

O: 2014-24

**A CAPITAL ORDINANCE PROVIDING FOR A FULLY FUNDED ROAD IMPROVEMENT PROJECT FOR RAILROAD AVENUE, DAVIS STREET, COLBY PLACE, ROSE STREET, WILSON STREET, ANN STREET, PURSEL STREET, THOMAS STREET AND HARRIS STREET IMPROVEMENTS, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$171,412.13 FROM THE RESERVE AQUA ROAD IMPROVEMENT FUND TO PAY FOR THE COST THEREOF**

WHEREAS, the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"), wishes to commence certain road improvements, as shall be more particularly described in documents on file in the Office of the Clerk of the Town and by this reference incorporated herein (the "Capital Improvement"), by, in and for the Town; and

WHEREAS, the costs of said Capital Improvement is estimated to be \$171,412.13; and

WHEREAS, the Town Council desires to authorize an appropriation from the Reserve Aqua Road Improvement Fund in the amount of \$171,412.13 to undertake the aforesaid Capital Improvement.

**BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY** (a majority of the full membership thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The capital improvement or purpose described in Section 2 of this capital ordinance is hereby authorized as a capital improvement to be undertaken by the Town. There is hereby appropriated the amount of \$171,412.13 from the Reserve Aqua Road Capital Improvement Fund for said improvement or purpose stated in Section 2 hereof.

**SECTION 2.** The capital improvement or purpose hereby authorized is the road improvements of Railroad Avenue, Davis Street, Colby Place, Rose Street, Wilson Street, Ann Street, Pursel Street, Thomas Street and Harris Street, as shall be more particularly described in documents on file in the Office of the Clerk of the Town and by this reference incorporated herein and also including all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

**SECTION 3.** The Mayor, Chief Financial Officer and any other official/officer of the Town are each hereby authorized and directed to execute, deliver and perform any agreement

necessary to undertake the improvement of purpose set forth herein and to effectuate any transaction contemplated hereby.

**SECTION 4.** The capital budget of the Town is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

**SECTION 5.** Capitalized terms used herein and not otherwise defined, shall have the meanings ascribed to such terms in the preamble to this capital ordinance.

**SECTION 6.** This ordinance shall take effect in accordance with applicable law.

**ADOPTED ON FIRST READING  
DATED: November 17, 2014**

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**VICTORIA KLEINER, Acting Municipal Clerk  
Town of Phillipsburg**

**ADOPTED ON SECOND READING  
DATED: December 02, 2014**

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**VICTORIA KLEINER, Acting Municipal Clerk  
Town of Phillipsburg**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

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**HARRY L. WYANT,  
Mayor**

**TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG**  
**PUBLIC NOTICE**  
**NOTICE OF PENDING CAPITAL ORDINANCE AND SUMMARY**

The capital ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Town of Phillipsburg, in the County of Warren, State of New Jersey, on November 17, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Town Hall, Meeting Room, 675 Corliss Avenue, Phillipsburg, in said County, on December 02, 2014 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Office of the Clerk for the members of the general public who shall request the same. The summary of the terms of such capital ordinance follows:

- Title:** A CAPITAL ORDINANCE PROVIDING FOR A FULLY FUNDED ROAD IMPROVEMENT PROJECT FOR RAILROAD AVENUE, DAVIS STREET, COLBY PLACE, ROSE STREET, WILSON STREET, ANN STREET, PURSEL STREET, THOMAS STREET AND HARRIS STREET IMPROVEMENTS, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$171,412.13 FROM THE RESERVE AQUA ROAD IMPROVEMENT FUND TO PAY FOR THE COST THEREOF
- Purpose(s):** The capital improvement or purpose hereby authorized is the road improvement of Railroad Avenue, Davis Street, Colby Place, Rose Street, Wilson Street, Ann Street, Pursel Street, Thomas Street and Harris Street, as shall be more particularly described in documents on file in the Office of the Clerk of the Town and by this reference incorporated herein and also including all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.
- Appropriation:** \$171,412.13

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**VICTORIA KLEINER,**  
**Acting Municipal Clerk**  
**of the Town of Phillipsburg**

**TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG  
PUBLIC NOTICE  
CAPITAL ORDINANCE NOTICE OF FINAL PASSAGE AND SUMMARY**

The capital ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Town of Phillipsburg, in the County of Warren, State of New Jersey on December 02, 2014. Copies of the full ordinance are available at no cost and during regular business hours, at the Office of the Clerk of the Town for members of the general public who request the same. The summary of the terms of such capital ordinance follows:

**Title:** A CAPITAL ORDINANCE PROVIDING FOR A FULLY FUNDED ROAD IMPROVEMENT PROJECT FOR RAILROAD AVENUE, DAVIS STREET, COLBY PLACE, ROSE STREET, WILSON STREET, ANN STREET, PURSEL STREET, THOMAS STREET AND HARRIS STREET IMPROVEMENTS, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$171,412.13 FROM THE RESERVE AQUA ROAD IMPROVEMENT FUND TO PAY FOR THE COST THEREOF

**Purpose(s):** The capital improvement or purpose hereby authorized is the road improvement of Railroad Avenue, Davis Street, Colby Place, Rose Street, Wilson Street, Ann Street, Pursel Street, Thomas Street and Harris Street, as shall be more particularly described in documents on file in the Office of the Clerk of the Town and by this reference incorporated herein and also including all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto

**Appropriation:** \$171,412.13

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**VICTORIA KLEINER,  
Acting Municipal Clerk  
of the Town of Phillipsburg**

**CERTIFICATE OF INTRODUCTION**

I, the undersigned Clerk of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Town duly called and held on November \_\_, 2014 at \_\_:\_\_ p.m. at the Town Hall, 675 Corliss Avenue, Phillipsburg, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Town and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town this 04th day of December, 2014.

(SEAL)

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**VICTORIA KLEINER,  
Acting Municipal Clerk  
of the Town of Phillipsburg**

**CERTIFICATE OF FINAL ADOPTION**

I, the undersigned Clerk of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Town duly called and held on December \_\_, 2014 at \_\_:\_\_ p.m. at the Town Hall, 675 Corliss Avenue, Phillipsburg, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Town and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town this \_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

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**VICTORIA KLEINER,  
Acting Municipal Clerk  
of the Town of Phillipsburg**

**CLERK'S CERTIFICATE**

I, VICTORIA KLEINER, DO HEREBY CERTIFY that I am the Clerk of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Town. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Town and the records relative to all resolutions and ordinances of the Town. The representations made herein are based upon the records of the Town. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the capital ordinance introduced on November \_\_, 2014 and finally adopted on December \_\_, 2014.

2. After introduction, the capital ordinance was published as required by law in \_\_\_\_\_ (name of newspaper(s)) on \_\_\_\_\_, 2014.

3. Following the passage of the capital ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the public place in the principal municipal building of the Town at the place where public notices are customarily posted, a copy of said capital ordinance and a notice that copies of the capital ordinance would be made available to the members of the general public of the Town who requested copies, up to and including the time of further consideration of the capital ordinance by the governing body. Copies of the capital ordinance were made available to all who requested same.

4. After final passage, the capital ordinance was duly approved by the Mayor of the Town and duly published as required by law in \_\_\_\_\_ (name of newspaper(s)) on \_\_\_\_\_, 2014.

5. The capital ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this capital ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Town is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town this \_\_\_\_ day of \_\_\_\_\_, 2014.

(SEAL)

\_\_\_\_\_  
**VICTORIA KLEINER,**  
**Acting Municipal Clerk**  
**of the Town of Phillipsburg**

FIRST READING (November 17,2014)

MOTION

Councilman Piazza introduced ordinance for first reading and moved that the ordinance be properly advertised. The motion was seconded by Councilman Lynn.

Discussion – none.

VOTE: YEAS: Tersigni, Fey, Lynn, Piazza, Stettner

NAYS: None

SECOND READING (December 2, 2014)

MOTION

Councilman Fey introduced the ordinance for a second reading and there being no errors, corrections or objections, Councilman Fey moved that the ordinance be adopted according to law. The motion was seconded by Councilman Stettner.

VOTE: YEAS: Fey, Piazza, Stettner, Tersigni

NAYS: None

ABSENT: Lynn