
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

October 5, 2021

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

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

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

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into record:

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

PUBLIC COMMENT

Mel Thiel, BID Executive Director, thanked all of those that participated in this year’s festival and gave a breakdown on the events.

Two events coming up in October: Day of the Dead-on October 28th and Hometown Halloween on October 30th.

Donna Hill, Arc of Warren County, stated she is here regarding the resolutions on tonight’s agenda for a Grant.

Mayor Higgins addressed the public regarding their constitutional right to protest and added that Washinton Borough is not going to get involved.

Attorney St. Angelo cautioned those to not interfere with traffic or trespass on private property. There are no permits required for the protests.

Victoria Banko, Oxford resident, asked if the grass can be cut where they protest, in which they have been cutting it. Manager Hall stated that code enforcement has been notified. Mayor Higgins added that this is private property and there is not much they can do and again warned them that that area is private property.

Councilwoman Cox inquired on how long it is for code enforcement to take action after warnings have been issued.

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

MINUTES

Motion made by Noone and seconded by Heinrich to approve the September 7, 2021 minutes.

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

Ayes: 6 Nays: 0 Abstain: 1 (Duchemin)

Motion passes.

NEW BUSINESS

Initiative

Attorney St. Angelo briefly explained the Initiative that was received and at this time some signatures were inadequate. Two of the commissioners on the petition have been notified. This will be reported on at the next meeting for an update.

RESOLUTIONS

Motion made by Norris and seconded by Cox to adopt Resolution 2021-110

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

Ayes: 6 Nays: 0 Abstain: Duchemin

Motion passes.

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 15th 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 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 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.

Motion made by Conry and seconded by Cox to adopt Resolution 2021-111

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

Ayes: 6 Nays: 0 Abstain: Duchemin

Motion passe

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

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.

Motion made by Cox and seconded by Heinrich to adopt Resolution 2021-112

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

Ayes: 6 Nays: 0 Abstain: Duchemin

Motion passe

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.

Motion made by Cox and seconded by Conry to adopt Resolution 2021-113

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

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.

Motion made by Noone and seconded by Norris to adopt Resolution 2021-114

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

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
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.

Motion made by Conry and seconded by Norris to adopt Resolution 2021-115

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

Ayes: 7 Nays: 0

Motion passes.

**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

Motion made by Noone and seconded by Conry to adopt Resolution 2021-116

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

RESOLUTION 2021-116
A RESOLUTION PROVIDING FOR CANCELLATION GRANT FOR SOUTH
LINCOLN AVE IN THE AMOUNT OF \$84,000.00

WHEREAS, the Borough of Washington was awarded a NJDOT grant for South Lincoln Avenue in the amount of \$84,000.00; and

WHEREAS, this grant was inserted in 2020 Budget; and

WHEREAS, this grant was included in 2021 budget as a duplicate

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that the grant inserted in the 2021 budget in the amount of \$84,000.00 as revenue and appropriations be cancelled.

Motion made by Heinrich and seconded by Conry to adopt Resolution 2021-117

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

RESOLUTION 2021-117

A RESOLUTION TO REFUND OVERPAYMENT
ON 2021 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,965.14 on 2021 3rd Quarter Regular Taxes paid on property located at 30 Sunrise Terrace, also known as Block 44 Lot 55, and in the name of Trela, Thomas; and

WHEREAS, PTCS Title and Corelogic Tax Service had both paid the 3rd Quarter 2021 property taxes, resulting in the overpayment when the property changed ownership; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayment be refunded to them in order to forward the funds to Thomas Trela.

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 \$1,965.14 payable to:

Corelogic
Centralized Refunds
P.O. Box 9202

Coppell, TX 75019-9760

Motion made by Duchemin and seconded by Conry to adopt Resolution 2021-118

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2021-118

**A RESOLUTION TO REFUND OVERPAYMENT OF 1st & 2nd QUARTER 2021
REAL ESTATE TAXES DUE TO EXEMPT STATUS**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,824.13 on the 2nd Quarter 2021 Taxes due to payments being applied on property located at 11-15 Green Street, also known as Block 36 Lot 5 and assessed in the name of Collins, Vanessa E; and

WHEREAS, the property owner has qualified for Exempt Veteran Status in the year 2021 as of August 10, 2021, which has created the overpayment; and

WHEREAS, the Tax Collector has received a written request from the assessor to refund Vanessa Collins; and

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 to refund the amount of \$1,824.13 payable to:

Vanessa Collins
13 Green Street
Washington, NJ 07882

VOUCHERS AND CLAIMS

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

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

Ayes: 7 Nays: 0

Motion passes.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Discussed the Facebook discussions regarding trash pickup and two people following the workers and why two people are needed to supervise.
- Suggested re-naming the pocket park to Veterans Park.

Councilwoman Cox gave the following remarks:

- Town is looking good. Garbage cans are nice and would like to see the people use them.
- Nice to see police presence on bikes at festival.
- Garbage service is working but not happy with some of the brush still in town and wondered why it's not being picked up.
- Nice to be back in councils' chambers.

Councilman Heinrich gave the following remarks:

- Thanked the police department for their role in the recent lock down that occurred at his daughters school.
- The festival was great.

Councilwoman Noone gave the following remarks:

- Thanked all those who helped with the festival and the Farmers Market
- Business is picking up in the borough and additional businesses are coming in.
- Expressed her concern over finding a new library director. Added that she believes it should be someone hired full time and not part time. Discussions of the library budget shared services and cost of new director ensued.

Deputy Mayor Conry gave the following remarks:

- The seniors bus trip was canceled due to lack of interest.
- A new event for seniors will be coming November 20th, more information will be released soon.
- Thanked the police department, DPW, Manager Hall, Clerk, Laurie Barton and all the workers in the borough for doing a fantastic job.

Mayor Higgins gave the following remarks:

- Received a call from the USDA Disaster Assistance regarding small businesses.
- Received a call from Hope Mayor, Tim McDonough regarding an energy Co-Op.
- The annual softball game between the police and firemen was a good time for all. The police currently have possession of the trophy.

Lt. Kaufman gave the monthly report from the Washington Township Police Department.

EXECUTIVE SESSION

Motion made by Conry and seconded by Cox to enter into executive session for potential litigation all were in favor.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss Potential Litigation. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion made by Cox and seconded by Heinrich to return to regular session at 8:10 p.m., all were in favor.

ADJOURN

Hearing no further business to come before Council, motion made by Cox and seconded by Norris to adjourn the meeting at 8:10 PM, all were in favor.

Laurie A. Barton, RMC
Borough Clerk