

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – January 19, 2016**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Mayor McDonald read the following statement into the 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 Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor McDonald led everyone in the flag salute.

Roll Call: Klimko, Noone, Heinrich, Conry, McDonald, Higgins

Absent: Thompson

Also Present: Kristine Blanchard, RMC Borough Manager/Clerk;
Leslie Parikh, Municipal Attorney

MINUTES:

Regular Meeting Minutes December 1, 2015

Motion made by Heinrich, seconded by Noone to approve the Regular Meeting minutes of December 1, 2015.

Ayes: 6, Nays: 0
Motion Carried

Special Meeting Minutes December 28, 2015

Motion made by Heinrich, seconded by Noone to approve the Special Meeting minutes of December 28, 2015.

Ayes: 3, Nays: 0
Abstain: (3) Klimko, Heinrich, Conry
Motion Carried

COUNCIL APPEARANCE:

Jennifer Lettorale – Trust for Public Land

Ms. Lettorale discussed with Council the possibility of placing a question on the ballot concerning an Open Space Trust Fund. Ms. Lettorale brought with her two representatives from the Trust for Public Land which is a non-profit organization and has been a great resource for local governments to step up their open space preservation efforts. Ms. Lettorale is interested in preserving the last 125 acres of the Washington Cemetery property located on Cemetery Hill Road and would like to take the steps necessary to place the question on the ballot for the voters to decide. Greg Soha from the Trust for Public Land added that a few years ago, they did have an option contract with the owner of the land and is not sure if the owner is still interested in selling. Mr. Soha also added that the Trust for Public Land wanted to converse with the governing body first to see if there was interest to partner together to purchase the property before having discussion with the owners.

A motion made by Noone, and seconded by Conry to investigate and consider the prospect of the Open Space Trust Fund question on the ballot and signing the letter requesting assistance from the Trust for Public Land.

Ayes: 6, Nays: 0
Motion Carried

Washington Community Solar

Mr. DePhillipo provided an update to Council that the project is fully funded, permits were filed, and the equipment has been ordered. Mr. DePhillipo noted that the only hold up is that Washington Community Solar can not start construction until it has been proved that the Borough of Washington owns the water treatment plant run by Veolia Water North America. Mr. DePhillipo and Manager Blanchard are working together to provide the necessary proof that the Borough does maintain ownership of the property. Mr. DePhillipo explained the mechanics of the Washington Community Solar agreement and the assignment of the rights to the lease to General Energy Solutions. Attorney Parikh requested that Mr. DePhillipo provide Council with background information for General Energy Solutions.

AUDIENCE:

Mayor McDonald opened up the audience portion for remarks, petitions, statements, and testimony from guests.

Mr. Jay Arrington – Poetry in Motion Productions

Mr. Arrington updated Council in regards to the restoration project of the Washington Theatre. Mr. Arrington stated that Poetry in Motion Productions is officially a non-profit organization, have established their business account, and the plans are confirmed for their fundraiser with Centenary College.

Ms. Shirley Coleman – 166 North Lincoln Avenue

Ms. Coleman thanked Council for taking the time to care of North Lincoln Avenue. Ms. Coleman added that she is a resident of that street and she would really like to see JCP&L put up the gate that was discussed previously. Mr. Stan Prater from JCP&L spoke from the audience stating that he is working with the Mayor and Council and looking into all options.

Hearing no further comments from the audience a motion was made by Noone, seconded by Klimko to close the audience portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

A motion was made by Heinrich, seconded by Conry to receive and file the following reports:

1. Washington Township Police – December
2. Washington Township Police – Year End
3. Municipal Court Report – December

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES:

Ordinance #1-2016 An Ordinance of the Borough of Washington Creating Chapter __ Article __ Section __ of the Code of the Borough of Washington Authorizing and Regulating the Use of Fire Pits and Chimineas and Liquefied Petroleum-Gas-Fire Cooking Devices. Discussion and Introduction.

Council Discussion:

Fire Official Allin informed Council that his last day as Fire Official with the Borough of Washington will be March 11th due to the fact that he is moving out of state. Fire Official Allin stated that there were a few changes which he discussed with Council at this time.

A motion made by Conry, seconded by Noone to introduce Ordinance #1-2016 with the amendments discussed by Fire Official Allin and have the clerk read by title.

Roll Call: Conry, Noone, Heinrich, McDonald
Ayes: 4, Nays: (2) Klimko, Higgins
Motion Carried

The Clerk read Ordinance #1-2016 An Ordinance of the Borough of Washington Creating Chapter __ Article __ Section __ of the Code of the Borough of Washington Authorizing and Regulating the Use of Fire Pits and Chimineas and Liquefied Petroleum-Gas-Fire Cooking Devices.

ORDINANCE # 1-2016

AN ORDINANCE OF THE BOROUGH OF WASHINGTON CREATING CHAPTER __, ARTICLE __, SECTION __, OF THE CODE OF THE BOROUGH OF WASHINGTON AUTHORIZING AND REGULATING THE USE OF FIRE PITS AND CHIMINEAS & LIQUEFIED PETROLEUM-GAS-FIRE COOKING DEVICES.

WHEREAS, the Borough Council of the Borough of Washington (“Borough”) determines that outdoor fire can pose a significant hazard to the public health, safety, general welfare, and the quality of life of the residents of the Borough; and

WHEREAS, many residents seek to use and enjoy fire pits, chimineas, and like devices; and

WHEREAS, the Borough Council, pursuant to its regulatory authority, seeks to regulate outdoor fires to protect the safety, well-being and quality of life of all person within the Borough; and

WHEREAS, this Ordinance will permit the Borough Council to authorize and regulate the use of fire pits, outdoor fireplaces, and chimineas.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

Section One: Fire Pits and Chimineas, A new Article _____, of the Borough Code, entitled “Fire Pits and Chimineas”, is hereby created so the same shall read as follows:

Section _____: Fire Pits and Chimineas.

Fire pits, chimineas, outdoor fireplaces, and other similar devices are authorized within the Borough boundaries subject to the restrictions set forth in this Chapter.

Section _____. Restrictions.

- (a) Only firewood, wood pellets or coal may be burned in a fire pit, chiminea, outdoor fireplace, or other similar device within the Borough. No trash or other waste such as garbage, leaves, yard waste, brush, vines, evergreen needles, construction debris, rubbish, plastic materials, leather, furniture, engineered and architectural wood or petroleum based materials may be used to fuel any fire in any such device.
- (b) Kindling may be used to start a fire.
- (c) No outdoor fire, whether in a fire pit, chiminea, or the like, may be left unattended.

Section _____. Enforcement.

- (a) This Ordinance shall be administered by the Washington Borough Department of Fire Prevention, Washington Fire Department on Duty Officer or Senior Firefighters, Washington Township Police Department.
- (b) Anyone authorized to enforce this ordinance shall have the authority to immediately cause any person using a fire pit, chiminea, outdoor fireplace or like device within the Borough boundaries to extinguish the same if the enforcement official believes that the use of the fire pit, outdoor fireplace, chiminea, or like device is in violation of this ordinance.

Section _____, Penalties.

Any individual, person, firm, or corporation, violating and of provisions of this ordinance shall be liable to a fine no less than \$50.00 and no more than \$500.00.

Section Two: Prohibited open burning.

Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Section Three: Recreational Fires.

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

Section Four: Protection.

A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on site fire-extinguisher equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section Five: Open-flame cooking devices and outdoor fire-places.

Charcoal burners, other open-flame cooking devices and outdoor fireplaces shall not be operated or stored on combustible balconies or decks or within 5 feet (1524 mm) of combustible construction.

Section Six: Liquefied-petroleum-gas-fueled cooking.

Portable LP-gas cooking equipment such as barbecue grills and outdoor fireplaces shall not be stored or used:

1. On any porch, balcony or any other portion of a building;
2. Within any room or space of a building
3. Within 5 feet (1524 mm) of any combustible exterior wall;
4. Within 5 feet (1524 mm), vertically or horizontally, of an opening in any wall; or
5. Under any building overhang.

Section Seven: If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjusted invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Eight: This ordinance shall become effective upon final passage and publication according to law.

Motion made by Heinrich, seconded by Conry to approve Ordinance #1-2016 on first reading.

Roll Call: Conry, Noone, Heinrich, McDonald
Ayes: 4, Nays: (2) Klimko, Higgins
Motion Carried

Public Hearing of Ordinance #1-2016 An Ordinance of the Borough of Washington Creating Chapter __ Article __ Section __ of the Code of the Borough of Washington Authorizing and Regulating the Use of Fire Pits and Chimineas and Liquefied Petroleum-Gas-Fire Cooking Devices will be on February 16, 2016 and advertisement of the Public Hearing will be in the Star Gazette on January 29, 2016 .

A motion was made by Heinrich, seconded by Conry to approve advertisement of the Public Hearing of Ordinance #1-2016.

Roll Call: Conry, Noone, Heinrich, McDonald
Ayes: 4, Nays: (2) Klimko, Higgins
Motion Carried

Ordinance #2-2016 An Ordinance Repealing Chapter 42 of the Code of the Borough of Washington and Replacing it with a new Chapter 42, "Fire Prevention Code".
Discussion and Introduction.

Council Discussion:

Attorney Parikh stated that she has not had an opportunity to review this ordinance and would like to do so before it is introduced. Councilman Higgins asked if it was possible to have the violations and penalties listed in the ordinance. Fire Official Allin replied that penalties are scattered throughout the Fire Code and it would be very difficult to list each one. Mayor McDonald suggested leaving the ordinance as is and reference the Fire Code for the penalties and violations.

NEW BUSINESS:

Resolution #32-2016 Municipal Alliance Grant Year 2016-2017

Resolution #32-2016 was moved on a motion made by Conry, seconded by Noone and approved.

Roll Call: Klimko, Conry, Noone, Heinrich, Higgins, McDonald
Ayes: 6, Nays: 0
Motion Carried

Resolution #33-2016 Release of Escrow from Dofin Mathew Escrow Account

RESOLUTION #33-2016

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
DOFIN MATHEW ESCROW ACCOUNT HELD IN TRUST
BY THE BOROUGH OF WASHINGTON**

WHEREAS, Dofin Mathew has requested the return of the funds remaining in the escrow account #7760883384; and

WHEREAS, Scholl, Whittlesey & Gruenberg, LLC have certified that their final invoice has been paid for services rendered for the variance application and no action was required by the Borough Engineers in regard to the application;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Dofin Mathew in the amount of \$136.00 to close escrow account #7760883384.

Resolution #33-2016 was moved on a motion made by Conry, seconded by Heinrich and approved.

Roll Call: Klimko, Conry, Noone, Heinrich, Higgins, McDonald
Ayes: 6, Nays: 0
Motion Carried

Resolution #34-2016 Adjust Sewer Billings – Change in Use

RESOLUTION # 34-2016

A RESOLUTION TO ADJUST SEWER BILLINGS IN

**ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.**

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	
REASON/ADJUSTMENT		
24/26	Kwang Park & Kyung Eun 36-38 E. Washington Ave. Washington, NJ 07882	Change in Use (4.5) to (2) E.D.U.'s Effective: January
2016		

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Resolution #35-2016 Adjust Sewer Billings – Change in Use

RESOLUTION # 35-2016

**A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.**

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	
REASON/ADJUSTMENT		
99/11	West Washington Group 101-107 W. Washington Ave. Washington, NJ 07882	Change in Use (1.5) to (3) E.D.U.'s Effective: January 2016

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Resolutions #34-2016 and #35-2016 were moved on a motion made by Noone, seconded by Heinrich and approved.

Ayes: 6, Nays: 0
Motion Carried

Approval of Interlocal Agreement – Solid Waste Disposal

Approval of Interlocal Agreement was moved on a motion made by Noone, seconded by Conry and approved.

Ayes: 6, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,407,996.83

Motion made by Conry, seconded by Higgins to approve the vouchers.

Roll Call: Noone, Heinrich, Klimko, Conry, Higgins, McDonald
Ayes: 6, Nays: 0
Motion Carried

RECAP:

Manager Blanchard will reach out to the County Clerk to find out the deadline for adding questions to the ballot. Manager Blanchard also stated that she will make sure the changes are made to Ordinance #1-2016. Manager Blanchard would also like to establish Budget Meeting dates. Manager Blanchard added that she along with CFO Turchan would be prepared to discuss the budget during the last week of February. A budget meeting date was set for February 23, 2016 at 6:00 p.m.

COUNCIL REMARKS:

Councilman Higgins cleared up any confusion on how the discussion of the gate on the JCP&L property came about. Councilman Higgins had a phone conversation with Mr. Stan Prater from JCP&L discussing the water runoff and speeding in the area. Mr. Prater mentioned at that time that he could place a gate on the property to deter speeding. Councilman Higgins noted that the suggestion of a gate did not come from any resident of North Lincoln Avenue.

Councilman Heinrich stated that the Senior Advisory Committee has their first trip planned to the Sands Casino in Bethlehem for April 23, 2016 with a cost of \$25 per senior. There is also a trip planned for the end of the year on December 3, 2016 to

Longwood Gardens. Councilman Heinrich added that the Senior Advisory Committee meets on the last Thursday of the month in the conference room at 6:00 p.m.

Councilwoman Noone mentioned that there is a Business Recognition Reception on Thursday, February 4th from 6:00 p.m. to 8:00 p.m. at the Mediterranean Bistro sponsored by the Washington BID. Councilwoman Noone added that Marian Bredin from Good Impressions was recognized with a Lifetime Achievement Award and Stew's Auto Body and Towing for Outstanding Community Service. Councilwoman Noone noted that also being recognized are those businesses opened in Washington in the past year. Tickets to the event are \$25 per person. Councilwoman Noone also mentioned that the Finnegan Family has created the Washington Community Garden which has become very successful and popular. If anyone is interested in having a garden plot at the Washington Community Garden, there is a link on the Washington Borough website for more information.

Councilwoman Conry informed Council that the NAACP is sponsoring a scholarship dinner on Saturday, April 23rd at Hawk Pointe Golf Club.

Mayor McDonald stated that Joe Fox, Jr. has been appointed the new chief of the Washington Borough Fire Department along with Dirk Higgins as the assistant chief. The Washington Borough Fire Department presented a Certificate of Appreciation to the Mayor and Council.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed. A motion was made by Conry, seconded by Noone to enter into Executive Session for contract and litigation after a ten minute recess.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 44-2016

AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the

right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: ___/Personnel___ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Noone, seconded by Higgins, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

Resolution #36-2016 Authorizing System Modification to the Borough's Wastewater Treatment Plant by Veolia Water North America Northeast LLC

RESOLUTION #36-2016

**AUTHORIZING SYSTEM MODIFICATION TO THE BOROUGH'S
WASTEWATER TREATMENT PLANT BY VEOLIA WATER NORTH
AMERICA – NORTHEAST, LLC**

WHEREAS, on June 16, 1998, U.S. Filter Operating Services, now operating through successor affiliate Veolia Water North America – Northeast, LLC, was awarded a contract for the design, operations and maintenance of the Borough’s Waste Water Treatment Plant; and

WHEREAS, according to Article VIII, Section 8.5(B) of the Agreement, the Borough may authorize modifications to the Waste Water Treatment System; and

WHEREAS, negotiations have occurred to the satisfaction of both parties in order to make certain modifications to the Borough’s Waste Water Treatment System; and

WHEREAS, the Mayor and Council have decided that authorizing such modifications would be in the best interest of the Borough.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Washington, authorize certain modifications to the Waste Water Treatment System in accordance with the attached Amendment.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Borough Manager, Chief Financial Officer, and Veolia Water North America – Northeast, LLC.

CONTRACT AMENDMENT
BOROUGH OF WASHINGTON
WASTE WATER TREATMENT SYSTEM MODIFICATIONS

This Operations and Maintenance Agreement Amendment dated _____, 2015 is made by and among:

THE BOROUGH OF WASHINGTON, in the County of Warren, State of New Jersey, a municipal corporation of the State of New Jersey with Offices at 100 Belvedere Avenue, Washington, NJ 07882

And

VEOLIA WATER NORTH AMERICA – NORTHEAST, LLC, County of Suffolk, Commonwealth of Massachusetts, a corporation of the Commonwealth of Massachusetts with Offices at 53 State Street, 14th Floor, Boston MA 02109.

WHEREAS, on June 16, 1998, U.S. Filter Operating Services, predecessor affiliate of Veolia Water North America – Northeast, LLC (“Veolia”), was awarded a contract for the design, operations and maintenance of the Borough’s Waste Water Treatment Plant, and said contract allowed for both contract and service extensions and amendments; and

WHEREAS, according to Article VIII, Section 8.5(B) of the Agreement, the Borough may authorize modifications to the Waste Water Treatment System.

NOW, THEREFORE BE IT RESOLVED, in consideration of the above recitals and the mutual promises set forth below, the Parties agree as follows:

1. In accordance with Article VIII, “Waste Water Treatment System Modifications”, Section 8.5, “Procedures for Implementing Waste Water Treatment System Modifications For Which the Borough May Be Financially Responsible”, Sub-Section D, “Financing Waste Water Treatment System Modification Costs”
 - A. On or about October 2014 the Borough of Washington and Veolia Water North America entered an agreement for repairing the South Prospect Street Sewer Construction Project, which scope of work has changed significantly, thereby requiring a new agreement for the South Prospect Street Sewer Construction Project. The Project has been separated into two (2) Phases; Phase I is the replacement of sanitary sewer on Gardner’s Ct; Phase II is the construction of the South Prospect Street Pump Station. This new Agreement voids the prior Agreement and;
 - B. The Borough hereby authorizes Veolia to begin preparation on/about December 16, 2015 in repairing the **South Prospect Street Sewer Construction Project, Phase I** located at the Waste Water Treatment Plant in accordance with the following conditions:
 - i. The cost shall be paid by the Borough to Veolia as a lump sum in the amount of \$77,142.00.
 1. \$67,080 – estimated labor and material costs
 2. \$10,062 – estimated administrative oversight and profit.
 - ii. All plans/designs for the project are as provided by the Borough’s Waste Water Engineer as attached hereto under Exhibit A. Veolia shall be responsible for providing a construction schedule and payment schedule.
 - iii. In the event that the drawings and specifications provided by the Borough in Exhibit A do not reflect field conditions, Veolia and Borough shall work in good faith to establish a resolution, provided by the Borough’s Engineer and negotiate a change order to compensate Veolia, if such additional costs are incurred.
 - iv. Veolia shall be responsible for obtaining all required local and State permits and/or approvals before construction commences.
 - v. The Borough shall provide all construction layout and inspection services to reasonably ensure the workmanship and satisfactory

completion of the project. The Borough shall be responsible for collecting data and information required for the completion of as-built plans. Veolia shall reasonably cooperate in providing information and clarifications for the Borough's purposes of generating as-built drawings.

- vi. All other terms and conditions of the original Agreement remain in full affect during this project.

Resolution #36-2016 was moved on a motion made by Higgins, seconded by Conry with the revisions addressed by the Municipal Attorney and approved.

Roll Call: Klimko, Conry, Noone, Heinrich, Higgins, McDonald
Ayes: 6, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Heinrich, seconded by Noone to adjourn the meeting at 8:45 p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk