intent of motion.

Motion made by Cox to correct previous motion and to revisit previous motion to put garbage back into taxes.

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

Ayes:2 Nays: 4

Motion fails.

Motion made by Noone and seconded by Conry, to revisit resolution 2021-15 and revisit the annual fee to amend 2021-15 for the annual cost to be changed to \$300.

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

Ayes: 6 Nays: 0

Motion passes.

Manager Hall gave a breakdown of costs and tipping fees associated with garbage. It was the consensus of council to keep bulk sticker prices as is.

Councilman Norris discussed his concerns regarding bulk items such as a dining room table and chairs and having to purchase bulk stickers for each item. Wrapping mattresses and box springs separately was also discussed.

RESOLUTIONS

Motion made by Conry and seconded by Norris to adopt Resolution 2021-30.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2021-30
BOROUGH COUNCIL – BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
JANUARY 20, 2021
RESOLUTION ADOPTING THE ‘AFFIRMATIVE MARKETING PLAN’
FOR THE BOROUGH OF WASHINGTON

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Washington is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Washington, are affirmatively marketed to low- and moderate-income households within Housing Region 2, the COAH Housing Region encompassing the Borough of Washington.

BE IT RESOLVED, that the Borough Council of the Borough of Washington in the County of Warren, and the State of New Jersey does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Washington shall be marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the Borough’s prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Washington. All of the

costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Washington, shall undertake, at the minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. Posting of an advertisement on the Borough of Washington's official municipal website.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. Pursuant to N.J.S.A. 40:37A-114.1, preference for affordable housing within a housing project may be provided to homeless veterans, disabled veterans, and family members who are the primary residential caregivers to disabled veterans residing with them. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Washington is located in COAH Housing Region 2, consisting of Essex, Morris, Union, and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger*, *Star Gazette*, and/or *Express Times*.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
4. The developer must provide satisfactory proof of public dissemination. See “Attachment A” COAH’s *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution).

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Borough Hall of Washington Borough
2. Washington Borough Web Site
3. Morris County Administration Building
4. Essex County Administration Building
5. Union County Administration Building
6. Warren County Administration Building
7. Morris County Library.
8. Essex County Library
9. Union County Library
10. Warren County Library

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer’s sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), NORWESCAP, the Supportive Housing Association, the Central Jersey Housing Resource Center, and the New Jersey Housing Resource Center for dissemination to their respective constituents.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of

COAH's *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center for dissemination of their respective constituents.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Morris County Board of Realtors
Essex County Board of Realtors
Union County Board of Realtors
Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Morris, Essex, Union, and Warren:

Warren County Division of Temporary Assistance and Social Services
New Jersey Rental Assistance Program
New Jersey Division of Aging Services
Warren County Division of Aging and Disability Services
Warren Housing Authority

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e.

4. In addition, specific notification of the availability of affordable housing units in Washington (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center (600 First Avenue, Suite 3, Raritan, NJ 08869), and the New Jersey Housing Resource Center (<https://nj.gov/njhrc/>).

- I. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low- and moderate-income households that live and/or work in COAH Housing Region 2, comprised of Morris, Essex, Union and Warren Counties. Pursuant to the New

Jersey Fair Housing Act (N.J.S.A.52:27D-311), a preference for very low, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.

- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified very low, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very low, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

Motion made by Noone and seconded by Conry to adopt Resolution 2021-31.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2021-31

RESOLUTION AUTHORIZING MAYOR AND CLERK

TO EXTEND AGREEMENT WITH WARREN COUNTY HOUSING PROGRAM

WHEREAS, the Borough of Washington (the “Borough”) filed a Declaratory Judgment Action (the “Litigation”) in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller, P.J., Cv.; and

WHEREAS, Fair Share Housing Center (“FSHC”) is a Supreme Court-designated interested party in the Litigation in accordance with the Supreme Court Decision; and

WHEREAS, through that process, the Borough and FSHC agreed to settle the Litigation pursuant to a certain Settlement Agreement;

WHEREAS, pursuant to the Settlement Agreement, the Borough agreed that its “Rehabilitation Need” for the Third Round is sixty-nine (69) units; and

WHEREAS, the Township has completed fifty-six (56) credits of such obligation; and

WHEREAS, the Borough previously partnered with the Warren County Housing Program to meet its “Rehabilitation Need;” and

WHEREAS, the Warren County Housing Program has proposed an Agreement (attached as Exhibit A) under which the Borough pays a flat fee of \$10,000 per unit and the Warren County Housing Program provides the remainder of the funding in order to rehabilitate deficient housing units in the Borough, regardless of the final cost to bring such units into compliance with applicable building and safety codes; and

WHEREAS, in order to comply with its obligations under the Settlement Agreement and provide a mechanism to meet its rehabilitation obligation, the Borough has determined that it is in the best interests of the Borough and its residents to enter into such Agreement with Warren County Housing Program through 2025 to provide for the rehabilitation of up to thirteen (13) residential units over the next approximately five (5) years; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute an Agreement with the Warren County Housing Program in substantially the same form as attached hereto as **Exhibit A**.

Motion made by Conry and seconded by Cox to adopt Resolution 2021-32.

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

Ayes: 6 Nays: 0
Motion passes.

RESOLUTION 2021-32

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 22, 2020 to Bala Partners LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$648.60 for taxes or other municipal liens assessed for the year 2019 in the name of Lakeview Loan Servicing LLC as supposed owner, and in said assessment and sale were described as 21 Lenape Trail, Block 101 Lot 13.14, which sale was evidenced by Certificate #20-00041 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-13-21 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,193.23 which is the amount necessary to redeem Tax Sale Certificate #20-00041.

NOW THEREFORE BE IT RESOLVED, on this 2nd day of February, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$3,293.23** (This consists of \$1,193.23 Certificate Amount redeemed + \$2,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 13.14 from the tax office records.

Motion made by Noone and seconded by Cox to adopt Resolution 2021-33.

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

RESOLUTION 2021-33

Municipal Alliances for the Prevention of Alcoholism and Drug Abuse

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Washington, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Washington, County of Warren, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Franklin/Mansfield/Washington Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$1,920.00
Cash Match	\$480.00
In-Kind	\$1,440.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

VOUCHERS AND CLAIMS

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

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

RECAP

Manager Hall recapped the following:

- Refer ordinance (lighting) to the Land Use Board, discussing with Attorney
- Prepare solid waste resolution for next meeting

APPOINTMENT

Motion made by Conry and seconded by Norris to approve Mayors appointment of Joshua Melchor to the Green Team, all were in favor.

CORRESPONDENCE-Attorney Parikh-Cannabis Legislation

Attorney Parikh outlined her correspondence to Mayor and Council concerning new legislation for marijuana regulations. Attorney Parikh discussed how its impact it will have on the borough and what the borough can do to enforce it and regulate it.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Inquired about regulations requiring residents to clear their sidewalks within 12 hours of a snow storm.
- Thanked the DPW on doing a great job.

Motion

Motion made by Norris to suspend the mandate to clear sidewalks due to winter storm Olena until Monday February 8th. Motion seconded by Cox; all were in favor.

Councilwoman Cox gave the following remarks:

- Reminded everyone one on what Fire Chief Higgins posted, to clear the fire hydrants of snow around them.
- Thanked the DPW o doing a fantastic job.
- Appreciates everyone willing to work with the town regarding trash.

Councilwoman Noone gave the following remarks:

- Thanked the DPW who were out all night long clearing roads and doing an excellent job.
- If people still not have been shoveled out to reach out.

Councilman Heinrich gave the following remarks:

- Thanked the DPW in doing an excellent job.

Mayor Higgins gave the following remarks:

- Stated that due to the weather the vaccinations sites have been closed. There's an uptick in infections and cases where people are getting reinfected.
- People are starting to relax the social distance; everyone needs to be good stewards and abide by the social distancing policies so we don't infect those around us.
- Stated that fire hydrants need to be shoveled out.
- Everyone needs to take precautions on clearing dryer vents and any other type of vent that could be covered by snow.

ADJOURNMENT

Hearing no further business, a motion was made by Cox seconded by Norris to adjourn the meeting at 8:28 pm.

Ayes: 6: Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk