

In accordance with Article 5-35 K. Rule 11 of the Phillipsburg Town Code, *Addressing the Council*, upon recognition by the Chair, the general public may address Council during “Public Comments”.

No person shall address any remark or question to any specific member of Council, or the Mayor. Remarks are limited to five (5) minutes and at no time, shall you engage in any personally offensive or abusive remark. The Chair shall call any speaker to order who violates any provision of this rule.

TOWN OF PHILLIPSBURG
Town Council Agenda
February 07, 2017 – 7:00PM
Council Chambers, Town Hall

1. OPEN PUBLIC MEETING ACT STATEMENT

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. APPROVAL OF MINUTES

6. APPROVAL OF BILLS

THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS. ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.

7. SPEAKERS Joe Clark – Motel 6 “We will leave the light on for you”
Ed Croot – 175-179 Broad Street – Steel Fabrication
Alexander Goldman Spanja - 55 South Main Street
Refresh-Wellness Studio 55, LLC

8. MAYOR’S REPORT

9. OLD BUSINESS

10. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCE - NONE

12. RESOLUTIONS

R: 2017-35

RESOLUTION TO AUTHORIZE A PROVIDER OF A DEFERRED
COMPENSATION PLAN FOR THE EMPLOYEES OF THE TOWN
OF PHILLIPSBURG

**THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS.
ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY
DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.**

R: 2017-36

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT TO HECKMAN STREET – PHASE 2

R- 2017-37

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF A MAINTENANCE BOND FOR BELVIDERE ROAD LLC

R: 2017-38

A RESOLUTION TO PROVIDE FOR INTERFUND TRANSFERS

R: 2017-39

A RESOLUTION AWARDING PURCHASES UNDER NEW JERSEY STATE CONTRACT (Name Patch for Turnout Coat-R. Case)

THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS. ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.

R: 2017-40

A RESOLUTION AWARDED PURCHASES UNDER NEW JERSEY
STATE CONTRACT (Name Patch for Turnout Coat-N. Ernst)

R: 2017-41

Governor's Council on Alcoholism and Drug Abuse Fiscal Grant
Cycle July 2014-June 2019

R: 2017-42

A RESOLUTION PROVIDING FOR A REFUND OF CONSTRUCTION
PERMIT FEES

R: 2017-43

A RESOLUTION PROVIDING FOR A REFUND OF ESCROW

R- 2017-44

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF
WARREN STATE OF NEW JERSEY DESIGNATING SAMUEL
CAPPELLO AS THE SAFETY AND ENVIRONMENTAL OFFICER FOR
THE TOWN OF PHILLIPSBURG MUNICIPAL BUILDING

**THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS.
ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY
DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.**

13. NEW BUSINESS

14. PUBLIC PETITIONS
(Public Comments)

15. OPEN TIME

16. MOTIONS

Approval for Raffle License No. RL: 1253 issued to the Family Promise of Warren County, Inc., for an on premise raffle on March 04, 2017 from 5:00 pm – 10 pm

17. EXECUTIVE MEETING

R: 2017-

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING...

17. ADJOURNMENT

THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS. ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.

**Bill List Summary
REGULAR BILL LIST AS OF FEBRUARY 7, 2017**

		<u>Check No</u>
1	Current Fund	129,758.75
2	State & Federal Grants	12,267.22
4	Capital Fund	122,936.91
7	Sewage Utility Fund	170,150.29
8	Sewage Capital Fund	0.00
12	Planning Board Trust Fund	0.00
12	Opus Investments	7,672.50
13	Dog Trust Fund	0.00
15	Public Defender Trust Fund	0.00
16	Section 8	5,229.03
17	General Trust Fund	0.00
17	Commerce Park Redevelopment	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	212.75
21	Revolving Loan Fund	0.00
Total Regular Bill List as FEBRUARY 7, 2017		448,227.45

Section 8 Rent Payments for 2017

16 .	Section 8 Program	0.00
Total Section 8 Rent Payments Bill List as of FEBRUARY 7, 2017		0.00

Pre-Paid Bill List as of FEBRUARY 7, 2017

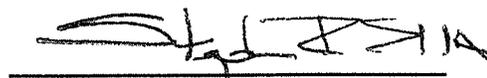
1	Current Fund	6,303.00
2	State & Federal Grants	0.00
4	Capital Fund	0.00
7	Sewer Utility Fund	0.00
8	Sewer Utility Capital	0.00
12	Planning Board Trust Fund	0.00
16	Section 8	0.00
17	General Trust Fund	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	155,036.05
21	Relvolving Loan Fund	0.00
Total Pre-Paid Bill List for FEBRUARY 7, 2017		161,339.05

Grand Total All Funds

609,566.50

Approved By:


Robert J. Merlo, CFO


Stephen R Ellis, Mayor

R: 2017-35

**RESOLUTION TO AUTHORIZE A PROVIDER OF A DEFERRED COMPENSATION PLAN
FOR THE EMPLOYEES OF THE TOWN OF PHILLIPSBURG**

WHEREAS, the Town of Phillipsburg (hereinafter referred to as "Employer") desires to continue to attract and retain qualified employees; and

WHEREAS, the Town of Phillipsburg wishes to sponsor a Deferred Compensation Plan (hereinafter referred to as "Plan") for its employees, which provides employees the opportunity to enhance their financial security at retirement by deferring a portion of compensation on a tax-deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (hereinafter referred to as "Code"); and

WHEREAS, participation in the Plan accrues tax benefits to participating employees pursuant to Section 457 of the Code; and

WHEREAS, there are no direct financial costs to the Employer to adopt and implement the Plan; and

WHEREAS, having a contractor for the Plan which will serve the interests of the Employer by enabling the Employer to provide enhanced retirement security to its eligible employees and provide the employees with a variety of options; and

WHEREAS, the Employer solicited written proposals from two or more approved contractors for the administration of the Plan, including the provision of a Prototypical Plan and Service Agreement that meet the requirements of Municipal, County and Authority Employees Deferred Compensation Plans Regulations found at N.J.A.C. 5:37-1 et seq.; and

WHEREAS, the Employer has considered the proposals of prospective contractors including Lincoln Retirement Services, LLC (hereinafter referred to as "Lincoln") and AXA Equitable Life Insurance Company (AXA Equitable), and

WHEREAS, the Employer reviewed the proposals submitted, met with representatives of the responding companies and has selected Lincoln as the successful vendor for its Plan because of Lincoln's experience in guiding employees to prepare for retirement with confidence; and

WHEREAS, there has been no collusion, or evidence or appearance of collusion between the Town of Phillipsburg and any representative of Lincoln in the selection of a contractor for the administration of a service agreement pursuant to N.J.A.C 5:37-5.7.

NOW, THEREFORE; BE IT RESOLVED by the Town Council of the Town of Phillipsburg that it hereby adopts the Plan provided by Lincoln (92-PD-LINCOLN-121316) and that Stephen R. Ellis, Mayor, is hereby authorized to execute the Service Agreement with Lincoln (92-SA-LINCOLN-121316) and will submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval; and

BE IT FURTHER RESOLVED, the Town of Phillipsburg is adopting a Plan substantially similar to a plan for which an application has been filed with the Internal Revenue Service for a Private Letter Ruling that the plan document meets the requirements of Section 457 of the Code, as amended, and that such ruling will be forwarded to the Director when received. The provisions of the plan document are substantially similar to the text of the provisions in the Code Section 457. The use of the Ruling will be for guidance only, and for Internal Revenue Service purposes the ruling of another employer is not to be considered precedent; and

BE IT FURTHER RESOLVED, Robert J. Merlo, Certified Municipal Finance Officer or her successor is hereby designated as the Local Plan Administrator for the administration of the Plan.

CERTIFICATION

I, Victoria Kleiner, Municipal Clerk for the Town of Phillipsburg do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Town of Phillipsburg at their regular Council meeting held on February 07, 2017.

Victoria Kleiner, RMC
Municipal Clerk

R: 2017-36
Approval to Submit a Grant Application &
Execute a Grant Agreement
with the
New Jersey Department of Transportation
for the
Improvements to Heckman Street – Phase 2

WHEREAS, the Town of Phillipsburg would like to complete improvements to Heckman Street from Wilson Street to Lincoln Street to improve pedestrian safety and preserve the existing roadways;

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Phillipsburg formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Town of Phillipsburg. Said application is formally known as:

“MA-2017-Improvements to Heckman St Phase 2 -00669”

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Phillipsburg and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 7th day of February, 2017

Vicki Kleiner, Town Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)
Vicki Kleiner

(Presiding Officer)
Stephen R. Ellis
Mayor

R- 2017-37

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF A MAINTENANCE
BOND FOR BELVIDERE ROAD LLC**

WHEREAS, Belvidere Road LLC with offices at 57 Brant Avenue, Suite 200, Clark, New Jersey 07066 performed construction within the Town of Phillipsburg which included, among other things, the construction of residential housing and attendant appurtenances (“Project”); and

WHEREAS, the Project was completed consistent with all approvals; and

WHEREAS, upon the completion of the Project a two year maintenance guarantee was required to be posted; and

WHEREAS, the Town engineer has reviewed the Project and has determined that the guarantee may be released.

NOW THEREFORE BE IT RESOLVED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey that the maintenance guarantee in the amount of \$46,260.98 is hereby authorized to be discharged.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 07, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk

R: 2017-38

A RESOLUTION TO PROVIDE FOR
INTERFUND TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Phillipsburg
that:

Pursuant to the provision of N.J.S.A. 40A:5-48, the Chief Financial
Officer be and is hereby authorized to make transfers to said accounts in
accordance with the attached listing.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg,
do hereby certify that the foregoing is a true copy of a resolution duly
adopted by the Town Council at their February 07, 2017 meeting.

Victoria L. Kleiner, RMC

Account #	Description	Debits	Credits	
01-203-20-150-076	Postage	1,500.00		FROM
01-203-20-150-001	Regular Salary		1,500.00	TO
01-203-26-300-064	Supplies - Map Copier	500.00		FROM
01-203-26-300-001	Regular Salary		500.00	TO
01-203-26-290-293	Town Sewer Line Repairs	10,000.00		FROM
01-203-36-472-209	Social Security		10,000.00	TO
07-203-55-510-525	Equipment Repair / Maintenance	16,000.00		FROM
07-203-55-510-016	Regular Salary		10,000.00	TO
07-203-55-520-540	FICA and Medicare		5,000.00	TO
07-203-55-521-541	State Unemployment Ins		1,000.00	TO
		28,000.00	28,000.00	FROM
				TO

R: 2017-39

**A RESOLUTION AWARDING PURCHASES
UNDER NEW JERSEY STATE CONTRACT**

WHEREAS, the State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution and contract,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the following purchases under New Jersey State Contract are hereby authorized:

Purchase of Fire Clothing

State Contract #A-80861

**New Jersey Fire Equipment Co.
119-131 Route 22 East
Green Brook, NJ 08812**

**Fire Department
Equipment**

**Two (2) Globe Rear Hanging Name Patch for Globe G-
EXTREME Turnout Coat, Black, with 2 inch S-L Letters: R. CASE**

Total - \$ 49.35

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of resolution duly adopted by the Town Council at their February 07, 2017 meeting.

Victoria L. Kleiner, RMC

R: 2017-40

**A RESOLUTION AWARDED PURCHASES
UNDER NEW JERSEY STATE CONTRACT**

WHEREAS, the State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution and contract,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the following purchases under New Jersey State Contract are hereby authorized:

Purchase of Fire Clothing

State Contract #A-80861

**New Jersey Fire Equipment Co.
119-131 Route 22 East
Green Brook, NJ 08812**

**Fire Department
Equipment**

**Two (2) Globe Rear Hanging Name Patch for Globe G-
EXTREME Turnout Coat, Black, with 2 inch S-L Letters: N. ERNST**

Total - \$ 49.35

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of resolution duly adopted by the Town Council at their February 07, 2017 meeting.

Victoria L. Kleiner, RMC

R: 2017-41

**Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Phillipsburg Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$ 12,440.00
Cash Match	\$ 3,750.00
In-Kind	\$ 9,810.00

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

APPROVED: _____
Stephen R. Ellis, Mayor

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Town Council on this 7th day of February, 2017.

Victoria L. Kleiner Municipal Clerk

FORM 1A

FOR COUNTY USE ONLY
 Approved: _____ YES _____ NO
 Date: _____

STRATEGIC PLAN FOR FUNDING MUNICIPAL ALLIANCES

Grant Year: 2018

APPLICANT MUNICIPALITY/IES: Town of Phillipsburg	COUNTY: Warren
ALLIANCE NAME: Phillipsburg Municipal Alliance	ALLIANCE WEBSITE: None
ALLIANCE STREET ADDRESS: 675 Corliss Ave. TOWN: Phillipsburg STATE: NJ ZIP: 08865	
TELEPHONE: (908) 454-7281	FAX: (908) 454-8814
ALLIANCE CHAIRPERSON: Robert Coyle, Jr. STREET ADDRESS: 192 Hagerty Ave. TOWN: Phillipsburg STATE: NJ ZIP: 08865 EMAIL:	ALLIANCE COORDINATOR: Donald t. Kophazy, Jr. STREET ADDRESS: 346 South Main St. Apt. 3 TOWN: Phillipsburg STATE: NJ ZIP: 08865 EMAIL:
DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY): / /	

A) Alliance DEDR Allocation	\$ 12,440.00
B) Cash Match (must be 30% of DEDR Allocation)	\$ 3,732.00
C) In-Kind Match (must be 75% of the DEDR Allocation)	\$ 9,330.00
TOTAL ALLIANCE BUDGET (add A+ B+C)	\$ 25,502.00

Phillipsburg

*MUNICIPALITY

NAME/ MAYOR

SIGNATURE

Robert Coyle Jr.

ALLIANCE CHAIRPERSON

SIGNATURE

DATE

*** If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.**

R: 2017-42

A RESOLUTION PROVIDING FOR A REFUND OF
CONSTRUCTION PERMIT FEES

WHEREAS, a request for the construction permit fee is to be returned, as the applicant Sunrun Installations Systems applied for a construction permit to move a sign the applicant is no longer going to perform the work and a permit was issued.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that a refund shall be issued to Sunrun Installations Systems, in the amount of the \$110. 00. The refund represents 80% of the \$158.00 construction permit. Permit refund # 16-0025.

CERTIFICATION

I, Victoria L, Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 07, 2017 meeting.

Victoria L. Kleiner, Municipal Clerk

R: 2017-43

A RESOLUTION PROVIDING FOR A REFUND OF ESCROW

WHEREAS, the Applewood Tree Service has utilized law enforcement officers of the Town for traffic control in connection with work performed by Applewood Tree Service in the Town; and

WHEREAS, pursuant to the Town's ordinances, Applewood Tree Service established an escrow account to pay for the services rendered by said officers; and

WHEREAS, Applewood Tree Service Construction will not need said traffic control services in the near future and wishes to close its escrow account.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg the escrow account established in the Town by Applewood Tree Service Construction for purposes of payment for traffic control services shall be and hereby is closed in the Town's general ledger.

BE IT FURTHER RESOLVED that a refund shall be returned to the applicant upon final adoption of this resolution and the appropriate Town employee is authorized to issue a refund check to Applewood Tree Service Construction Company in the amount set forth below.

Applewood Tree Service Construction
\$71.50

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 07, 2017 meeting.

Victoria L. Kleiner
Acting Municipal Clerk

R- 2017-44

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY DESIGNATING SAMUEL CAPPELLO AS THE
SAFETY AND ENVIRONMENTAL OFFICER FOR THE TOWN OF
PHILLIPSBURG MUNICIPAL BUILDING**

WHEREAS, the Town of Phillipsburg desires to designate Samuel Cappello to the position of Safety and Environmental Officer for the Town of Phillipsburg Municipal Building; and

WHEREAS, the duties of Samuel Cappello as the Safety and Environmental Officer will include, but are not limited to:

- a. Air Quality
- b. Hazmat
- c. Fire Drills
- d. Escape Plan
- e. MSDS lists
- f. Seminars

NOW THEREFORE BE IT RESOLVED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey that the designation of Samuel Cappello as the Safety and Environmental Officer for the Town of Phillipsburg Municipal Building is hereby approved.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 7, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk