

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – August 16, 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, Heinrich, Conry, McDonald, Thompson, Higgins,
Noone

Also Present: Ann Kilduff, Borough Clerk, Jasmine Lim, Interim
Borough Manager, Leslie Parikh, Municipal Attorney,
Dawson Bloom, Municipal Engineer, Lieutenant
Kaufmann, Washington Township Police Department

MINUTES:

Regular Meeting Minutes June 21, 2016 and July 19, 2016. Special Meeting Minutes July 28, 2016

Motion made by Noone, seconded by Conry to approve the Regular Meeting Minutes of June 21, 2016 and July 19, 2016 as well as the Special Meeting Minutes of July 28, 2016.

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE:

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

Peter Michel – 28 South Lincoln Avenue

Mr. Michel asked why the public was not able to review Resolution #127-2016, which has to do with a redeveloper agreement, before a vote is cast. Attorney Parikh explained that there has been no amendment to the agreement, the resolution is to permit an amendment to the existing redeveloper agreement.

Gary Pohorely – 115 Wayne Street

Mr. Pohorely updated Council in regards to the Shade Tree Commission applying for a grant from the Department of Environmental Protection earlier this year. The Shade Tree Commission was awarded the grant in the amount of \$16,200 which allows the commission to hire a nursery and select fifty four trees. Mr. Pohorely added that the Shade Tree Commission could use some new members if anyone is interested. Mr. Pohorely also stated that he is a member of the Green Team which also gets volunteers from The College of New Jersey, the Phillipsburg Youth Corps and Warren Hills High School but could always use more volunteers. Mr. Pohorely stated that the Green Team works with the Washington Borough BID to coordinate the Farmer's Market which is every Saturday from 9:00 a.m. to 1:00 p.m. and he was able to get members of Boy Scout Troop 157 to volunteer to weed at the pocket park. Mr. Pohorely also commented that he would like to see something done to reduce the number unoccupied homes in town. Mayor McDonald replied that there is an Abandoned Properties Reclamation Act that the Borough is looking to utilize.

John Montaverde – Washington Borough BID, Director

Mr. Montaverde presented Council with flyers advertising the Festival in the Borough which has a great group of bands and vendors. Mr. Montaverde added that the BID now has twenty five brand new self-watering planters which will be out through Christmas. Mr. Montaverde thanked Councilwoman Klimko for her help in securing a dumpster and Stew's Autobody for their help in placing the dumpster.

Joseph Kresefsky – 35 South Lincoln Avenue

Mr. Kresefsky asked Council when South Lincoln Avenue may be paved. Councilman Higgins replied that the Streets Committee has a five year plan to pave every road in the Borough that needs to be done within the next five years and South Lincoln is on that list. Mr. Kresefsky stated that he has major concerns with some of the plans that are coming about in the community. Mr. Kresefsky asked Council to make decisions wisely and remember the people of the town when considering projects in the town. Mayor McDonald replied that any new projects typically go before the Planning Board which holds a public hearing on the plan and everything is done according to the laws of the State of New Jersey.

Denise Kresefsky – 35 South Lincoln Avenue

Mrs. Kresefsky stated that she did receive a notice to sign off on years ago in regards to Ray Rice's project which she signed for but received no letter. Mrs. Kresefsky added that she is totally opposed to the project for many reasons and feels that many residents did not receive a letter notifying them of the project. Mayor McDonald replied that as far as the residents not receiving the letters, that is an issue for the United States Postal Service as to why they were not received.

Stephanie Stone – 80 Taylor Street

Ms. Stone stated that she received a visit from Code Enforcement Officer Bescherer who received complaints from other residents that Ms. Stone has chickens on her property. Ms. Stone added that she is unable to find in the code book where it states that she is not allowed to have chickens. Mayor McDonald replied that it is his understanding that any animal that a resident has needs to be brought inside overnight and can be considered a pet. Ms. Stone had all of her neighbors sign off that the chickens are not a nuisance or a bother. Attorney Parikh replied that she will look into and report back to Council. Mayor McDonald asked Ms. Stone to provide her contact information to Interim Manager Lim.

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

Ayes: 7, Nays: 0
Motion Carried

REPORTS:

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

1. Zoning / Code Enforcement Report – July
2. Abandoned / Foreclosure List
3. Recreation Report – July
4. Warren County Board of Health – August

Council Discussion:

Councilman Heinrich asked if there was any follow up in regards to the Sewer EDU's mentioned in the Code Enforcement Report. Manager Lim replied that she will follow up and adjust the EDU's as necessary. Councilman Higgins noted that the Recreation Report was for July 2015 instead of July 2016. Councilwoman Conry added that 79 Youmans Avenue should also be added to the abandoned properties list.

Ayes: 7, Nays: 0
Motion Carried

COUNCIL COMMITTEE REPORTS:

Streets Committee –

Councilman Higgins stated that Mr. Bloom had scheduled a meeting with the Warren Hills Regional School District's Facilities Committee and they will have their engineer discuss with the board what needs to be done on their end.

A motion made by Higgins, seconded by Conry to TV camera the drainage pipes to look for broken lines and to see where they direct and use a metal detector to search for manhole covers on private property as long as the funds are certified by CFO Turchan.

Council Discussion:

Mr. Bloom added that he would be able to draft a letter to the residents requesting permission. Mr. Bloom believes the equipment required to video tape costs approximately \$800 per day which can be taken from the previously authorized \$3,500 for engineering fees pending availability of funds. Interim Manager Lim added that the original resolution establishing the not to exceed for engineering fees for the year had no set amount. The resolution needs to be readopted so that it can be published according to law. Interim Manager Lim stated that the budgeted amount for engineering fees is \$60,000 and will work with Mr. Bloom and CFO Turchan to ensure that amount is sufficient.

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

Ayes: 7, Nays: 0

Motion Carried

Mr. Bloom explained the TAP Grant to Council which is a federal program through the State of New Jersey which funds both water and surface transportation improvements. There is a total of \$13 million dollars available throughout New Jersey with a due date of September 16th for intent to apply. Mr. Bloom suggested that requesting \$500,000 would be a competitive bid however, if the Borough requests \$500,000 and is awarded \$400,000 they would need to contribute the remaining \$100,000 and move forward with the project and complete it within two years. Mr. Bloom will forward the information to Interim Manager Lim.

Councilman Higgins stated that he had received a phone call from a resident on Green Street who was pleased with the paving of the road. However, the resident is not happy with the asphalt curbing that was placed at the corner of Green Street and Belvidere Avenue. Mr. Bloom will take a look at the curbing and see what can be done to correct the situation.

Mr. Bloom added that he is waiting for the ordinance to go through to settle the account with Tilcon for last years paving and then the Borough can move forward with the road paving for this year.

Sewer Committee –

Councilman Higgins stated that he received a Sewer Report from May stating that there were roots and rags removed from the sewer but no branches which is in regards to the backup on North Prospect Street. Mr. Bloom added that there was a root intrusion in the main line that they were able to remove. Another issue is that the home had a floor drain in the basement that was not properly hooked up by code. Councilwoman Klimko asked if there was a way for Veolia to do maintenance clean outs of the mains to prevent future back ups. Councilwoman Klimko would like the areas that are known to have trouble cleaned out on a regular basis and would like to know who oversees Veolia. Mayor McDonald replied that it would probably be the Borough Manager who would make sure that the routine maintenance would be done. Councilman Higgins added that Council would have to check the contract with Veolia to see what the contract states. Councilman Higgins also stated that is a great question for Frank Mangravite from Public Works Management and if it is not in the current contract then that is something that should be added in the new contract.

Mr. Bloom added that the permits are prepared for the decommissioning of the Mill Pond Dam and will need a resolution from the Borough to authorize the consultant to act on behalf of the Borough.

OLD BUSINESS:

Ordinance #2-2016 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (Re-Introduction)

A motion made by Heinrich, seconded by Noone to introduce Ordinance #2-2016 and have the clerk read by title and the publication statement.

Roll Call: Conry, Noone, Heinrich, McDonald, Thompson,
Higgins, Klimko
Ayes: 7, Nays: 0
Motion Carried

The Clerk read Ordinance #2-2016 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

ORDINANCE # 2-2016

CALENDAR YEAR 2016

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 3.5 % increase in the budget for said year, amounting to \$102,355.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Washington Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 102,355.61, and that the CY 2016 municipal budget for the Washington Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion made by Heinrich, seconded by Conry to approve Ordinance #2-2016 on first reading.

Roll Call: Conry, Noone, Heinrich, McDonald, Klimko, Higgins,
Thompson
Ayes: 7, Nays: 0
Motion Carried

Public Hearing and Adoption of Ordinance #2-2016 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank will be on September 20, 2016 and advertisement of the Public Hearing will be in the Star Gazette on August 26, 2016.

A motion was made by Heinrich, seconded by Thompson to approve advertisement of the Public Hearing of Ordinance #2-2016.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins,
Thompson, Klimko
Ayes: 7, Nays: 0
Motion Carried

Resolution #7-2016 Authorizing 2016 Professional Services Contract with Gebhardt & Kiefer for Municipal Attorney Services

RESOLUTION 7-2016
AUTHORIZING 2016 PROFESSIONAL SERVICES CONTRACT WITH
GEBHARDT & KIEFER FOR MUNICIPAL ATTORNEY SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$42,000, excluding escrow-related services; and

WHEREAS, any additional work above and beyond the base for Municipal Attorney shall be charged in accordance with the hourly fee of \$155.00 only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, specifically regarding litigation, the hourly litigation fee will be \$155.00 per hour, not to exceed the 2015 budgeted amount unless authorized by the Borough Council of the Borough of Washington; and

WHEREAS, Gebhardt & Kiefer has completed and submitted a Business Entity Disclosure Certification which certifies that Gebhardt & Kiefer has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Gebhardt & Kiefer from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

5-01-20-155-000-027

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Gebhardt & Kiefer as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution.

Resolution #7-2016 was moved on a motion made by Noone, seconded by Thompson and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #8-2016 Authorizing 2016 Professional Services Contract with Winegar, Wilhelm, Glynn & Roemersma for Municipal Public Defender Services

RESOLUTION 8-2016
AUTHORIZING 2016 PROFESSIONAL SERVICES CONTRACT WITH
WINEGAR, WILHELM, GLYNN & ROEMERSMA FOR MUNICIPAL PUBLIC
DEFENDER SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Public Defender as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, for budgetary purposes, the Borough of Washington would like to have this contract reflect a not to exceed amount of \$200 per case.

WHEREAS, Winegar, Wilhelm, Glynn & Roemersma has completed and submitted a Business Entity Disclosure Certification which certifies that Winegar, Wilhelm, Glynn & Roemersma has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Winegar, Wilhelm, Glynn & Roemersma from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

5-01-43-495-000-027

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Winegar, Wilhelm, Glynn & Roemersma as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Winegar, Wilhelm, Glynn & Roemersma.

Resolution #8-2016 was moved on a motion made by Conry, seconded by Thompson and approved.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins
Ayes: 6, Nays: 0
Abstain: (1) Higgins
Motion Carried

Resolution #9-2016 Authorizing Professional Services Contract with Ferraiolo, Wielkotz, Cerullo & Cuva for Municipal Auditing Services

RESOLUTION #9-2016

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT
WITH FERRAIOLO, WIELKOTZ, CERULLO & CUVA
FOR MUNICIPAL AUDITING SERVICES**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Certified Municipal Auditor as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Ferraiolo, Wielkotz, Cerullo & Cuva has submitted a proposal dated November 3, 2015 indicating they will provide the above-referenced services for a cost of \$27,550.00; and

WHEREAS, any additional work above and beyond the base services will be charged in accordance with the hourly fee schedule provided in the above-referenced proposal only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, Ferraiolo, Wielkotz, Cerullo & Cuva has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraiolo, Wielkotz, Cerullo & Cuva has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Ferraiolo, Wielkotz, Cerullo & Cuva from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Ferraiolo, Wielkotz, Cerullo & Cuva as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Ferraiolo, Wielkotz, Cerullo & Cuva.

Resolution #9-2016 was moved on a motion made by Higgins, seconded by Thompson and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #10-2016 Authorizing 2016 Professional Services Contract with Finelli Consulting Engineers for Municipal Waste Water Engineering Services

RESOLUTION #10-2016

**AUTHORIZING 2016 PROFESSIONAL SERVICES CONTRACT WITH
FINELLI CONSULTING ENGINEERS FOR MUNICIPAL WASTE WATER
ENGINEERING SERVICES**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Waste Water Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of the 2016 adopted budget, excluding escrow related services; and

WHEREAS, any additional work above and beyond the base of Wastewater Engineering Services will be charged in accordance with the hourly fee of \$120.00 only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, Finelling Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Finelling Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Finelling Consulting Engineers from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

5-05-55-502-000-028

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Finelling Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelling Consulting Engineers .

Resolution #10-2016 was moved on a motion made by Conry, seconded by Higgins and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #11 Authorizing Professional Services Contract with Finelli Consulting Engineers for Municipal Engineering Services – Tabled

A motion was made by Higgins, seconded by Conry to table Resolution #11-2016 until the next Council Meeting.

Ayes: 7, Nays: 0
Motion Carried

Resolution #18-2016 Authorizing 2016 Professional Services Contract with Gibbons, P.C. for Municipal Bond Attorney Services

RESOLUTION #18-2016

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD & WOOD FOR BOND ATTORNEY SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Bond Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Hawkins, Delafield & Wood has submitted a proposal dated indicating they will provide the above-referenced services at the rates listed in their fee schedule for Bond Attorney Services; and

WHEREAS, Hawkins, Delafield & Wood has completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins, Delafield & Wood has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Hawkins, Delafield & Wood from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Hawkins, Delafield & Wood.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Hawkins, Delafield & Wood as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Hawkins, Delafield & Wood.

Resolution #18-2016 was moved on a motion made by Noone, seconded by Conry and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #20-2016 Authorizing 2016 Professional Services Contract with Richard Conley for Tax Appeal Attorney Services

RESOLUTION #20-2016

RESOLUTION AUTHORIZING 2016 PROFESSIONAL SERVICES CONTRACT WITH RICHARD CONLEY FOR TAX APPEAL ATTORNEY SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Tax Appeal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of the 2016 adopted budget amount, excluding any escrow related services and;

WHEREAS, Richard M. Conley, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Richard M. Conley, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Richard M. Conley, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Richard M. Conley, LLC.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Richard M. Conley, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Richard M. Conley, LLC.

Resolution #20-2016 was moved on a motion made by Conry, seconded by Heinrich and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #22-2016 Authorizing 2016 Professional Services Contract with Suburban Consulting Engineering Services for the Washington Square Development

RESOLUTION #22-2016

**AUTHORIZING 2016 PROFESSIONAL SERVICES CONTRACT WITH
SUBURBAN CONSULTING ENGINEERS FOR MUNICIPAL ENGINEERING
SERVICES FOR THE WASHINGTON SQUARE DEVELOPMENT**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Engineer specifically for the Washington Square Development as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the term of this contract is 1 year; and

WHEREAS, Suburban Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Suburban Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Suburban Consulting Engineers from making any reportable contributions through the term of the contract, and

WHEREAS, the services for Municipal Engineering for the Washington Square Development are strictly paid for out of escrow funds deposited by Ryan Homes and Jade Acquisition, LLC; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington enter into a contract with Suburban Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Suburban Consulting Engineers.

Resolution #22-2016 was moved on a motion made by Conry, seconded by Noone and approved.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0
Motion Carried

ORDINANCES:

Ordinance #4-2016 An Ordinance Providing Funding for Road Improvements for the Borough of Washington and Appropriating \$65,000 for Such Purpose (Public Hearing / Adoption)

A motion made by Heinrich, seconded by Conry to introduce Ordinance #4-2016 on final passage and have the clerk read by title and publication statement.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins,
Thompson; Klimko
Ayes: 7, Nays: 0
Motion Carried

The Clerk read Ordinance #4-2016 An Ordinance Providing Funding for Road Improvements for the Borough of Washington and Appropriating \$65,000 for Such Purpose

ORDINANCE #4-2016

AN ORDINANCE PROVIDING FUNDING FOR ROAD IMPROVEMENTS FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$65,000 FOR SUCH PURPOSE.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Washington, in the County of Warren, New Jersey, authorizes for various road improvements in the Borough, including but not limited to the following roads: Fillmore, Jefferson, North Lincoln Avenue, including all work and materials necessary therefor and incidental thereto for the Borough of Washington, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$65,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$65,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

(TO BE PUBLISHED WITH THE ORDINANCE, IN FULL OR BY TITLE, AND POSTED WITH THE ORDINANCE, IN FULL, AFTER INTRODUCTION AND AT LEAST SEVEN DAYS PRIOR TO THE PUBLIC HEARING)

AN ORDINANCE PROVIDING FUNDING FOR ROAD IMPROVEMENTS FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$65,000 FOR SUCH PURPOSE

NOTICE OF PENDING ORDINANCE

The ordinance, the title of which is published herewith, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Washington, in the County of Warren, New Jersey, held on July 19, 2016. It will be further considered for final passage after public hearing thereon, at a meeting of said Borough Council to be held in the Municipal Building, 100 Belvidere Avenue, in said Borough on August 16, 2016 at 7:00 o'clock P.M., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Municipal Building said Borough to the members of the general public who shall request the same. The purpose of said ordinance is to make an appropriation in the amount of \$65,000 for various road improvements in the Borough, including but not limited to the following roads: Fillmore, Jefferson, North Lincoln Avenue, including all work and materials necessary therefor and incidental thereto.

Hearing no comments from the public, a motion was made by Higgins, seconded by Heinrich to close the public hearing of Ordinance #4-2016

Roll Call: Conry, Noone, Heinrich, McDonald, Thompson,
Higgins, Klimko
Ayes: 7, Nays: 0

Motion Carried

A motion was made by Heinrich, seconded by Conry to adopt Ordinance #4-2016 on final passage.

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

Ayes: 7, Nays: 0

Motion Carried

Ordinance #5-2016 An Ordinance Providing Funding for Road Paving and Crosswalk Reconstruction for the Borough of Washington and Appropriating \$400,000 for Such Purpose (Introduction)

A motion made by Conry, seconded by Thompson to introduce Ordinance #5-2016 and have the clerk read by title and the publication statement.

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

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance #5-2016 An Ordinance Providing Funding for Road Paving and Crosswalk Reconstruction for the Borough of Washington and Appropriating \$400,000 for Such Purpose

ORDINANCE #5-2016

AN ORDINANCE PROVIDING FUNDING FOR ROAD PAVING AND CROSSWALK RECONSTRUCTION FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$400,000 FOR SUCH PURPOSE.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Washington, in the County of Warren, New Jersey, authorizes for a road paving project, including but not limited to the following

roads: O’Shea Street, Fisher Avenue, James Street, Oakwood Terrace, McDonald Street and Flower Avenue, and crosswalk reconstruction, including all work and materials necessary therefor and incidental thereto for the Borough of Washington, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$400,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$400,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

(TO BE PUBLISHED WITH THE ORDINANCE, IN FULL OR BY TITLE, AND POSTED WITH THE ORDINANCE, IN FULL, AFTER INTRODUCTION AND AT LEAST SEVEN DAYS PRIOR TO THE PUBLIC HEARING)

AN ORDINANCE PROVIDING FUNDING FOR ROAD PAVING AND CROSSWALK RECONSTRUCTION FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$400,000 FOR SUCH PURPOSE

NOTICE OF PENDING ORDINANCE

The ordinance, the title of which is published herewith, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Washington, in the County of Warren, New Jersey, held on August 16, 2016. It will be further considered for final passage after public hearing thereon, at a meeting of said Borough Council to be held in the Municipal Building, 100 Belvidere Avenue, in said Borough on September 20, 2016 at 7:00 o’clock P.M., and during the week prior to and up to and including the date

of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Municipal Building said Borough to the members of the general public who shall request the same. The purpose of said ordinance is to make an appropriation in the amount of \$400,000 for a road paving project, including but not limited to the following roads: O'Shea Street, Fisher Avenue, James Street, Oakwood Terrace, McDonald Street and Flower Avenue, and crosswalk reconstruction, including all work and materials necessary therefor and incidental thereto.

Motion made by Higgins, seconded by Klimko to approve Ordinance #5-2016 on first reading.

Roll Call: Conry, Noone, Heinrich, McDonald, Klimko, Higgins,
Thompson
Ayes: 7, Nays: 0
Motion Carried

Public Hearing and Adoption of Ordinance #5-2016 An Ordinance Providing Funding for Road Paving and Crosswalk Reconstruction for the Borough of Washington and Appropriating \$400,000 for Such Purpose will be on September 20, 2016 and advertisement of the Public Hearing will be in the Star Gazette on August 26, 2016.

A motion was made by Higgins, seconded by Conry to approve advertisement of the Public Hearing of Ordinance #5-2016.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins,
Thompson, Klimko
Ayes: 7, Nays: 0
Motion Carried

NEW BUSINESS:

Resolution #122-2016 Authorizing the Release of the Remaining Balance in the Developer's Escrow Account for Washington Cemetery Held in Trust by the Borough of Washington

RESOLUTION #122-2016

**A RESOLUTION AUTHORIZING THE RELEASE OF THE REMAINING
BALANCE IN THE DEVELOPER'S ESCROW ACCOUNT FOR WASHINGTON
CEMETERY HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Louis Chicalese of Washington Cemetery has requested the release of the balance remaining in escrow account #760883533; and

WHEREAS, Stanley J. Schrek, P.E., of Van Cleef Engineering Associates, LLC recommends the release of the remaining balance of \$911.50;

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 Washington Cemetery, for the remaining balance in their account.

Resolution #122-2016 was moved on a motion made by Noone, seconded by Conry and approved.

Council Discussion:

Mayor McDonald noted that the Washington Cemetery met with the Technical Review Committee to discuss options for their property however, nothing came of it and this is the unused portion of funds in escrow for the professionals to attend the meeting.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0
Motion Carried

Resolution #123-2016 Refund Overpayment on 2016 Real Estate Taxes

RESOLUTION #123-2016

A RESOLUTION TO REFUND OVERPAYMENT ON 2016 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$2,246.18 on 2016 3rd Quarter Regular Taxes paid on property located at 2-4 Flower Avenue also known as Block 70 Lot 10, and in the name of Skorets, Lynn A.; and

WHEREAS, the property owner, Lynn Skorets and Wells Fargo Tax Service had both paid the 2016 3rd Quarter Regular Taxes when the property owner did not realize the

tax service was scheduled to begin paying taxes, resulting in the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Lynn Skorets that the overpayment be refunded to her.

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 \$2,246.18 payable to:

Lynn Skorets
4 Flower Avenue
Washington, NJ 07882

Resolution #123-2016 was moved on a motion made by Higgins, seconded by Thompson and approved.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,595,781.74

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

Roll Call: Heinrich, Klimko, Conry, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0
Abstain: (1) Thompson (Fire & EMS only)
Motion Carried

RECAP:

Interim Manager Lim will follow up with Attorney Parikh on whether chickens are permitted in the Borough. Interim Manager Lim will also check on the EDU's usage for 256 Belvidere Avenue and check on the Veolia contract with regards to any maintenance that is required. Interim Manager Lim will also check to make sure that there are no Suburban Engineering bills charged to the general engineering account.

COUNCIL REMARKS:

Councilwoman Conry reminded Code Enforcement Officer Bescherer of the condition of 79 Youmans Avenue. Councilwoman Conry asked about the debris on the corner in front of the Railroad Avenue Apartments. Code Enforcement Officer Bescherer said he will look into it. Councilwoman Conry asked Interim Manager Lim to contact Norfolk Southern in regards to their overgrown bushes. Code Enforcement Officer Bescherer stated that he has tried to contact them as well. Councilwoman Conry stated that she will send an email copying Interim Manager Lim.

Councilman Thompson suggested that Council look into building maintenance especially the storm drains with the winter months coming.

Councilwoman Klimko noted that in the municipal lot there are two mattresses, a box frame and a large television that have been there for some time. Councilwoman Klimko also noted that there are grass clippings and other debris on Mr. Ray Rice's property downtown. Mr. Rice replied that it is his intent to begin the demolition process soon and will take care of mowing the property this week. Councilwoman Klimko also stated that the Borough does not have anything in the ordinance book in regards to open trailers and there are many containing garbage and other debris throughout the Borough. Attorney Parikh will look into the open trailer issue and report back to Council. Councilwoman Klimko also added that the municipal parking lot located at 44 East Washington Avenue is cluttered with garbage in the area of the VanCleaf Apartments. Councilwoman Klimko asked about the status of the timeclocks. Mayor McDonald replied that the Borough is trying to get a few other items straightened out and that the timeclocks are a low priority issue right now.

Councilman Higgins noted that by the time Council meets again, school will be back in session. Councilman Higgins stated that the no parking signs in regards to Ordinance #4-2014 have never been ordered. Councilman Higgins would like for that ordinance to be reviewed and the appropriate signs ordered and placed before school starts to avoid confusion.

Councilman Thompson asked what can be done about the parking lot located at Borough Hall because the postal employees take up a large percentage of the lot. Mayor McDonald stated that it is a public lot and the only way that can be changed is if the Streets Committee discusses it and recommends any changes to be made through ordinance.

Councilwoman Conry asked if 149 North Lincoln was torn down yet since there were funds budgeted for that purpose. Interim Manager Lim will check into the status of the demolition.

At this time, Mr. Pete Mulligan entered the meeting asking for an update flooding situation in the back of his property on Carlton Avenue. Mr. Bloom replied that he met

with the Warren Hills Regional School District's Buildings & Grounds Committee yesterday and discussed the issue. Mr. Bloom will follow up with the Superintendent to let him know what the Borough intends to do to move forward to correct the situation.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed for contract Negotiations, litigation, attorney client privilege, collective bargaining and personnel matters. A motion was made by Thompson, seconded by Noone to enter into Executive Session after a ten minute recess.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 126-2016

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 Conry, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

Resolution #127-2016 Authorizing the Borough of Washington to Execute an Amendment to the Redevelopers Agreement

RESOLUTION # 127-2016

RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TO EXECUTE AN AMENDMENT TO THE REDEVELOPER AGREEMENT

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), the Borough of Washington acting by resolution, determined that the Washington Avenue Core District was an “area in need of redevelopment” in accordance with N.J.S.A. 40A:12A-6(b); and

WHEREAS, in furtherance of same, the Borough of Washington and Jade Partners LLC (“Jade”) entered into a certain Redevelopment Agreement dated September 16, 2014 ; and

WHEREAS, the Redevelopment Agreement authorized Jade to redevelop Block 95, Lots 3 & 4 on New Jersey Route 57 also known as West Washington Avenue, in accordance with the terms thereof; and

WHEREAS, the Borough and Jade have since determined that it would be in the best interest of all parties to amend the existing Agreement in order for the parties to enter into an agreement pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1; and

WHEREAS, Jade has also negotiated a contract for the purchase of surplus land owned by the Borough and designated as Block 95, Lot 31 (“Property”); and

WHEREAS, the Borough passed Ordinance # 5-2013, which authorized the sale of the Property to Jade and provided that the specific terms of the sale would be set forth in a resolution authorizing the sale; and

WHEREAS, Borough Resolution # 198-2013 further specified the terms and authorized the sale of said Property; and

WHEREAS, the Borough of Washington now wishes to amend the existing Redeveloper Agreement to reflect the new agreement pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A 40A:20-1; and

WHEREAS, because title to the aforementioned Property did not close as of the date of this Resolution, the Borough has determined that the Amendment set forth below shall be subject to the closing of title on the Property within sixty (60) days of the passage of this Resolution.

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

I. AMENDMENT

If within sixty (60) days of the passing of the instant Resolution, the closing on the aforementioned Property occurs, Paragraph 25 of the Redeveloper Agreement shall be deleted in its entirety and replaced with following:

Tax Abatements. The Borough acknowledges and agrees that the Redeveloper will be submitting a Governmental Application to the Borough under the Long Term Tax Exemption Law for approval of an agreement for payment in lieu of taxes, (hereinafter referred to as a "Financial Agreement"). The Redeveloper and the Borough recognize that the Financial Agreement will benefit the Redeveloper, the Borough, and the potential residents and/or tenants of the Project. If proposed by the Redeveloper, the Borough may consider and approve such application and adopt the required ordinance within sixty (60) days of the date the Redeveloper files the application with the Borough. The proposed terms of the Financial Agreement are set forth in Exhibit "___" attached hereto. The Financial Agreement shall be subject to the receipt of all Governmental Approvals required by the Applicable Laws. If Redeveloper defaults under this Agreement or fails to obtain all Governmental Approvals within the specified time period or Commence Construction within the specified time period, the Borough is not obligated to enter into the Financial Agreement or may void such Agreement if already executed.

II. EXECUTION

(a) The Mayor is hereby authorized to execute an amendment to the Original Redevelopment Agreement, a form of which is attached hereto as Exhibit B (the "Amendment"), together with such additions, deletions and modifications as are necessary and desirable in consultation with counsel to effectuate the same.

(b) The Borough Clerk hereby authorized and directed, upon execution of the Amendment in accordance with the terms of Section II(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Borough upon such document.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Borough

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

Resolution #127-2016 was moved on a motion made by Conry, seconded by Noone and approved.

Roll Call: Conry, Heinrich, McDonald,
Noone,

Ayes: 4, Nays: (3) Klimko, Thompson, Higgins

Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Higgins, seconded by Noone to adjourn the meeting at 9:35 p.m.

Ayes: 7, Nays: 0

Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk