

TOWN OF PHILLIPSBURG  
Town Council AMENDED Agenda  
August 02, 2016 – 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                      None
6. APPROVAL OF BILLS
7. MAYOR'S REPORT

**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.**

8. JOE MEYNER ON PHILLIPSBURG REDEVELOPMENT

9. OLD BUSINESS

10. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCE

O: 2016-19 (First Reading) Tabled 07-19-16

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ADD A NEW CHAPTER 533 ENTITLED **SPECIAL EVENTS**, TO THE CODE OF THE TOWN OF PHILLIPSBURG

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Davis						
Fey						
Lutz						
Piazza						
Tersigni						

**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.**

O: 2016-20 (First Reading)

CAPITAL ORDINANCE PROVIDING FOR THE FUNDING OF ENGINEERING AND RELATED SOFT COSTS FOR THE HERITAGE TRAILS PROJECT, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$10,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Davis						
Fey						
Lutz						
Piazza						
Tersigni						

12. **RESOLUTIONS**

R: 2016-146

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL PERMIT FOR A SOCIAL AFFAIR TO DRAFT PRODUCTIONS, LLC. T/A GNARLY BREWS TAP ROOM & BOTTLE SHOP

R: 2016 - 147

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

**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: 2016-148

A RESOLUTION RESCINDING A PORTION OF RESOLUTION 2016-113; LICENSES NUMBER 211-44-012-001

R: 2016-149

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR THE EVALUATION OF THE NEWLY INSTALLED HVAC SYSTEM

R: 2016-150

A RESOLUTION OF TOWN OF PHILLIPSBURG AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

R: 2016-151

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR DESIGN, BIDDING, PERMITTING AND CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH IMPROVEMENTS TO THE PHILLIPSBURG HERITAGE TRAIL, PHASE 1

**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: 2016 – 152

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING PAYMENT FOR ACCRUED TIME TO JAMES FAULBORN OF THE PHILLIPSBURG POLICE DEPARTMENT

R: 2016 - 153

RESPONSIBLE BIDDER RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY

13. NEW BUSINESS

14. PUBLIC PETITIONS – this is the time the public can speak to Council  
(Public Comments -*Please state your name and address prior to speaking*)

15. OPEN TIME

**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.**

16. MOTIONS

17. EXECUTIVE MEETING

R: 2016-

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

18. 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 August 2, 2016**

		<u>Check No</u>
1 Current Fund	81,420.91	_____
2 State & Federal Grants	129.59	_____
4 Capital Fund	0.00	_____
7 Sewage Utility Fund	155,278.19	_____
8 Sewage Capital Fund	29,126.84	_____
12 Planning Board Trust Fund	0.00	_____
12 Opus Investments	0.00	_____
13 Dog Trust Fund	0.00	_____
15 Public Defender Trust Fund	0.00	_____
16 Section 8	119.03	_____
17 General Trust Fund	0.00	_____
17 Commerce Park Redevelopment	0.00	_____
18 Bernards Township RCA	0.00	_____
20 Agency Fund	216.89	_____
21 Revolving Loan Fund	0.00	_____
<b>Total Regular Bill List as August 2, 2016</b>	<b>266,291.45</b>	_____

**Section 8 Rent Payments for 2016**

16 Section 8 Program		
<b>Total Section 8 Rent Payments Bill List as of</b>		<b>0.00</b>

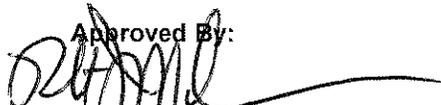
**Pre-Paid Bill List as of August 2, 2016**

1 Current Fund	1,073,762.25	
2 State & Federal Grants	923.00	
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	0.00	
21 Relvolving Loan Fund	0.00	
<b>Total Pre-Paid Bill List for August 2, 2016</b>	<b>1,074,685.25</b>	

**Grand Total All Funds**

**1,340,976.70**

Approved By:

  
 \_\_\_\_\_  
 Robert J. Merlo, CFO

  
 \_\_\_\_\_  
 Stephen R. Ellis, Mayor

**ORDINANCE 2016-19**

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ADD A NEW CHAPTER 533 ENTITLED *SPECIAL EVENTS*, TO THE CODE OF THE TOWN OF PHILLIPSBURG**

**BE IT ORDAINED** by the Town Council of the Town of Phillipsburg, County of Warren and State of New Jersey that the Town Code is hereby amended by adding a new Chapter 533 entitled *Special Events* as follows:

Section 1

§533-1. Purpose; applicability.

A. There is hereby established a special events ordinance authorizing and requiring the issuance of permit to regulate outdoor picnics, concerts, festivals, shows, dances, exhibitions and other public gatherings of more than 50 persons on private property within the Town of Phillipsburg. This shall not apply to any outdoor gathering by the Town of Phillipsburg itself or any agency thereof, by the school district thereof or by any police or fire company or first aid squad within the Town of Phillipsburg which receives financial support from the Town, or by any established church or any other nonprofit or charitable organization or family gathering. Nonprofits are only exempt from fees if they provide in kind services. This chapter shall not apply to established permanent indoor structures, theaters, lounges, resorts, auditoriums, convention centers or other indoor places licensed for public occupancy, unless otherwise limited by applicable law.

B. A single applicant may seek a permit for more than one outdoor event when the applicant seeking the multiple permits is the same and the assemblies are to be held at the same location for a substantially similar purpose. Where one application for multiple assemblies is filed, the permitting fees shall be payable for each event.

§533-2. Waiver of requirements.

The Town Council may waive the permit requirements if it is found that the outdoor activity will not, in any way, affect the health, welfare and safety of the Town.

§533-3. Application requirements.

An application for a permit shall be signed by the person, persons, or parties responsible and filed in triplicate with the Town Clerk accompanied by the fee payable hereunder at least 60 days prior to the planned event. The applicant shall set forth in the application for permit the following information:

A. The names and addresses of the person or persons, or in the case of a corporation, the names and addresses of the president, vice president, secretary, treasurer and director or trustees, responsible for conducting the outdoor event or any public gathering for purposes of amusement sought to be permitted.

B. The type of event to be conducted and a statement of the purposes of the event, whether for pecuniary profit or charitable purposes, and if charitable, a statement of the charity or charities to be benefitted.

C. A description of the lands or premises sought to be approved, which shall include a description of the boundaries sought to be approved, the block and lot of the premises and proof of ownership.

D. Whether the premises is owned by the applicant, or if not owned, then the names and addresses of the lessor or permitter and the terms of the lease or permit.

E. A designation of the portion of the premises intended to be used for the parking of automobiles, including a statement in acres or square feet of the area to be devoted to this purpose.

F. A map or sketch showing the entire area sought to be approved and delineating thereon the portion to be used for the parking of automobiles, and further showing driveways or means of access to and from the premises, and the names of all adjoining owners of the premises to be approved. The effect on traffic in the area of the event as caused by the event shall be calculated. The parking and traffic effects shall be submitted 30 days prior to the planned event.

G. Plans for emergencies shall be submitted 30 days prior to the planned event. The plan shall indicate how all the attendees will be removed from the site in the event of an emergency.

H. A statement of the number of persons to be engaged in the outdoor event to be approved and, in addition, a statement of the number of spectators anticipated to watch or observe the exhibition or performance.

I. A fee of at least \$100 shall be paid upon filing the application to be applied by the Town toward its expense in investigating the applicant, which fee shall not be refunded if the application is issued or denied.

J. The specific nature of the outdoor event, together with a schedule and names and addresses of all events or acts. All advertising and public announcements concerning the outdoor event shall include a statement that no alcoholic beverages or controlled dangerous substances are permitted into or on the site.

K. The dates upon which the event will take place and the time the event will open and conclude each day.

L. Copies of all contracts and/or agreements between the applicant, the owner and all other persons or entities who have any interest or involvement in the event for whatever purpose and/or to ensure compliance with all existing ordinances of the Town of Phillipsburg or any laws/regulations of the State of New Jersey.

M. The applicant shall state whether any permits or licenses for events issued by this or any other governmental agency have ever been revoked. The applicant shall also disclose in detail all experience of the applicant in similar events.

§533-4. Investigation; written report.

Upon filing of the application, the Clerk shall refer a copy of the application promptly to the Mayor, Chief of Police, Fire Chief, Construction Official and Town Attorney for investigation of the matters in the application. A written report shall be made to the Town Council of the result of such investigation by any such officer or agent designated by the Mayor within 30 days from the filing of the application.

§533-5. Requirements.

No permit shall be issued unless it is clearly shown that the following are provided for:

A. Toilet facilities adequate for the capacity of the planned event. These facilities shall be so located as to be conveniently available and shall be so constructed and maintained that they will not be offensive.

B. Adequate supply of food including provisions for sanitary storage, handling and protection of food and beverages until served or used. A showing must be made that, where food is to be prepared or consumed, there are facilities for washing, disinfecting and storing dishes and food utensils.

C. Adequate off-street and off-road facilities for contemplated number of people attending the outdoor event. Parking space shall be provided for at least one car for every four persons in attendance.

D. Adequate camping and housing facilities for the contemplated number of people in attendance, if it is contemplated that the event shall extend from one day to another.

E. An adequate number of access roads to and from the site of the assembly or use.

F. The plans shall include the illumination of the location of the event and the pedestrian walkway and parking areas, including the source, amount of power and the location of the illumination. The source of the illumination shall not create a nuisance to the neighboring residential areas.

G. The plans for supplying sound control and sound amplification, if any, including the number, location and power of the amplifiers and speakers, together with the applicant's proposal to

confine the sound to the area of the event. The sound levels shall comply with all local and state regulations, statutes and ordinances.

§533-6. Written authorization for inspections by Town.

No permit shall be issued unless the owner and his tenant or lessee, if any, shall furnish the Town with written authorization to permit the Town or its lawful agents to go upon the property for the purposes of inspecting the same and the facilities to be provided thereon.

§533-7. Comprehensive liability insurance required.

The applicant shall submit to the Clerk, with the application, written commitment from an insurance company licensed to do business in New Jersey, to insure the applicant and the Town of Phillipsburg as coinsured during the event. No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than \$500,000/\$1,000,000 for bodily injury or death and limits of not less than \$500,000 for property damage, sufficient to save the Town harmless from any liability or cause of action which might arise by reason of the granting of the permit and not cancelable without 10 days' prior written notice to the Town.

§533-8. Hearing.

If the Town Council deems that a hearing on the application should be held before issuing or denying the permit, based upon the reports received, then within five days after the thirty-day period of investigation, the Town Council shall set a time and place for hearing on the application which shall be held within 15 days thereafter. At the hearing, the applicant and the Town may offer such evidence as may be desired covering the subject matter. Within seven days after the closing of the hearing, the determination on the application shall be rendered. If the determination is favorable, a permit shall be issued. If the determination is negative, then a copy of the determination with the reasons for denying the application shall be served upon the applicant at the mailing address of the applicant designated in the application.

§533-9. Issuance of permit.

- A. The permit authorized to be issued shall be issued by the Town Council, but executed by the Mayor and Clerk.
- B. The permit shall be set forth and describe, with particularity, the place where the outdoor event sought to be approved hereunder shall take place and the period of time during which it may continue.
- C. The permit herein authorized shall not be issued to take effect until all fees have been paid to the Town as provided herein.
- D. Any permit authorized to be issued hereunder shall be issued subject to all the provisions of this chapter.

§533-10. Permit fee.

The fee to be paid upon issuance of a permit shall be \$100 for each 50 persons or any portion thereof anticipated to be involved in the event sought to be approved, including therein all personnel, all spectators or members of the audience.

§533-11. Use of Town lots for parking.

If the event seeks to utilize Town-owned grounds and/or facilities for parking, which use shall be granted in the sole and absolute discretion of the Town, there shall be a fee of \$1.00 per vehicle per hour expected, calculated on the basis of 4 persons per vehicle, or as negotiated for larger events in the sole and absolute discretion of the Town.

§533-11.a. Issuance of estimated bill.

The Town shall issue an estimated bill based upon the information provided by the applicant in requesting the issuance of the special events permit. In the event the realized cost either exceeds or is less than what was anticipated, the bill may, in the discretion of the Town, be adjusted accordingly.

§533-12. Conduct of permittees and patrons.

- A. No person or party approved for a permit hereunder shall allow, suffer or permit any event for any unlawful purpose or to be conducted in any unlawful, disorderly, obscene or lewd manner.
- B. No outdoor event shall allow any performer to perform or be displayed in the nude.
- C. No outdoor event shall be allowed which shall depict sexually suggestive acts or subjects offensive to public morals and decency.
- D. No outdoor event shall allow the use of any moving pictures or other media which is obscene, lewd, indecent or offensive to public morals and decency.
- E. Any permittee hereunder shall not permit any employees or agents of the applicant or any spectators or any persons on the approved premises during the period of time approved in the permit to completely undress or go about in a lewd, obscene or indecent manner.

§533-13. Inspection.

The permittee shall allow the Phillipsburg Police Department or any other persons duly authorized by the Town to inspect the approved premises, or any part thereof, and the outdoor event at any time either prior to or during the period of time approved by the permit, to inspect the premises and observe the persons upon the premises or to detect violations of this chapter or

of any other law of the federal government or the State of New Jersey or the Town of Phillipsburg.

§533-14. Traffic.

The permittee shall take all proper means to assist in the orderly conduct and presentation of its event and to maintain a flow of traffic and use of the premises without congestion of traffic. For such purposes, the permittee shall employ or obtain sufficient personnel to carry out these objectives.

§533-15. Permittee to hire personnel to maintain order.

The permittee shall maintain at its own expense one or more off-duty police officers at the established pay rate for the proper conduct of the approved event who shall remain upon the approved premises at all times during the period in which the permit shall be in effect.

§533-16. Revocation or suspension of permit.

A. Council or Mayor, through its authorized officers or agents, may terminate or suspend any permit issued hereunder. Such suspension or revocation shall be determined as follows:

(1) The Mayor or other person authorized by the Town Council shall cause a written notice of the alleged violations of this chapter or of any other laws involved to be served upon the applicant or any of the agents of the applicant on the premises, together with a notice of the time and place of hearing to be held, not less than 24 hours after service, directing the permittee to show cause before the Town Council why the permit should not be suspended or revoked.

(2) At the hearing, the Town Council shall hear all of the evidence offered by the Town and the permittee which is material to the issue and shall make a prompt determination of its findings. If the findings are in favor of the permittee, the charges shall be dismissed. If the findings are against the permittee, the permit issued may be revoked entirely or suspended upon such conditions as the Town Council may direct. In the event of a full revocation, the event approved by the permit shall be terminated immediately, and no further outdoor event shall be held upon the permits granted therefor, and any persons remaining upon the approved premises may be dispersed immediately by any peace officer of the Town and by such other persons or agents as may be properly authorized by the Town.

B. In the event that it shall reasonably appear to the Town Clerk or any other official designated by the Town Council or Mayor for such purpose that the number of persons gathered or gathering upon, or for entry upon, the approved premises for any outdoor event shall exceed 1,000 persons, the Clerk or other authorized official may give notice to the permittee immediately to withhold proceeding with the approved event and shall then inform the Mayor or Town Council promptly of the action. The permittee may then thereupon request a hearing before the Town Council forthwith and the hearing shall be held as promptly as possible.

§533-17. Permit fees not returnable after permit revocation or suspension.

No permit fee or portion thereof shall be refunded following revocation or suspension of any permit issued.

§533-18. Service of notices.

Whenever notice is required to be given to the applicant or permittee hereunder, such service of notice may be made by registered or certified mail directed to the person and address listed in the application or otherwise personally upon the applicant or any of the agents of the applicant upon the approved premises.

§533-19. Enforcement; violations and penalties.

- A. The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.
- B. The holding of any outdoor event in violation of any provision or conditions contained in this chapter shall be viewed as a public nuisance and may be abated as such.
- C. Any person who violates any section, or violates any condition upon which he is granted a permit, shall, upon conviction, be subject to the penalties included in Chapter I, Article II, General Penalty, of the Town Code. Each day shall be deemed a separate offense in violation of any of the provisions of this chapter.
- D. The penalty or penalties provided herein shall be in addition to, and not in lieu of, the suspension or revocation of any permit issued hereunder.

§533-20. Waiver, procedure.

Any fee or fees under this Chapter may be waived by the Town Council upon petition by the applicant to the Town Council upon an affirmative vote of the majority of the Town Council constituting a quorum. .

The Town Council may also consider the provision of in-kind services by the applicant to the Town in determining whether a waiver will be granted.

#### Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

#### Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

**ATTEST:**

**TOWN OF PHILLIPSBURG**

\_\_\_\_\_  
VICTORIA L. KLEINER,  
Municipal Clerk  
DATED:

\_\_\_\_\_  
STEPHEN R. ELLIS  
Mayor

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their July 19, 2016 meeting.

**O: 2016-20**

**CAPITAL ORDINANCE PROVIDING FOR THE FUNDING OF ENGINEERING AND RELATED SOFT COSTS FOR THE HERITAGE TRAILS PROJECT, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$10,000 FROM THE CAPITAL 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 finance certain preliminary costs for the Heritage Trails Project, including engineering and related soft costs, 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 (collectively, the "Capital Improvement Soft Costs"), by, in and for the Town; and

**WHEREAS**, said Capital Improvement Soft Costs are estimated to be \$10,000; and

**WHEREAS**, the Town Council desires to authorize an appropriation from the Capital Improvement Fund in the amount of \$10,000 to finance the aforesaid Capital Improvement Soft Costs.

**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 \$10,000 from the Capital Improvement Fund for said improvement or purpose stated in Section 2 hereof.

**SECTION 2.** The capital improvement or purpose hereby authorized is certain preliminary costs for the Heritage Trails Project, including engineering and related soft costs, 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 capital ordinance shall take effect in accordance with applicable law.

**ADOPTED ON FIRST READING  
DATED: August 2, 2016**

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

**ADOPTED ON SECOND READING  
DATED: August 16, 2016**

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

**APPROVAL BY THE MAYOR ON THIS \_\_ DAY OF \_\_\_\_\_, 2016.**

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**STEPHEN R. ELLIS,  
Mayor**

**TOWN OF PHILLIPSBURG  
WARREN COUNTY, NEW JERSEY**

**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 August 2, 2016. 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 August 16, 2016 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:** CAPITAL ORDINANCE PROVIDING FOR THE FUNDING OF ENGINEERING AND RELATED SOFT COSTS FOR THE HERITAGE TRAILS PROJECT, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$10,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF

**Purpose(s):** Certain preliminary costs for the Heritage Trails Project, including engineering and related soft costs

**Appropriation:** \$10,000

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

**TOWN OF PHILLIPSBURG  
WARREN COUNTY, NEW JERSEY**

**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 August 16, 2016. 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:** CAPITAL ORDINANCE PROVIDING FOR THE FUNDING OF ENGINEERING AND RELATED SOFT COSTS FOR THE HERITAGE TRAILS PROJECT, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$10,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF

**Purpose(s):** Certain preliminary costs for the Heritage Trails Project, including engineering and related soft costs

**Appropriation:** \$10,000

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

**TOWN OF TOWN OF PHILLIPSBURG  
WARREN COUNTY, NEW JERSEY**

**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 August 2, 2016 at 7:00 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 03rd day of August, 2016.

(SEAL)

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

**TOWN OF TOWN OF PHILLIPSBURG  
WARREN COUNTY, NEW JERSEY**

**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 August 16, 2016 at 7:00 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 17th day of August, 2016.

(SEAL)

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

**TOWN OF TOWN OF PHILLIPSBURG  
WARREN COUNTY, NEW JERSEY**

**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 August 2, 2016 and finally adopted on August 16, 2016.

2. After introduction, the capital ordinance was published as required by law in The Express Times on \_\_\_\_\_, 2016.

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 The Express Times on \_\_\_\_\_, 2016.

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 17th day of August, 2016.

(SEAL)

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

## Phillipsburg redevelopment

July 19.2016  
Joseph Meyner  
392 S. Main St. Apt#2  
Phillipsburg, N.J. 08865  
(908) 859-4531  
josephméyner@verizon.net  
www.josephmeyner.org

### Demographics

We are predominantly residential. We have a large population of poor including homeowners who cannot afford increased taxes, subsidized renters and renters who struggle with day to day expenses. Because of this the state pays 60% of our local revenue needs.

There are commercial vacancies on south main street from union square to past Stockton with a strong lobby who want these vacancies filled. The reality is that chain retailers locate at malls and properly financed and educated independents locate at strip malls.

Phillipsburg is pretty and filled with things to look at. The entrance to the Morris canal, a cobblestone square, a railroad truck repair, a railroad signal building, the old bridge, stone bridges and tunnels galore, a possible walkway across the Delaware, coal shoots and beautiful rebuilt architecture.

We have an excursion train operating weekends and an old car festival every Tuesday night that draws outsiders. We have a Chappell park Thursday evening that serves locals without cost to the locals.

Phillipsburg has an opiate epidemic just like the rest of the country.

### Overview of a solution.

Accept that we are a poor community and start serving the poor.

Use the poor as an asset to fill those main street shops by developing a path. Engage seniors as educators and advisers. Lower the overhead for the poor and entrepreneurs with zoning changes allowing income to home owning seniors from senior helper tenants. Deal with addiction by overcoming hopelessness, offering facilities and developing police buddies. Expand local busing. Oil the wheels by developing fair practices. Continue to support the trail group.

### Education

Like all our educational institutions today, Warren county community college is amazingly overpriced.

The UEZ will finance education. They will pay minimum wage to part time seniors and use many volunteer seniors. I believe seniors are constantly looking for opportunities to be useful. It will be called entrepreneurship education. They will operate out of the senior center after 3:00 PM.

Courses; the spreadsheet, service manners, attitude and behavior, genteel grammar, basic senior care, the three day restaurant and local law and contract responsibility. More intensively; Spanish for policepersons and buddies.

There will be a senior volunteer attached to every enterprise. I have

seen many local restaurants with excellent food fail because they needed some guidance.

The path, requiring council support

The subject gets some education. It's specific local education from seniors at the senior center.

One education set trains the subject to be a helping tenant for a senior. A fair practices contract establishes the terms. The subject has a room he can afford, some responsibility to the senior and can live with some comfort on a low wage.

Another education set trains the subject in entrepreneurship. In addition the town allows the subject to live in his place of business. This reduces his rent. See the entrepreneurship path. There are 20 small vacancies between Stockton and union square.

Another education set trains the subject in town hosting. An excellent choice for part time senior work. Additional education is given to buddies to define the boundaries of their job.

Another education set trains for a three day week family run restaurant (keep your day job, no weekday traffic congestion). There are seven medium sized vacancies. I specifically know how (refrigeration, microwave, small stove, safety, after three days eat your leftovers) so the teacher is free.

Support for a halfway house at 291 south main street. We do not wish to drive out our citizens, but rather to treat the sickness of addiction as a local responsibility.

"it takes a village". Support for self governing rent paying communes at 55, 77 and 115 south main street (two banks and the old elks building). A place for single parent families and a way to fill these large longtime vacant buildings. With TV education and home schooling and pooling of resources communes have a future in the United States. Home schooling would reduce the financial strain on local taxpayers. Poor people find a rich life. It would be open to visitors as a model whenever the excursion train runs. For that matter the whole town will be a model of recovery. Again the need for fair practices. Hopefully church (or other nonprofit) supported.

An artist community supporting an art museum open while the excursion train runs at 74 south main street (Riverview art). Part of fair practices will include the requirement that each artist produce two works of art each month. This will enable the museum to offer a room of new art every month. No children residents in this one.

#### Addiction

There are three major causes which can be attacked. Pain management, lack of recovery facilities and hopelessness.

To solve the pain management problem doctors need educating. Too often they think they know what they have never felt. Doctors must solve this. What can be done is a pain management center (and health clinic) at 427 south main street (next to the lock doctor) with an addiction educated doctor.

Saint Lukes at warren hospital must be pressured to reopen their psych ward, their detox and their rehab outpatient facility.

Realistic hopelessness has been around for some time. When you are

so poor you cannot pay the rent and have no path of escape cheap heroin or wine has much appeal. So does robbery and beating up people. The path out starts with affordable rent and education that leads to opportunity.

The entrepreneurship path, success is a trained entrepreneur

We need to take a poor ambitious person, give him/her a specific education, couple him/her with a senior adviser, give them a fair practices lease and see what happens. Terms of the lease; They must be open whenever the train ride runs (they can keep their day job or work in the shop). Initially they must do without employees other than family. The lease must contain a fair (to student and landlord) end of term option and (if single) the right to sleep in the rental.

Possible businesses; labor intensive service such as seamstress, handyman, furniture repair and construction, rebuilt clothing, art, cooperatives of handmade items, restaurants and cooperatives which the purpose of "hanging out". Stay away from buying and reselling (with the exception of services to those without transport but we already have four successful small grocery stores).

Police buddies

For the sake of order police must maintain a no smile attitude. A police buddy ideally is a trained (see education) drug free felon and probably a member of an anonymous organization. The anonymity gives him the legal right to not share information with the police. It would be convenient but not essential that he spoke Spanish. He would have the ability to say to a overdosing druggie "there is hope; look at me, you don't have to keep doing what you're doing." He could explain about the halfway house, immediate detox availability, rehab and all the support available. He/she could also be trained for town hosting.

If a policeman sees "hope" he can summon a buddy to ride along, listen and talk. The police buddies would be a subset of the trained (see education) town employed hosts (like Easton uses but not by private contract). We have poor people who need the job.

Transportation

Local busing must increase to accommodate workers and seniors without cars. A 20 minute loop for \$1.00 plus a separate \$1.00 ride to shopping centers from a common in town location will do. If we can retain Ebners with a "special" pilot we do not need a second bus line.

On train excursion days the free local bus route must go to the Delaware River Park parking lot. An aside; make the excursion people pay for the free bus.

Fair practices, the devils in the details

The landlords and other involved subsets must be gathered and shown that fair practices benefits them. They must be engaged in the design.

Each signer of a fair practices contract pays \$25.00. This entitles to one investigation and one hearing by the fair practices czar. It can be appealed to court but with breach of contract attached. Hopefully, this won't happen.

To pursue simply ask me to be available at a specific work session to hear questions and suggestions. Do it as many times as useful. If at

a future time I have your full support I will begin writing fair practices.

If I do it, it will take a year. I am free and will work with any pro Bono lawyer or no lawyer. I will expect to work with council members. If you insist on using payed people I will step aside and thank you for listening. I actually prefer this as I dislike responsibility. I will need to frequently place items on the work session.

Phillipsburg might become a model for economic recovery. Another reason to visit Phillipsburg but only when the excursion train is running. Two days for the merchants, five days for us residents.

#### Miscellaneous

Unlock the bathroom in Delaware River Park; it will be used by many including our destitute. Put a picnic area back in Delaware river park near the bathroom.

Say hello to all your neighbors; warm community's discourage drug sales.

R: 2016-146

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL  
PERMIT FOR A SOCIAL AFFAIR TO DRAFT PRODUCTIONS, LLC.  
T/A GNARLY BREWS TAP ROOM & BOTTLE SHOP

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

The said Council has no objection to the issuance of a SPECIAL  
PERMIT for SOCIAL AFFAIR applied for by:

Gnarly Brews Tap Room and Bottle Shop, 224 Stockton Street,  
Phillipsburg, New Jersey, for:--

August 11, 2016 and also August 18, 2016 from 6:00 P.M. to 10:00  
P.M. also in accordance with all local ordinances.

The above stated Special Permit is for premises known as Shappell  
Park, 353 South Main Street, Phillipsburg, New Jersey.

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 August 02, 2016  
meeting.

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Victoria L. Kleiner, RMC

R: 2016 - 147

A RESOLUTION IMPOSING LIEN FOR  
MUNICIPAL SERVICES

WHEREAS, the attached schedule lists the owner of a Block and Lot located in the Town of Phillipsburg, and

WHEREAS, there are unpaid charges in the amount listed outstanding on said Block and Lot, representing the costs incurred by the Town of Phillipsburg to remedy violations occurring on said property, according to the certification and cost annexed hereto, which the Town Council has examined and found to be proper,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that it does hereby place a lien on the premises listed in the amount listed for the purpose of collecting unpaid charges due to the Town of Phillipsburg.

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 August 02, 2016 meeting.

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Victoria L. Kleiner, RMC

**Schedule-Municipal Liens –August 2, 2016**

Property Owner	Block/Lot/Address	Service	Lien
Richard Eannucci 120 Center Road Phillipsburg, NJ 08865	3002/13 120 Center Road	Public Works Call Out – Invoice 2016-38	\$775.00
Estate of R. Roskilly 252 Heckman Street Phillipsburg, NJ 08865	1222/7 252 Heckman Street	Public Works Call Out – Invoice 2016-39	\$400.00
Norton Partnership c/o Neil Norton 3417 Sleepy Hollow Court Wall Township, NJ 07719	1005/3 540 Marshall Street	Public Works Call Out – Invoice 2016-40	\$2,200.00
Joycelyn Vieux 362 Hudson Street Phillipsburg, NJ 08865	1212/7 362 Hudson Street	Public Works Call Out – Invoice 2016-42	\$150.00
Mary Alice & John Raushi 325 Lager Cross Road Bedminster, NJ 07921	1411/71 43 Sitgreaves Street	Public Works Call Out – Invoice 2016-43	\$275.00
Betsy & Michael Pogorzelski 26 Heckman Street Phillipsburg, NJ 08865	1319/10 26 Heckman Street	Public Works Call Out – Invoice 2016-44	\$350.00
Shawnda Nesbitt 240 Natalie Drive Phillipsburg, NJ 08865	2909/12 240 Natalie Drive	Public Works Call Out – Invoice 2016-45	\$650.00
Sherry Suydam 859 Hill Street Phillipsburg, NJ 08865	2422/18 859 Hill Street	Public Works Call Out – Invoice 2016-46	\$500.00
Zachary & Daniele George 646 Belvidere Road Phillipsburg, NJ 08865	601/17 646 Belvidere Road	Public Works Call Out – Invoice 2016-47	\$400.00
Mark James 18 Limekiln Road Phillipsburg, NJ 08865	2506/3 18 Limekiln Road	Public Works Call Out – Invoice 2016-48	\$325.00
Richard & Natalie Kelly 449 Center Street Phillipsburg, NJ 08865	1601/7 449 Center Road	Public Works Call Out – Invoice 2016-49	\$700.00













# Public Works INVOICE 2016 - 45

**TOWN OF PHILLIPSBURG**  
 675 Corliss Avenue  
 Phillipsburg, NJ 08865

Phone: (908) 454-5500  
 Fax: (908) 454-6511

INVOICE NO. 2016-45  
 INVOICE DATE 06/24/16  
 INVOICE DATE DUE 07/24/16

TAX ACCOUNT NUMBER  
 TOWN RESOLUTION #  
 ADOPTED DATE  
 BLOCK AND LOT 2909/12

**WORK PERFORMED FOR:**

Shawnda Nesbitt  
 240 Natalie Drive  
 Phillipsburg, NJ 08865

**DESCRIPTION OF SERVICES PERFORMED:**

6/20/16 - Public Works called out to cut grass, weeds & remove debris  
  
 Re: 240 Natalie Drive

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
2	hrs	Labor	\$100.00	\$200.00
2	hrs	Pick up truck	\$50.00	\$100.00
2	hrs	Weedwackers	\$25.00	\$50.00
2	hrs	John Deere Mower	\$100.00	\$200.00
1	load	Debris	\$100.00	\$100.00
SUBTOTAL				\$650.00
<b>TOTAL BALANCE DUE</b>				<b>\$650.00</b>

Questions concerning this invoice?  
 Call: Business Administrator  
 (908) 454-5500 ext. 304

**MAKE ALL CHECKS PAYABLE TO:**  
 Town of Phillipsburg  
 675 Corliss Avenue  
 Phillipsburg, NJ 08865

PURSUANT TO CHAPTER 2: TOWN OF PHILLIPSBURG, ADMINISTRATIVE CODE, ALL SERVICES RENDERED TO A PROPERTY SHALL CONSTITUTE AN IMMEDIATE LIEN, TO BE ADDED TO TAXES DUE AND ENFORCED BY TAX SALE, SHOULD SAME REMAIN UNPAID. ALL OTHER TYPES OF SERVICES REMAINING OPEN PAST 30 DAYS SHALL BE REFERRED TO THE MUNICIPAL ATTORNEY FOR COLLECTION. COST OF COLLECTIONS SHALL BE ADDED TO THE AMOUNT DUE.









R: 2016-148

A RESOLUTION RESCINDING A PORTION OF RESOLUTION 2016-113; License number 211-44-012-001

WHEREAS, Resolution 2015-105 authorized the approval of certain liquor licenses within the Town;

WHEREAS, Rock Sky LLC, license number 2119-44-012-001 was inadvertently included on the Resolution, and

WHEREAS, Rock Sky, LLC required a special ruling pursuant to N.J.S.A 33:1-12:39 in order to be granted a renewal; and

WHEREAS, Rock Sky, LLC did not provide a special ruling to the Municipality.

NOW, THEREFORE, BE IT RESOLVED that the portion of Resolution 2016-113 granting approval for a renewal to Rock Sky, LLC, license number 2119-44-012-001 is hereby rescinded.

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 August 02, 2016 meeting.

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Victoria L. Kleiner, RMC

**R: 2016-149**

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR THE EVALUATION OF THE NEWLY INSTALLED HVAC SYSTEM**

**WHEREAS**, the Town of Phillipsburg has a need to acquire professional services relative to engineering services required in order to evaluate and provide recommendations regarding the newly installed HVAC system (“Project”); and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), a contract for such services may be awarded without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, Van Cleef Engineering Associates submitted a proposal dated July 29, 2016, to provide engineering services relative to the Project; and

**WHEREAS**, the value of these services will not exceed the sum of \$6,000.00; and

**WHEREAS**, the Town Council finds it to be in the best interest of the Town of Phillipsburg to authorize said work, which work is not subject to public bidding; and

**WHEREAS**, sufficient funds are available as evidenced by the attached certification by the CFO.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Mayor and Municipal Clerk are authorized to enter into a Contract with Van Cleef Engineering Associates as described therein.

**BE IT FURTHER RESOLVED** that the Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Contract and that the resolution and Contract are on file in the Office of the Clerk and are available for public inspection

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on August 02, 2016.

---

Victoria L. Kleiner, Municipal Clerk



www.vcea.org

Since 1972 • Consulting Civil, Environmental & Municipal Engineering  
Land Surveying • Professional Planning • Landscape Architecture

July 29, 2016

Honorable Steven Ellis  
Town of Phillipsburg  
675 Corliss Avenue  
Phillipsburg, New Jersey 08865

**RE: Town of Phillipsburg  
HVAC Evaluation  
Engineering and Surveying Services Proposal  
Our Project Number 9110**

Dear Mayor Ellis:

In accordance with your request, Van Cleef Engineering Associates is pleased to present you with our proposal (2 originals) for Engineering Services associate with the evaluation of the HVAC system including the installed chillers and control system.

The scope of work is anticipated to be the following:

- Review any change order credits from the Chiller project.
- Perform a building heating / cooling analysis of all office areas with fan coil units.
- Compare the existing fan coil unit capacity versus the design simulation.
- We will recommend quantities and sizes of replacement fan coil units to be tied into Phillipsburg's building automation system.
- Prepare cost information on fan coil replacement equipment.

We anticipate that the program can be fully developed and implemented within 2 months and our fee will be **\$6000.00**.

If any of the above additional work is required, we will prepare separate proposals upon request. Any work not specifically outlined in this proposal can be provided on a time and material basis in accordance with our current schedule of hourly billing rates, but only with your consent.

Van Cleef Engineering Associates proposes to invoice the Town of Phillipsburg, monthly, on a "percentage complete" basis. Terms & conditions will be in accordance to our standing contract with the Town of Phillipsburg.

Please Reply To:  
**PHILLIPSBURG NEW JERSEY OFFICE** • 755 Memorial Parkway, Suite 110 • Phillipsburg, NJ 08865 • 908.454.3080  
Fax: 908.454.1397

With Other Offices In:  
Freehold NJ • Hamilton NJ • Hillsborough NJ • Lebanon NJ • Parsippany NJ • West Deptford NJ • Doylestown PA • Bethlehem PA • Wyomissing PA • Newark DE • Salisbury MD

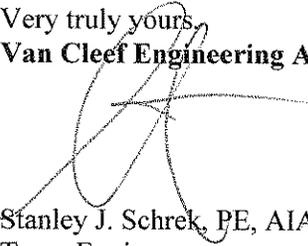
Neil I. Van Cleef, P.E., L.S. & P.P.  
Robert J. Clerico, P.E. & P.P.  
Robert B. Heibell, P.E., L.S. & P.P.  
Daniel A. Nagy, L.S. & P.P.  
Samuel D. Costanzo, P.E. & P.P.

*mailed to K20 7/29/16*

Should you have any questions or require additional information with regard to this proposal, please do not hesitate to contact our office. We appreciate being given this opportunity to submit this proposal to you and look forward to working on this important project.

Should this proposal be acceptable, please sign and date both originals and return one (1) to our office.

Very truly yours,  
**Van Cleef Engineering Associates.**



Stanley J. Schrek, PE, AIA, PP, CME, LEED AP  
Town Engineer

Accepted:

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Mayor Stephen R. Ellis

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Date

R: 2016-150

A RESOLUTION OF Town of Phillipsburg AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, Town of Phillipsburg has determined to move forward with the EMEX Reverse Auction in order procure electricity for Town of Phillipsburg; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Town of Phillipsburg will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.0899/kWh or less for a 6 month term, a price of \$0.0899/kWh or less for a 12 month term, a price of \$0.0899/kWh or less for an 18 month term, or a price of \$0.0899/kWh or less for a 24 month term. Town of Phillipsburg may award a contract to the winning supplier for the selected term.

NOW THEREFORE BE IT RESOLVED, that the Mayor of the Town of Phillipsburg be and [he/she] hereby is authorized to execute on behalf of the Town of Phillipsburg any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.0899/kWh or less for a 6 month term, a price of \$0.0899/kWh or less for a 12 month term, a price of \$0.0899/kWh or less for an 18 month term, or a price of \$0.0899/kWh or less for a 24 month term Town of Phillipsburg may award a contract to the winning supplier for the selected term.

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on August 02, 2016.

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Victoria L. Kleiner, Municipal Clerk



# EMEX, LLC Custom Pricing Analysis

Prepared For:

**Town of Phillipsburg**

## About EMEX, LLC:

EMEX, LLC is a privately-held firm providing energy procurement & analysis services in deregulated regions of the United States. EMEX's complete portfolio of services and proprietary, online platforms are entirely focused on reducing the cost of energy in real-time for business and government consumers. EMEX's mission is to put the Power to save money in the hands of its clients with smart, ground-breaking technology designed to dramatically simplify energy procurement. Core to EMEX is the Flagship product brand EMEX™ Reverse Auction Platform, recognized for its Innovation and Excellence.

The EMEX Platform enables commercial and industrial customers to compare prices, receive in-depth analysis, and order executable contracts from up to 15 competing National Retail Energy Suppliers. The EMEX Platform serves as a unique business resource that creates unsurpassed transparency while allowing our clients to better manage and control their electricity costs. EMEX provides fixed rates, variable rates and hybrids to all business types from small commercial to large industrial, as well as analysis of current and historical market trends. Our fully automated online platform simplifies the process for our customers to easily switch to a lower-cost energy provider.

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EMEX, LLC • 11011 Richmond Ave., Suite 500 • Houston, TX 77042 • T +1 877 459 4728

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## EMEX, LLC Custom Pricing Analysis - Pricing Summary

**Prepared For:** Town of Phillipsburg  
**Analysis Date:** Friday, July 22, 2016  
**Start Month:** September-16



<i>Your Current Supplier and Benchmark Price to Compare</i>						
Supplier Name	Term (Months)	Price (\$/kWh)	Quote Type	Est. Annual Usage (kWh)	Supply-Related Taxes	Est. Annual Supply Cost
TriEagle Energy	18	\$0.09190	Fixed	961,250	SUT Included	\$ 88,338.88

<i>Quotes Obtained by EMEX</i>						
Supplier Name	Term (Months)	Price (\$/kWh)	Quote Type	Est. Annual Usage (kWh)	Supply-Related Taxes	Est. Annual Supply Cost
USG&E	6	\$0.09206	Fixed	961,250	SUT Included	\$ 88,492.68
USG&E	12	\$0.08682	Fixed	961,250	SUT Included	\$ 83,455.73
USG&E	18	\$0.08843	Fixed	961,250	SUT Included	\$ 85,003.34
<b>USG&amp;E</b>	<b>24</b>	<b>\$0.08738</b>	<b>Fixed</b>	<b>961,250</b>	<b>SUT Included</b>	<b>\$ 83,994.03</b>
Agera Energy	6	\$0.10041	Fixed	961,250	SUT Included	\$ 96,519.11
Agera Energy	12	\$0.09499	Fixed	961,250	SUT Included	\$ 91,309.14
Agera Energy	18	\$0.09541	Fixed	961,250	SUT Included	\$ 91,712.86
Agera Energy	24	\$0.09441	Fixed	961,250	SUT Included	\$ 90,751.61
Champion Energy Services	6	\$0.10054	Fixed	961,250	SUT Included	\$ 96,644.08
Champion Energy Services	12	\$0.09510	Fixed	961,250	SUT Included	\$ 91,414.88
Champion Energy Services	18	\$0.09663	Fixed	961,250	SUT Included	\$ 92,885.59
Champion Energy Services	24	\$0.09547	Fixed	961,250	SUT Included	\$ 91,770.54
ConEd Solutions	6	\$0.10621	Fixed	961,250	SUT Included	\$ 102,094.36
ConEd Solutions	12	\$0.09363	Fixed	961,250	SUT Included	\$ 90,001.84
ConEd Solutions	18	\$0.09655	Fixed	961,250	SUT Included	\$ 92,808.69
ConEd Solutions	24	\$0.09397	Fixed	961,250	SUT Included	\$ 90,328.66
Constellation Energy	6	\$0.10170	Fixed	961,250	SUT Included	\$ 97,759.13
Constellation Energy	12	\$0.09368	Fixed	961,250	SUT Included	\$ 90,049.90
Constellation Energy	18	\$0.09627	Fixed	961,250	SUT Included	\$ 92,539.54
Constellation Energy	24	\$0.09442	Fixed	961,250	SUT Included	\$ 90,761.23
Great Eastern Energy	6	\$0.09990	Fixed	961,250	SUT Included	\$ 96,028.88
Great Eastern Energy	12	\$0.09227	Fixed	961,250	SUT Included	\$ 88,694.54
Great Eastern Energy	18	\$0.09472	Fixed	961,250	SUT Included	\$ 91,049.60
Great Eastern Energy	24	\$0.09360	Fixed	961,250	SUT Included	\$ 89,973.00

<b>Estimated Annual Savings</b>	<b>\$</b>	<b>4,344.85</b>	<b>4.92%</b>
<b>Estimated Savings Over Contract Term</b>	<b>\$</b>	<b>8,689.70</b>	

Actual savings may vary. Savings estimates are calculated according to actual or estimated benchmark pricing in relation to your historical energy consumption. All savings figures are based on current published utility tariffs or current third party supplier rates as provided to EMEX.

EMEX, LLC • 11011 Richmond Ave., Suite 500 • Houston, TX 77042 • Toll-Free (877) 459-4728

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## EMEX, LLC Custom Pricing Analysis - Pricing Summary

**Prepared For:** Town of Phillipsburg  
**Analysis Date:** Friday, July 22, 2016  
**Start Month:** September-16



<i>Your Current Supplier and Benchmark Price to Compare</i>						
Supplier Name	Term (Months)	Price (\$/kWh)	Quote Type	Est. Annual Usage (kWh)	Supply-Related Taxes	Est. Annual Supply Cost
JCPL	N/A	\$0.09820	Tariff	961,250	SUT Included	\$ 94,394.75

<i>Quotes Obtained by EMEX</i>						
Supplier Name	Term (Months)	Price (\$/kWh)	Quote Type	Est. Annual Usage (kWh)	Supply-Related Taxes	Est. Annual Supply Cost
USG&E	6	\$0.09206	Fixed	961,250	SUT Included	\$ 88,492.68
USG&E	12	\$0.08682	Fixed	961,250	SUT Included	\$ 83,455.73
USG&E	18	\$0.08843	Fixed	961,250	SUT Included	\$ 85,003.34
<b>USG&amp;E</b>	<b>24</b>	<b>\$0.08738</b>	<b>Fixed</b>	<b>961,250</b>	<b>SUT Included</b>	<b>\$ 83,994.03</b>
Agera Energy	6	\$0.10041	Fixed	961,250	SUT Included	\$ 96,519.11
Agera Energy	12	\$0.09499	Fixed	961,250	SUT Included	\$ 91,309.14
Agera Energy	18	\$0.09541	Fixed	961,250	SUT Included	\$ 91,712.86
Agera Energy	24	\$0.09441	Fixed	961,250	SUT Included	\$ 90,751.61
Champion Energy Services	6	\$0.10054	Fixed	961,250	SUT Included	\$ 96,644.08
Champion Energy Services	12	\$0.09510	Fixed	961,250	SUT Included	\$ 91,414.88
Champion Energy Services	18	\$0.09663	Fixed	961,250	SUT Included	\$ 92,885.59
Champion Energy Services	24	\$0.09547	Fixed	961,250	SUT Included	\$ 91,770.54
ConEd Solutions	6	\$0.10621	Fixed	961,250	SUT Included	\$ 102,094.36
ConEd Solutions	12	\$0.09363	Fixed	961,250	SUT Included	\$ 90,001.84
ConEd Solutions	18	\$0.09655	Fixed	961,250	SUT Included	\$ 92,808.69
ConEd Solutions	24	\$0.09397	Fixed	961,250	SUT Included	\$ 90,328.66
Constellation Energy	6	\$0.10170	Fixed	961,250	SUT Included	\$ 97,759.13
Constellation Energy	12	\$0.09368	Fixed	961,250	SUT Included	\$ 90,049.90
Constellation Energy	18	\$0.09627	Fixed	961,250	SUT Included	\$ 92,539.54
Constellation Energy	24	\$0.09442	Fixed	961,250	SUT Included	\$ 90,761.23
Great Eastern Energy	6	\$0.09990	Fixed	961,250	SUT Included	\$ 96,028.88
Great Eastern Energy	12	\$0.09227	Fixed	961,250	SUT Included	\$ 88,694.54
Great Eastern Energy	18	\$0.09472	Fixed	961,250	SUT Included	\$ 91,049.60
Great Eastern Energy	24	\$0.09360	Fixed	961,250	SUT Included	\$ 89,973.00

<b>Estimated Annual Savings</b>	<b>\$</b>	<b>10,400.73</b>	<b>11.02%</b>
<b>Estimated Savings Over Contract Term</b>	<b>\$</b>	<b>20,801.45</b>	

Actual savings may vary. Savings estimates are calculated according to actual or estimated benchmark pricing in relation to your historical energy consumption. All savings figures are based on current published utility tariffs or current third party supplier rates as provided to EMEX.

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# EMEX, LLC Custom Pricing Analysis - Pricing Addendum

**Pricing Notes:**

**Charges Included in Pricing Summary:**

- Energy
- Capacity (non-ERCOT)
- Network Transmission
- ISO/RTO Fees
- Renewable Requirements
- Ancillary Services
- Line Losses
- Congestion Charges

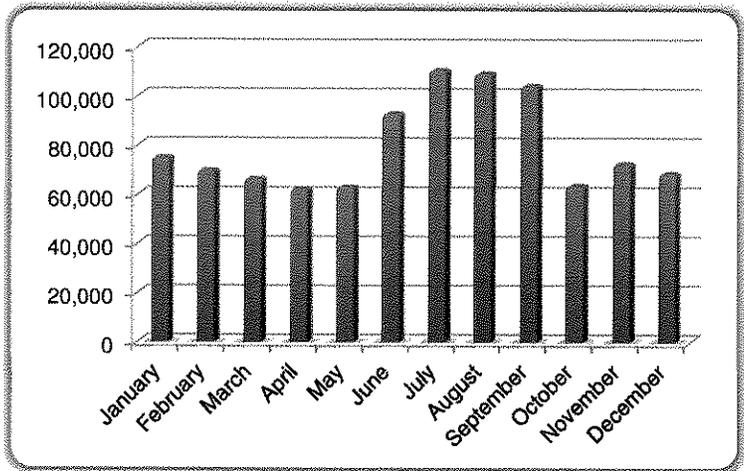
**Charges NOT Included in Pricing Summary:**

- Utility Delivery and Distribution Charges
- Sales and Local Taxes\*
- Meter Charges (If Applicable)

\*Other than SUT or GRT, If Indicated on Pricing Summary Sheet

## Energy Usage Summary

Billing Month	Energy Usage (kWh)
January	75,304
February	70,139
March	66,773
April	62,622
May	63,416
June	92,993
July	110,691
August	109,432
September	104,429
October	63,800
November	72,779
December	68,872



## Energy Account(s) Summary

Account Number	Annual Usage	Rate Class	Current Price	Proposed Price	Annual Savings
<p style="text-align: center; font-size: 24px; font-weight: bold;">See Account Number Addendum</p>					

See Account Number Addendum

Actual savings may vary. Savings estimates are calculated according to actual or estimated benchmark pricing in relation to your historical energy consumption. All savings figures are based on current published utility tariffs or current third party supplier rates as provided to EMEX.

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# EMEX, LLC Custom Pricing Analysis - Pricing Addendum II

## Supplier Details

Supplier Name	Credit Status	Bandwidth Tolerance	Default Billing Option
USG&E	Pending	25% +	Consolidated
Agera Energy	Pending	25% +	Consolidated
Champion Energy Services	Approved	25% +	Consolidated
ConEd Solutions	Pending	25% +	Consolidated
Constellation Energy	Approved	25% +	Consolidated
Great Eastern Energy	Pending	25% +	Consolidated

### What is a Bandwidth Tolerance?

A Bandwidth Clause is an element of a fixed price that allows you to use a fixed percentage over or under your contracted monthly volumes. Energy consumed over or under the bandwidth tolerance could result in additional charges. This tolerance can also be stated via a Material Change clause that eliminates the set percentage and instead allows you to consume more or less energy, so long as you operate in a manner that is materially consistent with your past energy usage practices.

### What are Default Billing Options?

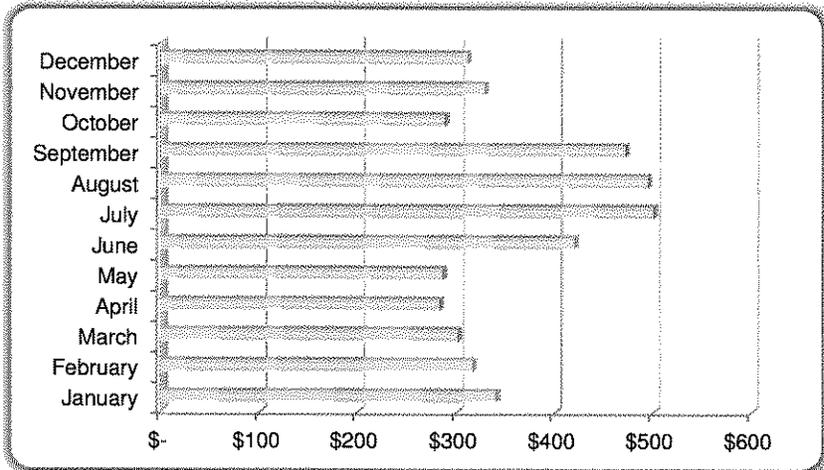
With a **Consolidated Billing** option, you will continue to receive your invoices from your Utility provider, only now the supplier's charges will replace the Utility's supply charges. You will retain your Utility's billing structure and mailing addresses currently on file.

With a **Dual Billing** option, you will receive one invoice from your Utility provider for Delivery and Distribution charges and a separate invoice from the Supplier with your supply charges. Correct billing addresses must be established with the supplier on or after contracting.

## Estimated Savings By Month

The following graph depicts the estimated savings by month using your current estimated Price to Compare as indicated on the Pricing Summary versus the recommended quote obtained by EMEX.

Month	Savings
January	\$ 340.37
February	\$ 317.03
March	\$ 301.81
April	\$ 283.05
May	\$ 286.64
June	\$ 420.33
July	\$ 500.32
August	\$ 494.63
September	\$ 472.02
October	\$ 288.38
November	\$ 328.96
December	\$ 311.30



Actual savings may vary. Savings estimates are calculated according to actual or estimated benchmark pricing in relation to your historical energy consumption. All savings figures are based on current published utility tariffs or current third party supplier rates as provided to EMEX.

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## EMEX, LLC Custom Pricing Analysis - Account Number Addendum

Please ensure all account numbers you wish to be contracted are included in the summary below:

#	Service Address	City	State	Account Number
1	First St. and Marshall St.	Phillipsburg	NJ	08004763370000548510
2	Phillipsburg Co 1 Hanover St.	Phillipsburg	NJ	08004763370000548600
3	Lincoln Engine Co. 350 Lincoln St.	Phillipsburg	NJ	08004763370000642730
4	Warren Chemical 769 Columbus Ave.	Phillipsburg	NJ	08004763370000734875
5	Meyner Rd.	Phillipsburg	NJ	08003335070006175107
6	S Main St.	Phillipsburg	NJ	08003335070000548717
7	Emergency Squad 365 Prospect St.	Phillipsburg	NJ	08003335070000642865
8	Meyner Rd.	Phillipsburg	NJ	0800333507000689686
9	Meyner Rd.	Phillipsburg	NJ	08003335070003184049
10	Services Meyner Rd.	Phillipsburg	NJ	08021491970003229390
11	Phone Booth 728 S Main St.	Phillipsburg	NJ	08003335070000549437
12	991 S Main St.	Phillipsburg	NJ	08003335070000927165
13	Market St.	Phillipsburg	NJ	08003335070000241170
14	Green St.	Phillipsburg	NJ	08003335070003113781
15	Walters Park Rd.	Phillipsburg	NJ	08004640690000689681
16	Traffic Lights Hudson and Filmore St.	Phillipsburg	NJ	08003335070000865734
17	Traffic Lights Sitgreaves St.	Phillipsburg	NJ	08003335070000908197
18	Traffic Lights Rte 22 and McKeen St.	Phillipsburg	NJ	08003335070000549031
19	Traffic Lights Bates St	Phillipsburg	NJ	08003335070000820397
20	Roseberry St.	Phillipsburg	NJ	08003335070003099525
21	Blk Lt 0 Elizabeth St.	Phillipsburg	NJ	08021491970006355442
22	Blk Lt 0 Broad St.	Phillipsburg	NJ	08003335070006476116
23	Blk Lt 0 Riverside Way	Phillipsburg	NJ	08003335070006551252
24	Phillipsburg Police Municipal	Phillipsburg	NJ	08004640780000820322
25	177 S Main St.	Phillipsburg	NJ	08003335070006497810
26	Heckman St.	Phillipsburg	NJ	0804398781000642997
27	Blk 3004 Lt 21 0 Hemlock Dr.	Phillipsburg	NJ	08043987810006543477
28	310 Firth St	Phillipsburg	NJ	08004480100000918093
29	310 Firth St	Phillipsburg	NJ	08016612230000820321
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## EMEX Conference Call Notes 7.27.16

Attendees: Bob Merlo, Sherry Corcoran, Melissa Elias, Darryl Glynn(EMEX analyst)

- **Current status**

- contract expires on September meter reading dates
- current supplier is TriEagle under 18 month contract
- good time for renewal-rates are low

- **Recommendations**

- Fixed rate
  - Budget certainty
  - Mitigates risk exposure for municipalities
- Analysis factors
  - Savings against default pricing with utility (JCP and L)
  - Weather driven market
    - Since 12/15, with mild weather and natural gas market hitting a 15 year low and oil market tanking, as well as coal shift to natural gas, confidence is there that rates will remain low in the short term, but will trend back up if we have a regular winter again
  - Election year
  - No Big storms, hurricanes in recent experience
- 12 or 18 month term (can go 24 months)
  - Maybe go shorter depending on when solar piece might kick in
- Trigger resolution to be adopted at 8/2 Council meeting
  - Darryl will send form
    - **Melissa will provide form of resolution and explanatory information for Mayor and Council members by Friday to Vicky/Rich**
  - Variable price point
  - Darryl will set at current rate or maybe a little lower
- Schedule by end of first week of August
  - Schedule near Council meeting

- Stay away from Thursdays- report comes out that causes market volatility
- Need switch time with JCP & L to hit early Sept meter reads should we end up with a different carrier
  - Now running 20 days for early month reads

Choose 8/2 or 8/3 as auction date

- **We chose Wednesday, 8/3/2016**

- Solar potential-factors to consider
  - bandwidth tolerance in supplier contracts
  - Material adverse change clause
  - Align contract terms accordingly
- **Auction Process**
  - Log in-password
  - Is recorded- we can all watch
  - 24 hour notice to suppliers
    - Tri Eagle might not bid-not being aggressive this year
  - Takes about 5 minutes
    - Time can be reset in 2 minute increments
    - Can go out 20-30 minutes
    - We just sit and watch as suppliers bid
- **History**
  - Established relationship with NJ in 2001(when deregulation occurred)
    - RFP process bypassed by program in place with state-NJ rider to contract
    - Creates nice footprint and savings for NJ municipalities
  - EMEX has been providing services to Phillipsburg since 2011
  - Provides same service to Phillipsburg Housing Authority
  - They provide service to a number of NJ sewage authorities
    - They will do an analysis for us if we would like to pursue
  - EMEX reverse auction program now in use with @200 municipalities
    - Just redid Atlantic City MUA
      - Went to auction 6 months early to lock in a lower rate
  - P'burg had 2 different providers before Tri Eagle
  - Those contracts were a little cheaper than Tri Eagle

- Jexa
- Nexterra
- Different market conditions



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO BOX 803  
TRENTON, NJ 08625-0803

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**LORI GRIFA**  
*Commissioner*

November 9, 2011

Mr. Todd Segmond  
EMEX, LLC  
2825 Wilcrest Drive, Suite 656  
Houston, Texas 77042

Dear Mr. Segmond:

The Division of Local Government Services has received the questionnaire and accompanying documentation, in which you have requested that EMEX, LLC be approved as a vendor, pursuant to the Local Unit Electronic Technology Pilot Program, P.L. 2001, c. 30. You are seeking to offer a reverse auction platform for the purchase of energy generation services by local contracting units in New Jersey.

Staff has reviewed the documentation you submitted. EMEX LLC is, hereby, approved pursuant to the Pilot Program, as a vendor to offer its reverse auction platform to New Jersey local contracting units for the purchase of energy generation services. Please make note of the following conditions:

- Only those vendors approved by the New Jersey Board of Public Utilities (BPU) are permitted to submit bids for energy generation services.
- On behalf of the local contracting unit, EMEX LLC will provide the approved bidders with an ID and password to participate. In this regard, it is necessary that the bidder's identity not be displayed on the bid page, so as to minimize any opportunity for collusion and to preserve the confidentiality of the bids.
- EMEX LLC must provide assurance that all approved bidders have the capability to access the reverse auction process.
- EMEX LLC shall specify to bidders the reverse auction language. The first bid (opening price) is the "reserve" price. Subsequent bids must be below this.
- Upon request from this agency, EMEX LLC shall provide the Division with a password and user ID to monitor any particular auction.
- If any problems are encountered during an auction process, EMEX LLC shall document same and notify the Division, in writing, as to how the matter was remedied.



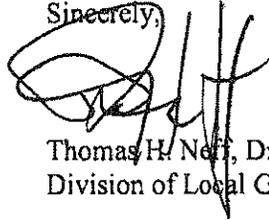
Mr. Todd Segmond  
Page 2  
November 9, 2011

Please address your acknowledgement of receipt and acceptance of these conditions as soon as possible to my attention at the Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625-0803. Any future changes to these procedures must be approved by the Division before they can be utilized in the reverse auction process.

We are issuing your company the waiver number "EMEX LLC-1." Local contracting units that decide to utilize your services should reference this number as an identifier on appropriate documentation, such as resolutions and contracts.

Your efforts and cooperation in this matter are appreciated and we wish you well in the endeavor. If you have any questions regarding this letter, please contact Daniel Kaminski, of my staff, at (609) 292-9757, or by email at [dkaminski@dca.state.nj.us](mailto:dkaminski@dca.state.nj.us).

Sincerely,



Thomas H. Neff, Director  
Division of Local Government Services

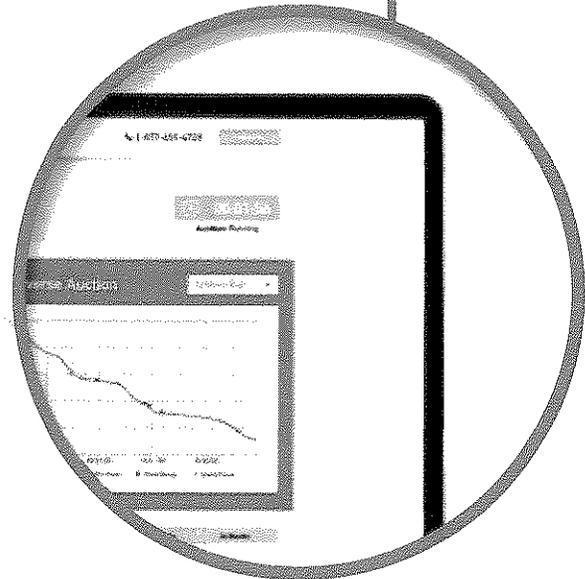
THN:djk



**REAL**

**Customized Energy Risk Management  
Powered by Revolutionary Technology**

**ENERGY SAVINGS.**





# EMEX® Reverse Auctions save towns up to 30% on energy costs.

Newark Board  
of Education  
**Savings: \$1,263,312.79**

Atlantic City Municipal  
Utilities Authority  
**Savings: \$344,008.00**

Lakewood Township  
**Savings: \$269,785.72**

Old Bridge Township  
**Savings: \$267,928.82**

City of Paterson  
**Savings: \$214,504.60**

City of Asbury Park  
**Savings: \$187,136.16**

Moorestown Township  
**Savings: \$201,886.96**

City of Perth Amboy  
**Savings: \$160,236.98**

Morris County Municipal  
Utilities Authority  
**Savings: \$159,654.96**

Eastern Camden  
County Regional  
School District  
**Savings: \$136,135.79**

City of Long Branch  
**Savings: \$132,329.98**

Monroe Township  
**Savings: \$107,039.26**

Western Monmouth  
Utilities Authority  
**Savings: \$100,256.52**

City of Bridgeton  
**Savings: \$95,896.40**

Ewing Township  
**Savings: \$86,408.61**

South Monmouth  
Regional Sewerage  
Authority  
**Savings: \$69,778.59**

City of Plainfield  
**Savings: \$61,103.84**

Freehold Township  
**Savings: \$44,556.02**

City of Hoboken  
**Savings: \$43,747.48**

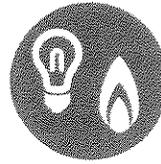
Rahway Valley  
Sewerage Authority  
**Savings: \$20,095.96**

Bordentown Sewerage  
Authority  
**Savings: \$12,550.14**

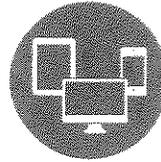
*All savings numbers are projected based on market conditions  
at the time of procurement and are not guaranteed.*

# EMEX® REVERSE AUCTIONS

EMEX® Reverse Auctions are the most effective method for procuring electricity and natural gas in the Energy Industry. By pitting highly competitive suppliers in the market against each other in a real-time bidding platform, our groundbreaking technology generates the lowest possible energy rates.



Electricity and Natural Gas products available

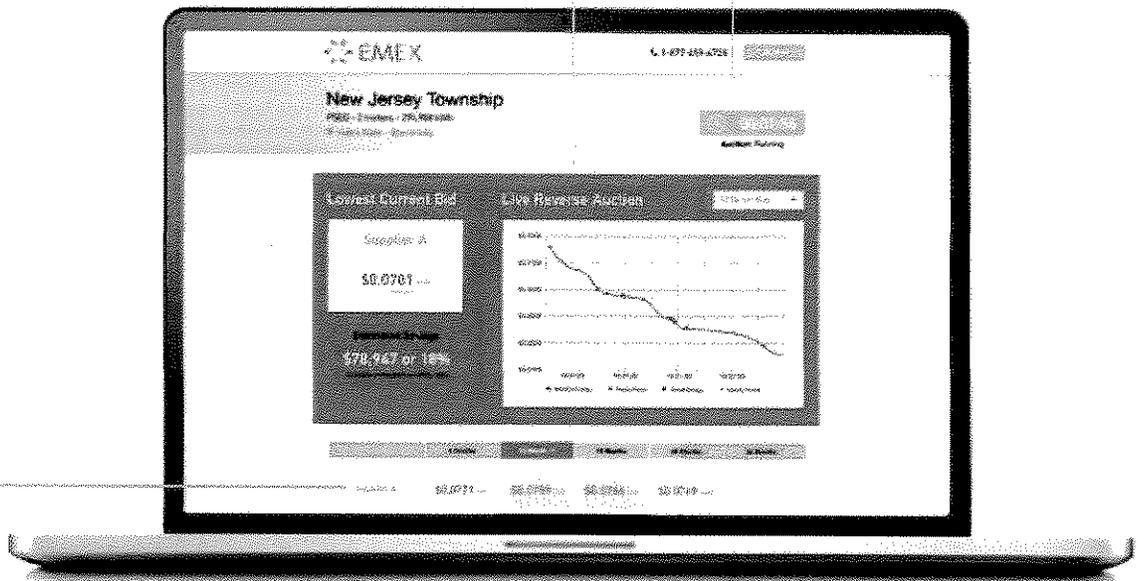


Select your device and your OS:

**FULL MARKET CONSULTATION AND PLATFORM SUPPORT**

**UP TO 15 SUPPLIERS**

**5-10 MINUTE TIMEFRAME**



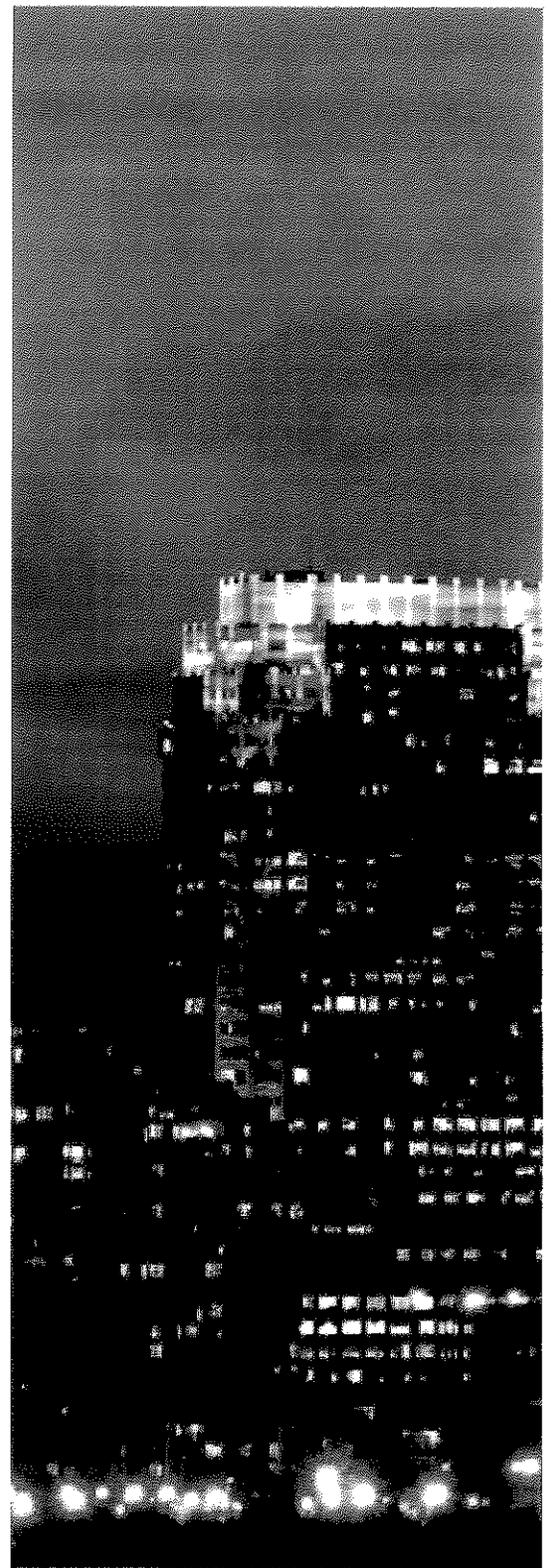
## THE PROCESS IS SIMPLE AND FAST

We bring suppliers to you in a 5-to-10-minute, real-time auction through our secure, online platform with an easy-to-use interface. Suppliers are equipped with their own platform, all watching the same screen as they bid and counter-bid against each other. Although you see the *identities of the suppliers bidding*, the suppliers' names are hidden from each other to maximize competition and preserve confidentiality. The result is a transparent, level playing field that also includes a digital recording of the reverse auction, available for stakeholder review after the auction is held.

As the bidding starts, your dedicated EMEX Energy Analyst monitors the various bids alongside you and provides live consultation before, during, and after the reverse auction. Terms of 3 months to 24 months are available and when the bidding war is over, any winning bid can be immediately taken advantage of. Best of all, there is no cost to you to run a reverse auction and no obligation to lock in a rate.

## EMEX REVERSE AUCTIONS PROVIDE OTHER BENEFITS

- Legal assistance with contract review and negotiation through EMEX's in-house, expert energy counsel
- Significantly streamlined RFP process that dramatically reduces administration time
- DCA-Approved Platform
- A reserve bid analysis, so you can review projected market rates and cost savings before your auction even begins



BPU-APPROVED  
ENERGY SUPPLIERS

"EMEX provided the Township of East Hanover with the best combination of energy savings, ease of process, clear explanation of the reverse auction process, as well as a simple process to execute the necessary steps to take full advantage of the energy savings to the Township."

**Joe Pannullo**

Mayor

Township of East Hanover

Total Savings: \$66,544,011



5  
TO 10

MINUTE TIME FRAME

30%

UP TO 30% SAVINGS ON  
YOUR ENERGY SUPPLY COSTS

# EMEX® REVERSE AUCTIONS ARE CHANGING THE GAME

With “apples to apples” bids and millions saved by local New Jersey municipalities, utility authorities, and schools year after year, EMEX® Reverse Auctions are changing the game by putting the Power to save Money where it belongs: in the hands of Local Decision-Makers.

## GET THE LOWEST POSSIBLE RATE IN 4 EASY STEPS

### 1 REGISTER ONLINE IN 2 MINUTES OR LESS.

With little more than your name and contact details, you can register for an EMEX® Reverse Auction and we'll take care of the rest – at no cost to you. You'll no longer have to create detailed RFP documents, review and compare various lengthy proposals over days, or spend countless resources trying to save money on energy.

### 2 SCHEDULE YOUR EMEX® REVERSE AUCTION.

Your reverse auction can be scheduled to start as quickly as 10 days after you register. We'll accommodate your desired timeframe and make adjustments to suit the needs of your board.

### 3 WATCH ENERGY SUPPLIERS COMPETE FOR YOUR BUSINESS.

Most EMEX® Reverse Auctions take around 10 minutes from start to finish. While energy suppliers sweat it out to win your business, you simply watch as the rates fall and the savings opportunity grows.

### 4 SIGN A NEW CONTRACT – OR DON'T.

When the auction ends, you may select a new supplier... or you may choose to not move forward. Either way, there's no commitment until you sign a contract with the supplier that provides the greatest value.

COMPATIBLE  
WITH ANY DEVICE  
AND OS:





## STREAMLINING YOUR RFP PROCESS

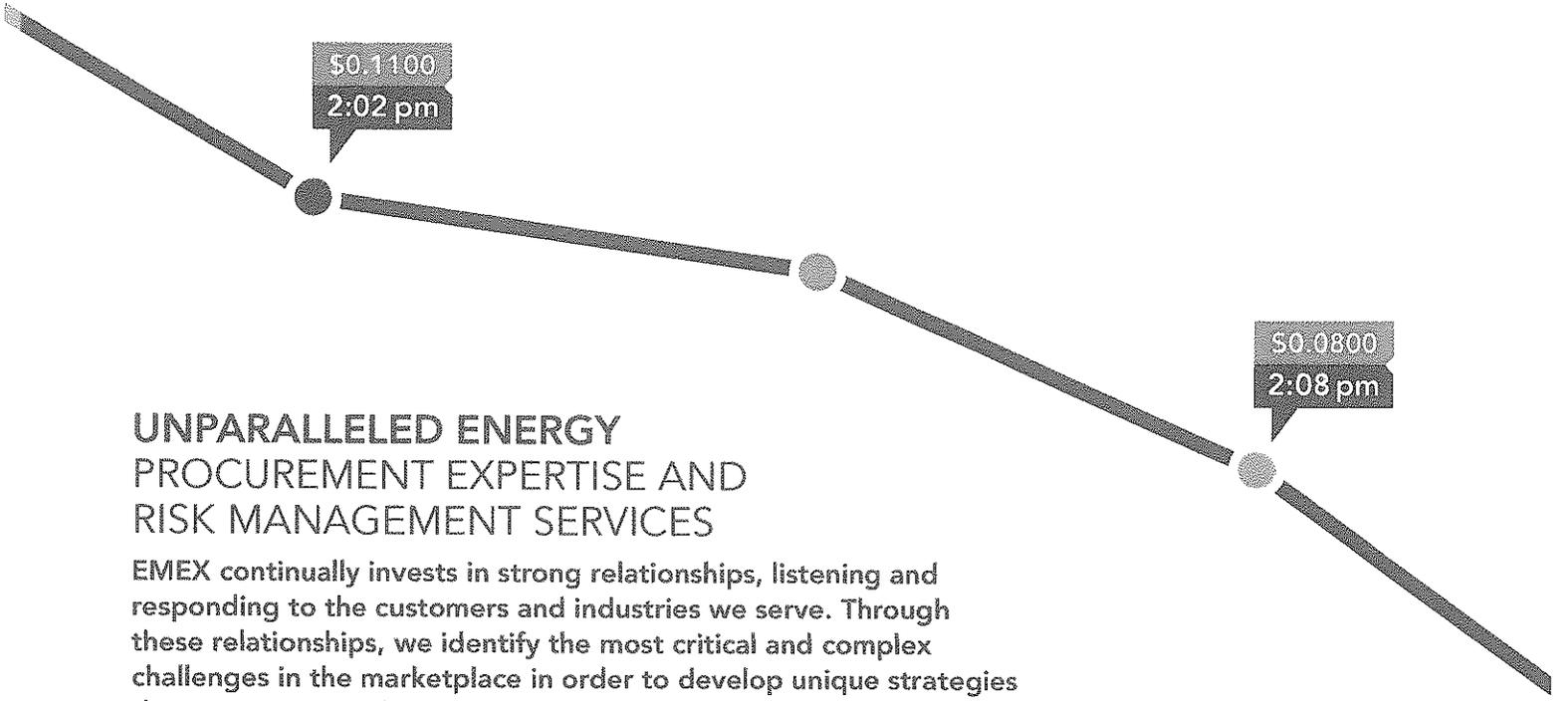
The traditional RFP process can be tedious, waste valuable administrative and legal resources, and often generates unsatisfactory results with a lackluster response from vendors.

EMEX® Reverse Auctions take the worry and pain out of the RFP process by consistently bringing a wider base of New Jersey Board of Public Utilities (BPU)-Approved suppliers to the table and ensuring bidding is conducted on a level playing field. EMEX's RFPs are done through a highly automated, uniform process that saves dozens of hours for both the customer and the suppliers, meaning suppliers are much more likely to participate. EMEX is a DCA-approved vendor, and is in full compliance with all regulatory and state laws for local unit procurement.

## A COLLABORATIVE EFFORT FROM THE START

EMEX has an established track record of working collaboratively with government customers, applying our knowledge, expertise and technology across all aspects of energy management to develop a true assessment of your energy needs and potential savings. Additionally, EMEX's legal team will work with you and your board members or your local unit's legal counsel, negotiate contract terms on your behalf with energy suppliers, and ensure a full understanding of any agreement; all of these processes are fundamental parts of EMEX's services and are done at no cost to you.

Your dedicated EMEX Government Relations team includes an Energy Analyst and Risk Management Experts who will work with you and your board to determine the best course of action according to your needs. They will review all aspects of your energy portfolio and will discuss the best options, including suggestions on term length, product type, and important contract provisions to include in the RFP.



\$0.1100  
2:02 pm

\$0.0800  
2:08 pm

## UNPARALLELED ENERGY PROCUREMENT EXPERTISE AND RISK MANAGEMENT SERVICES

**EMEX continually invests in strong relationships, listening and responding to the customers and industries we serve. Through these relationships, we identify the most critical and complex challenges in the marketplace in order to develop unique strategies that ensure optimal outcomes.**

One primary factor in obtaining an optimal outcome is market timing. By creating a procurement strategy that revolves around market conditions and locking in a rate during low points in the market, EMEX puts local units in a position to succeed. This strategy contrasts with how aggregations operate, where customers are forced to abide by set-in-stone procurement dates regardless of where market prices are, and its members do not have a choice in the term or rate the aggregation decides to lock in for its group.

EMEX experts give you logical solutions based on market conditions, your specific needs, and the product that provides the best value. By controlling the market through EMEX instead of letting the market control you, your local unit will significantly increase the savings potential on its energy expense.

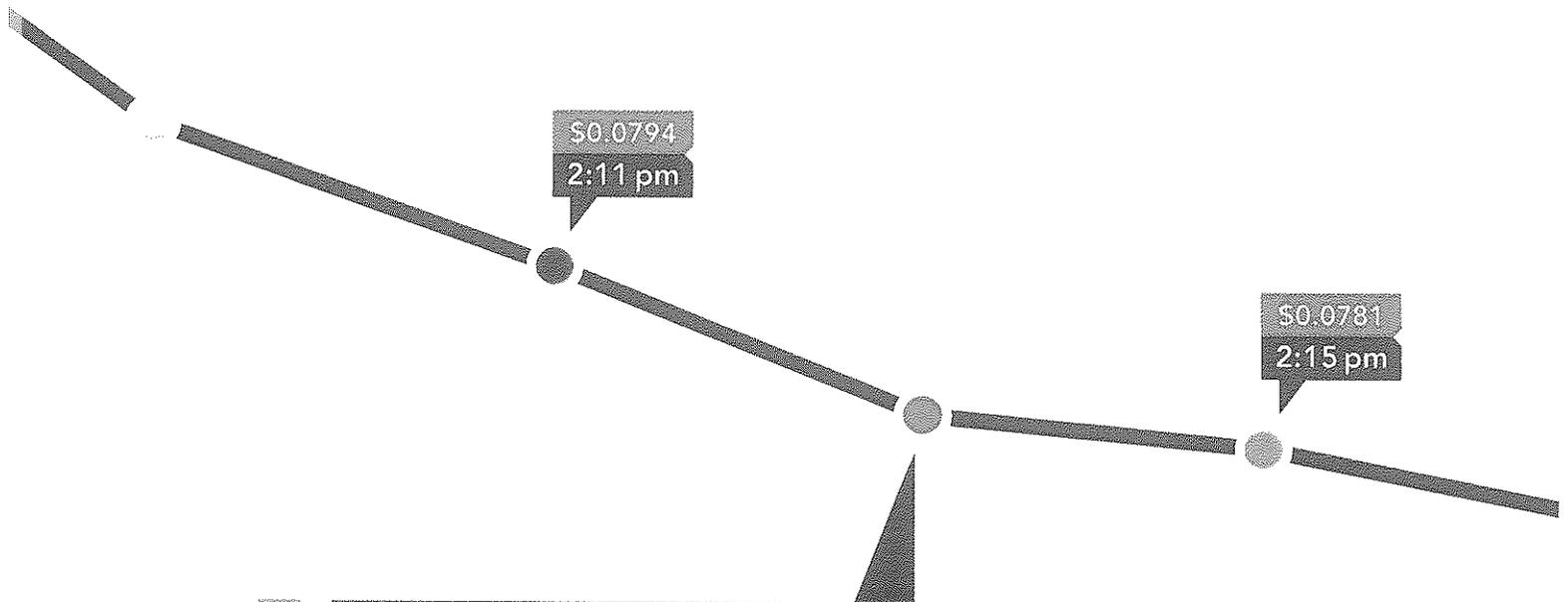
A team of EMEX Energy Analysts track market movement and Natural Gas Futures, and are constantly assessing customer-hedging strategies. By following the reports of The Henry Hub — a distribution hub on the natural gas pipeline system that was selected by the New York Mercantile Exchange (NYMEX) as the official delivery mechanism for the world's natural gas futures — our analysts are able to guide you through an easy and seamless energy procurement process. Most other online platforms or aggregations and co-ops only deliver what they think is the lowest price, and they do not offer the analytical capability to assist you in making a sound, value-based decision.

Our unique approach, combined with integrated technology and services, goes beyond the standard levels of support given within the industry. Each action is pursued in the context of its larger impact, enabling our customers to save money and manage the risk of their energy spend.

## GET UNBIASED ACCESS TO ALL BPU-APPROVED ENERGY SUPPLIERS

As a decision-maker in the procurement process, you are responsible for securing the best overall value for your energy dollar. To do that, you need as many suppliers as possible competing for your business, in addition to a platform that induces the lowest rates.

With EMEX, government RFPs are sent to all BPU-approved suppliers to ensure the maximum amount of bidders, resulting in as many as 15 leading regional and national energy providers participating in the bidding war. This premier level of competition, combined with EMEX's refined risk management approach, creates procurement events where the lowest possible rate is always uncovered.



**AN EMEX ENERGY ANALYST  
GUIDES YOU THROUGH THE  
ENTIRE PROCESS**

## OLD SCHOOL VALUES ON A NEXT GENERATION PLATFORM

**EMEX has established itself as an industry leader through the ingenuity of its platform and aggressive energy risk management strategies.**

By recognizing the importance of energy and its place in the deregulated market space, EMEX has fundamentally changed the way electricity and natural gas are bought and sold, giving its customers access to procurement options formerly only available on the wholesale market.

With EMEX's platforms and service offerings constantly growing, it has turned into the pace-setter for the industry and continues to push the market forward, ultimately providing value through ease-of-use and a competitive environment that exceeds any other energy procurement method. The only thing more important to EMEX than the success it shares in reducing energy costs for its customers is the level of accountability that backs up the entire process. From registration to auction to after the contract is signed, EMEX stands by its clients every step of the way to ensure transparency and confidence. With a brand that has become synonymous with integrity and customer satisfaction, EMEX's philosophy can be summed up in one statement: Do Right by the Customer.

"We knew we were in good hands with EMEX. During our first reverse auction, they constantly monitored the market and worked to get us the lowest Electricity rate possible, so when it came time to secure our next Natural Gas contract, there was no question which service we should use. The EMEX Reverse Auction continued to prove its effectiveness and uncovered the best prices in the market for our Natural Gas procurement decision."

**James Meehan**  
Executive Director

Rahway Valley Sewerage Authority  
Total Savings: \$20,095.96



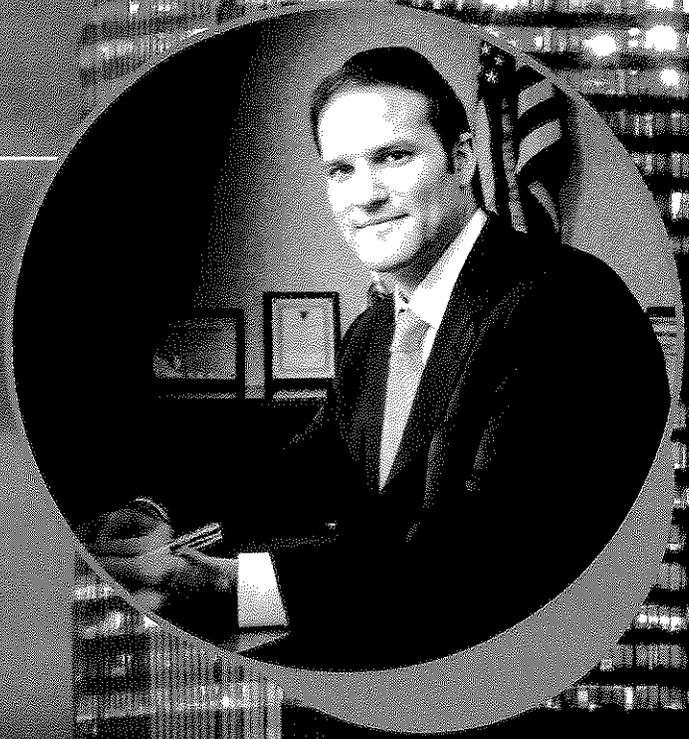
"EMEX's reverse auction platform over-performed for us. The competition from suppliers was intense with savings beyond expectations."

**Albert Akerman**

Mayor

Lakewood Township

Total Savings: \$269,785.72



THE ONLY THING MORE IMPORTANT TO EMEX THAN THE SUCCESS IT SHARES IN REDUCING ENERGY COSTS FOR ITS CUSTOMERS IS THE LEVEL OF ACCOUNTABILITY THAT BACKS UP THE ENTIRE PROCESS



## ABOUT EMEX, LLC

EMEX, LLC is a privately-held firm specializing in energy procurement-based risk management consulting in deregulated regions of the US. EMEX's complete portfolio of services and proprietary, online platforms are entirely focused on reducing the cost of energy in real-time for business and government consumers. EMEX's mission is to put the Power to manage energy spending in the hands of its clients with smart, ground-breaking technology designed to dramatically simplify energy procurement. Core to EMEX is its Flagship Reverse Auction Platform, recognized for its Innovation and Excellence.

EMEX, LLC  
T +1 713 521 9797  
F +1 713 583 9519

[contact@energymarketexchange.com](mailto:contact@energymarketexchange.com)  
[www.EnergyMarketExchange.com](http://www.EnergyMarketExchange.com)

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EMEX-BR0001.B-EN-P- October 2013

**R: 2016 - 151**

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR DESIGN, BIDDING, PERMITTING AND CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH IMPROVEMENTS TO THE PHILLIPSBURG HERITAGE TRAIL, PHASE I**

**WHEREAS**, the Town of Phillipsburg has a need to acquire professional services relative to engineering services required for improvements to the Phillipsburg Heritage Trail, Phase I("Project"), which work is to be funded by a contribution from McWane Ductile; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), a contract for such services may be awarded without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, Van Cleef Engineering Associates submitted a proposal dated July 28, 2016, to provide engineering services relative to the Project; and

**WHEREAS**, the value of these services will not exceed the sum of \$15,000.00; and

**WHEREAS**, the Town Council finds it to be in the best interest of the Town of Phillipsburg to authorize said work, which work is not subject to public bidding.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Mayor and Municipal Clerk are authorized to enter into a Contract with Van Cleef Engineering Associates as described therein, subject to the certification of funds.

**BE IT FURTHER RESOLVED** that the Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Contract and that the resolution and Contract are on file in the Office of the Clerk and are available for public inspection.

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on August 05, 2016.

---

Victoria L. Kleiner, Municipal Clerk

**R: 2016 - 151**

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR DESIGN, BIDDING, PERMITTING AND CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH IMPROVEMENTS TO THE PHILLIPSBURG HERITAGE TRAIL, PHASE I**

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www.vcea.org

Since 1972 • Consulting Civil, Environmental & Municipal Engineering  
Land Surveying • Professional Planning • Landscape Architecture

Neil I. Van Cleef, P.E., L.S. & P.P.  
Robert J. Clerico, P.E. & P.P.  
Robert B. Heibell, P.E., L.S. & P.P.  
Daniel A. Nagy, L.S. & P.P.  
Samuel D. Costanzo, P.E. & P.P.

July 28, 2016

Honorable Steven Ellis  
Town of Phillipsburg  
675 Corliss Avenue  
Phillipsburg, New Jersey 08865

**RE: Town of Phillipsburg  
Phillipsburg Heritage, Phase 1  
Engineering and Surveying Services Proposal  
Our Project Number 9110**

Dear Mayor Ellis:

In accordance with your request, Van Cleef Engineering Associates is pleased to present you with our proposal (2 originals) for Engineering Services associate with the design, permitting, bidding and construction administration of the Phillipsburg Heritage Trail, Phase 1.

This phase of the Heritage trail will involve the construction of a six foot wide gravel/stone dust surface extending from the "Norton's Building", following the Lopatcong Creek, to Canal Road. Our services will include a route/topographic survey, engineering of the trail and improved trail head and preparation of specification and bid documents. We will notify DEP of our intent through the provision and protocol of Permit by Rule as applicable to recreation trail installation.

We anticipate that the program can be fully developed and implemented within 2 months and our fee will be **\$15,000.00**.

If any of the above additional work is required, we will prepare separate proposals upon request. Any work not specifically outlined in this proposal can be provided on a time and material basis in accordance with our current schedule of hourly billing rates, but only with your consent.

Van Cleef Engineering Associates proposes to invoice the Town of Phillipsburg, monthly, on a "percentage complete" basis. Terms & conditions will be in accordance to our standing contract with the Town of Phillipsburg.

Should you have any questions or require additional information with regard to this proposal, please do not hesitate to contact our office. We appreciate being given this opportunity to submit this proposal to you and look forward to working on this important project.

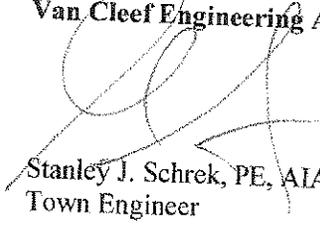
Please Reply To:  
**PHILLIPSBURG NEW JERSEY OFFICE** • 755 Memorial Parkway, Suite 110 • Phillipsburg, NJ 08865 • 908.454.3080  
Fax: 908.454.1397

With Other Offices In:  
Freehold NJ • Hamilton NJ • Hillsborough NJ • Lebanon NJ • Parsippany NJ • West Deptford NJ • Doylestown PA •  
Bethlehem PA • Wyomissing PA • Newark DE • Salisbury MD



Should this proposal be acceptable, please sign and date both originals and return one (1) to our office.

Very truly yours,  
**Van Cleef Engineering Associates.**

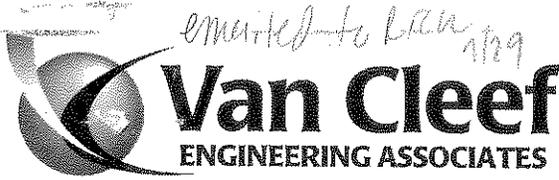


Stanley J. Schrek, PE, AIA, PP, CME, LEED AP  
Town Engineer

Accepted:

\_\_\_\_\_  
Mayor Stephen R. Ellis

\_\_\_\_\_  
Date



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Since 1972 • Consulting Civil, Environmental & Municipal Engineering  
Land Surveying • Professional Planning • Landscape Architecture

July 28, 2016

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Town of Phillipsburg  
675 Corliss Avenue  
Phillipsburg, New Jersey 08865

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Please Reply To:  
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Daniel A. Nagy, L.S. & P.P.  
Samuel D. Costanzo, P.E. & P.P.

emailed to Brian 7/29/16

McWane  
Buckle Money



Should this proposal be acceptable, please sign and date both originals and return one (1) to our office.

Very truly yours,  
**Van Cleef Engineering Associates.**

A handwritten signature in black ink, appearing to read "Stanley J. Schrek", is written over the company name.

Stanley J. Schrek, PE, AIA, PP, CME, LEED AP  
Town Engineer

Accepted:

\_\_\_\_\_  
Mayor Stephen R. Ellis

\_\_\_\_\_  
Date

R: 2016 - 152

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,  
COUNTY OF WARREN, STATE OF NEW JERSEY,  
AUTHORIZING PAYMENT FOR ACCRUED TIME TO  
JAMES FAULBORN OF THE PHILLIPSBURG POLICE  
DEPARTMENT**

**WHEREAS**, Chief James Faulborn of the Phillipsburg Police Department has retired from service with the Police Department; and

**WHEREAS**, Chief Faulborn has accumulated unused vacation days pursuant to the collective bargaining agreement entered into by and between the Town of Phillipsburg and the Phillipsburg Police Department Superior Officers Association in the amount 25.07 days totaling \$13,659.04; and

**WHEREAS**, Chief Faulborn has accumulated a total of 225.25 sick days totaling \$67,698.37; and

**WHEREAS**, the Chief Financial Officer of the Town of Phillipsburg has certified that there are sufficient funds in the general trust fund to pay the amount of accrued days due.

**NOW THEREFORE IT BE RESOLVED**, by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey and pursuant to N.J.A.C. 5:30-15.4, that payment for accrued days in the amount of \$81,357.41 to Patrolman Chief Faulborn is hereby approved.

This will be paid in two installments, 50% this year (2016) and 50% in January 2017.

**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 August 02, 2016 meeting.

\_\_\_\_\_  
Victoria L. Kleiner  
Municipal Clerk

Faulborn, James

125,041.27	7.50%	9,378.10	7,237.97	141,657.33	5,448.36	68,1045	102,1567
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Faulborn, James

<u>biweekly</u>	<u>daily pay</u>	<u>Total # of sick Days</u>	<u>sick days @ 55%</u>	<u>Total</u>	<u>additional</u>	<u>Total payment</u>		
5,448.36	544.836	225.250	123.8875	67,498.37	200.00	67,698.37	33,849.19	33,849.18
<u>biweekly</u>	<u>daily pay</u>		<u>vacation days @ 12 hrs</u>					
5,448.36	544.836		0.00	0.00	0.00	0.00	0.00	0.00
<u>biweekly</u>	<u>daily pay</u>		<u>vacation days @ 8 hrs</u>					
5,448.36	544.836		25.07	13,659.04	0.00	13,659.04	6,829.52	6,829.52
<u>biweekly</u>	<u>Hourly Rate</u>		<u>Comp Time</u>					
5,448.36	68.1045		0.00	0.00	0.00	0.00	0.00	0.00
						81,357.41	40,678.71	40,678.70

**RESPONSIBLE BIDDER RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY  
OF WARREN AND STATE OF NEW JERSEY**

WHEREAS, to protect its financial investments and its substantial proprietary interests as a market participant the Town of Phillipsburg ("Town") has a compelling interest in ensuring that all its contracts for Public Construction Projects that it undertakes for which it provides Financial Assistance are performed promptly, at reasonable costs and with the highest degree of quality by qualified reputable contractors and properly trained and skilled workers and for these reasons shall implement this Resolution; and

WHEREAS, the requirements of this Resolution are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., other contracting provisions as outlined herein or other legislative obligations; and

WHEREAS, the Town, in order to fulfill its obligations as outlined under N.J.S.A. 40A:11-1 and to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud, corruption, and for the purpose of securing the best project work results possible at the lowest cost practicable; and

WHEREAS, the Town, pursuant to N.J.S.A. 40A:11-2 (32) possesses certain discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when its solicits bids along with the criteria that bidders must meet in order to be considered a "responsible" bidder pursuant to N.J.S.A. 40A:11-25 and in the exercise of its proprietary duties and responsibilities so as to ensure that bidders are qualified responsible firms that understand the unique challenges affecting construction project delivery including but not limited to selecting subcontractors who have developed a satisfactory record of past performance and adequate expertise, including a highly trained workforce and an established record of successfully performing work projects in a safe, timely, cost effective and professional manner; and

WHEREAS, the Town solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each procurement decision, and therefore must take into account the reasonable benefits arising from each bid and in the exercise of and in order to protect its proprietary interests due to the substantial taxpayer investments involved in the public construction project(s); and

WHEREAS, in order to protect its substantial proprietary interests the Town has the inherent right to adopt procurement licensing and economic development regulations/resolutions and so as to ensure and pursuant to N.J.S.A. 40A:11-4 that the bidder has not had a prior negative experience and so as to impose bid specifications designed to ensure the performance capabilities of prospective bidders pursuant to N.J.S.A. 40A:11-25; and

WHEREAS, due to the magnitude of the bid threshold herein and in order to ensure the intended purpose of each of its work projects and that financial responsibility is an important factor in determining the lowest responsible bidder for public construction projects for which it provides Financial Assistance, , through its contracting authority, shall require that every contractor and sub-contractor that bids on a public construction project contract produce satisfactory evidence that the contractor/sub-contractor is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses, complies with, and maintains such compliance with all valid licenses, registrations, ordinances and certificates required by the federal, state, and county laws, as well as complying with any general business license requirements of the Town both prior to the award and during the term of the contract; and

WHEREAS, the Town in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee(s) can reasonably be expected to complete and perform under the contract specifications, and the Town pursuant to N.J.S.A. 40A:11-20 thru 22 et seq. may require the successful bidder to post a bid performance and/or material bond(s) as well as the submission of documentation to verify that the successful bidder has secured any insurance requirements as required by applicable law and in conformance with said law, including general liability insurance, workers' compensation insurance and unemployment compensation insurance; and shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and other procurement documents; and shall, through the submission of documents from the bidder(s) and pursuant to N.J.S.A. 40A:11-20 through 11-22 determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise required to satisfactorily meet that entity's contractual responsibilities and obligations; and

WHEREAS, in its determination of whether a bidder is "responsible," and to avoid any risks to projects caused by unqualified firms or firms held to be considered unsafe, shall consider a bidder's record of conformity with environmental, labor and health and safety laws and regulations, including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration ("OSHA") and the New Jersey Department of Labor and Workforce Development. In order to ensure that its workforce is compliant with safe working procedures in order to protect the public, as well as, to ensure to the greatest extent possible that work site accidents, injuries, etc. are minimized shall affirm that any employee which will be assigned to the work project at a minimum has completed at least the 10 Hour Training Course for safety standards established by OSHA; and

WHEREAS, current challenges in the construction labor market relating to the supply of skilled craft personnel exacerbate normal construction industry challenges including those impacting project cost, quality of work, safety and scheduling parameters, which has been well documented by numerous industry sources both nationally and locally for over a decade, including *Confronting the Skilled Workforce Shortage*, Construction Users Roundtable (June 2004); *The*

*Perfect Storm: Factors Come Together Creating a Storm in the Construction Workforce*, The Construction Executive (June 2004); *America's Construction Industry: Identifying and Addressing Workforce Challenges*, ETA/Business Relations Group Report (Dec. 2004); *Craft Labor Supply Outlook: 2005-2015*, Construction Labor Research Council (2004); *2013 U.S. Markets Construction Overview*, FMI Corporation (2012); *2013 Dodge Construction Outlook*, McGraw-Hill Construction Research & Analytics Group (Oct. 2012); Construction Users Roundtable, *Skilled Labor Shortage Risk Mitigation*; WP-1101, January 2015; Pam Hunter, *Firms Anticipate More Worker Shortages Ahead*, Engineering News Record, p. 13, February 9, 2015; and

WHEREAS, in addition to a growing demand and shrinking supply, one of the key factors driving and further compounding construction industry skill supply challenges has been the continuous decline in skill training in this industry generally over the past several decades, a fact documented by the U.S. Commerce Department; L. Huang, Robert E. Chapman, and David T. Butry, *Metrics and Tools for Measuring Construction Productivity: Technical and Empirical Considerations*, U.S. Department of Commerce, National Institute of Standards and Technology, Office of Applied Economics, p. 23 (Sept. 2009); and

WHEREAS, the growing need of meeting skilled labor demands and the general decline of a pool of trained workers produces conditions that increase the likelihood of contractors and subcontractors deploying unskilled, untrained workers to construction jobsites, including persons who receive little or no adequate safety training and, consequently, due to the inherent dangers that exist within the construction industry pose serious risks of injury to themselves, their coworkers and the general public, while also undermining important cost factors, as well as, the scheduling goals of capital projects; and

WHEREAS, leading organizations in the construction industry, including trade associations representing project owners such as the Construction Users Roundtable, have repeatedly issued strong recommendations to parties purchasing construction services for large capital projects that, due to persistent, acute labor supply challenges, contractors and subcontractors should be pre-qualified on the basis of craft labor training to protect the project owner's financial and proprietary interests by ensuring that such firms have an adequate supply of trained, skilled craft personnel to perform the project; *Confronting the Skilled Workforce Shortage*, Construction Users Roundtable (June 2004); Construction Users Roundtable, *Skilled Labor Shortage Risk Mitigation*, WP-1101, January 2015; and

WHEREAS, in seeking to address and remediate issues of construction skill shortages and the problems they cause for the industry including safety risks, the United States Congress passed the Fitzgerald Act, Pub. L. No. 75-308, 560 Stat. 664, H.R. REP> No. 75-945 (the National Apprenticeship Act), which created a system in which workers could be properly trained in construction skills and safety procedures through registered, formal apprenticeship training programs that meet established qualification, safety and performance standards and that such programs registered and approved by the United States Department of Labor ("US DOL"), stresses the need to expand industry apprenticeship programs as a means of building the pool of skilled labor, especially in the construction industry, U.S. Dept's of Labor, Commerce,

Educations, and Health and Human Resources, *What Works in Job Training: A Synthesis of the Evidence* 8 (July 22, 2014); and

WHEREAS, the courts have recognized that states, counties and local jurisdictions acting to protect substantial proprietary interests, have the right to stop procurement, licensing and economic development legislation and/or to impose contract bid specifications designed to ensure the performance capabilities of all prospective bidders and their employees, including apprenticeship training requirements and other craft labor qualifications; see *Bldg. & Const. Trades Council of the Metro. Dist. V. Assoc. Builders & Contractors of Mass./R.I., Inc.*, 407 U.S. 218 (1993); *Associates Builders & Contractors v. Mich. Dep't of Labor & Econ. Growth*, 543 F.3d 275 (6<sup>th</sup> Cir. 2008); *Hotel Employees & Restaurant Emps. Union, Local 57 v. Sage Hospitality Res., LLC*, 390 F2d 206 (3<sup>rd</sup> Cir. 2004); *Associated Builders & Contractors, Inc.*, New Castle County — F. Supp. 3d, 2015 WL 7257916 (D. Del. Nov. 17, 2015); and

WHEREAS, due to the critical impact that skilled construction craft labor has on public construction projects due to the limited availability of skilled construction craft labor, as well as, potential imminent skill shortages, and most significantly due to the magnitude of the threshold amount herein and so as to insure that the work project will be completed in a timely and safe manner in order to protect its proprietary interests and the interest of the taxpayer funding of such projects, it is necessary to require contractors and subcontractors to participate in established, formal apprenticeship training programs for the purpose of promoting successful, cost effective project delivery; and

WHEREAS, the most efficient means that bidders and their subcontractors' have in order to ensure a highly trained, safety conscious and skilled workforce, as well as, to provide for a safe project delivery is to require that bidders utilize an apprenticeship training program, registered with and approved by the US DOL, or any state agency having equal or higher requirements as the US DOL, for each separate apprenticeable occupation for which it employs employees in compliance with the performance standards of enrollment and graduation under 29 C.F.R. Part 29, 29.5 and 29.6. The bidder shall be further required to demonstrate and affirm in its Contractor Certification Form that it is in compliance with 29 C.F.R. 29 et al., as well as, the provisions of N.J.S.A. 34:20-1 et seq. the "Construction Industry Independent Contractor Act."; and

WHEREAS, as a condition of performing work on a public construction project and/or construction projects subject to this Resolution all bidders pursuant to N.J.S.A. 40A:11-26 shall submit a completed Contractor Responsibility Certification provided by the Town at the time the bidder submits its bid pursuant to N.J.S.A. 40:11-20 thru 27 et seq. Moreover and pursuant to N.J.S.A. 40:11-27, all bidders must respond to the Contractor Responsibility Certification under oath. In addition, all bidders shall further simultaneously submit with its Contractor Responsibility Certification and pursuant to N.J.S.A. 40:11-16(a) and (b) and N.J.S.A. 40:11-23-2(d) a Subcontractor List containing the names of any proposed contractors required to be listed in the bid including the subcontractor's address and a description of their work expertise; and

WHEREAS, should it be established, after awarding a contract that any of the information required by this Resolution and provided by the bidding entity to the Town was falsified or inaccurate, the Bidder will be subject to the penalties as outlined under N.J.S.A. 40:11-27 thru 34 et al., and the contract shall be voided; and

WHEREAS, the following definitions shall govern within this Resolution:

"Public Construction Contract" shall mean any public construction project for the construction, reconstruction, demolition, alteration or renovation of buildings at the public expense, required to be bid under the Local Public Contracts Law, and which requires that workers be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the applicable statutory language.

"Financial Assistance" shall mean something of economic value provided by the Town to a private entity, expressly articulated or identified in writing by the Town, including, but not limited to real property, loans, loan guarantees, grants, tax exemptions, tax abatements, tax incentive financing, and rent subsidies or reductions approved, funded, authorized, administered or provided by the local government entity or any of its instruments in connection with construction.

### Section 1. Purpose

Due to the magnitude of the threshold amount as stated herein, the Town recognizes that there is a need to ensure that work on public works projects, maintenance work and contracts for public works are performed by responsible, qualified firms that maintain the capacity, expertise, personnel, equipment and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner.

To effectuate the purpose of selecting responsible contractors for public contracts and to protect the substantial taxpayer investments in such contracts, prospective contractors and subcontractors shall be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, competency, experience, and the adequacy of resources.

Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor, it is necessary to require contractors and subcontractors to participate in bona fide apprenticeship training programs in the trades and classifications in which they employ construction craft personnel.

Therefore, the Town shall require compliance with the provisions of this Resolution by business entities seeking to provide services to the Town as specified herein. The requirements of this Resolution are intended to supplement, not replace existing contract qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this Resolution conflicts with any law, public policy or contracting documents, or is held to be invalid and unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

## **Section 2. Responsible Contractor Requirements**

(a) All contractors and subcontractors of any tier that perform work on projects valued at or above \$250,000.00, including any public works project, N.J.S.A. 40A:11-2(34), maintenance work, or contracts for public works, shall meet the requirements of this Resolution.

(b) All firms engaged in contracts covered by this Resolution shall be qualified, responsible contractors and subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged and will continue to have sufficient capability for the duration of the contract in question, including the necessary experience, equipment, technical skills and qualifications, as well as, the adequate organizational, financial and personnel resources necessary to perform the contract. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, business integrity and business ethics.

## **Section 3. Contractor Responsibility Certification Requirements**

(A) As a condition of performing work on a contract subject to this Resolution, a general contractor, construction manager or contractor seeking the award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for the contract work. The failure to submit the Contractor Responsibility Certification shall disqualify a contractor from performing the contract work.

(B) The Contractor Responsibility Certification shall be completed on a form provided by the contracting unit, as defined at *N.J.S.A.* 40A:11-2(1), governing body, as defined at *N.J.S.A.* 40A:11-2(2), or other procurement entity or agency, and shall reference the project for which a bid is being submitted by name and contract or project number.

(C) In the Contractor Responsibility Certification Form the construction manager, general contractor or contractor shall confirm and verify its past performance and work history and its current qualifications and performance capabilities.

(D) In the Contractor Responsibility Certification Form the construction manager, general contractor or contractor will, pursuant to the obligation and criteria as set forth in *N.J.S.A.* 40A:11-16 and 40A:11-23.2(d) provide a list of its subcontractors.

(E) Notwithstanding, *N.J.S.A.* 40A:11-16 in the Contractor Responsibility Certification, the firm shall further provide Subcontractor Responsibility Certifications for all identified subcontractors within ten (10) days of receiving the Notice of Intent to Award Contract or within ten (10) days of being awarded a contract.

(F) In the Contractor Responsibility Certification Form, the firm shall attest to the following:

(a) The firm has not been disbarred or suspended by any federal, state or local government agency or authority in the past three years or has not defaulted on any project in the past three years.

(b) The firm has not had any type of business, contracting or trade license, registration and other certification revoked or suspended in the past three years.

(c) The firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court of law or government body in the past seven years.

(d) The firm has not within the past three years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws with others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of \$3,000.00.

(e) The firm will utilize skilled workers who have successfully participated in and completed an apprenticeship program or other training program certified by the US DOL and in compliance with 29 C.F.R. 29. A questionnaire attached to the Contractor Certification Form will provide for the attestation of compliance.

(f) The firm shall notify the contracting unit, governing body, or other procurement entity or agency within seven days of any material changes to all matters attested to in this certification.

(g) The firm understands that the Contractor Responsibility Certification requirements shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

(h) The Contractor and Subcontractor Responsibility Certification Forms attached hereto shall be used to verify that all bidders meet the requirements of this Resolution.

(i) After a Notice of Intent to Award Contract has been issued, shall undertake a review process for a period of at least days to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this Resolution and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.

(j) If the Town determines that a Contractor or Subcontractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth the bidder shall be subject to the penalties as outlined under N.J.S.A. 40A:11-34.

(k) All Certification Forms will be available for public inspection through a publicly accessible website or other comparable means within thirty (30) days after a Notice of Intent to Award Contract has been issued.

(l) The Town may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a Public Construction Project Contract. In conducting such inquiries, the Town may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

(m) If at the conclusion of its internal review, the Town determines that all responsibility certifications have been properly completed and executed and concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its subcontractor list are satisfactory, it shall issue a written Contractor Responsibility Determination verifying that the prospective awardee is a qualified, responsible contractor. In the event a firm is determined to be non-responsible, the Town shall advise the firm of its finding in writing and proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, rebid the project.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council that it hereby establishes and adopts the Responsible Contractor Resolution and hereby authorizes the Mayor to sign any and all documents to effectuate the Resolution.

#### CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on August 02, 2016, meeting

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Victoria L. Kleiner, Municipal Clerk

**Instructions:** General Contractors, Construction managers and/or subcontractors seeking to perform work for the Town, shall be required to execute a Contractor Responsibility Certification. Generally, this Certification requires submitting firm to verify that:

It has a satisfactory record of past contract performance and past law compliance that demonstrates a solid history of both technical competency and business integrity sufficient to justify receiving a contract; and/or performing work on public work contracts.

It currently possesses all qualifications, skills, resources and other required performance capabilities needed to successfully complete the prospective contract it is seeking to perform; and

It will comply with all relevant security requirements.

**Certification Submission Requirements:**

Firms must certify compliance with all itemized contractor responsibility standards set forth in the Contractor Responsibility Certification to be eligible to perform work for the Town. Failure to submit or fully complete this Certification shall render the firm ineligible for the prospective contract.

Submission of false or misleading information or statements in connection with this Certification shall render the firm ineligible to perform work for the Town and/or shall be considered a material breach of any contract entered and entitle the Town to all applicable remedies available at law or in equity.

## CONTRACTOR CERTIFICATION FORM

The submitting firm is required to certify compliance with the following contractor responsibility standards, as well as, the requirements and obligations as outlined under the Local Public Contracts Law N.J.S.A. 40A: 11-1 et al. by checking the appropriate designation.

1. Has the firm had a prior negative experience with the contracting unit pursuant to 40A:11-4, et seq., or had its business license revoked or suspended by any federal, state or local government agency or authority in the past three (3) years?

YES                      NO

2. Has the firm been cited for a violation of any other law relating to its contracting business, including, but not limited to antitrust laws, licensing laws, tax laws, wage/hour laws, environmental/safety laws or wage payment laws, by a final decision of a court or government agency authority in the past three (3) years where the result of such violation was the payment of a fine, back pay damages or other type of penalty in the amount of \$3,000.00.

YES                      NO

3. Has the firm and/or its owners, directors or managerial employees been convicted of any crime(s) relating to its contracting business by a final decision of a court or government body in the past seven (7) years.

YES                      NO

**If the firm has answered yes to questions 1, 2 or 3 the firm will provide a short explanation at Exhibit A.**

4. Does the firm currently possess all applicable business, contractor licenses or other appropriate licenses or certifications required by applicable state or local law to engage in the services it seeks to perform?

YES                      NO

5. Is the firm in compliance with the requirements of N.J.S.A. 40A:11-20 through 11-22 et seq. and does the firm have a current Workers' Compensation Policy in effect for all of its employees who will perform work on the project and has the Policy been in effect for at least two (2) years?

YES                      NO

6. Does the firm have pursuant to N.J.S.A. 40A:11-25 all technical qualifications and resources, including equipment, personnel and financial resources, to perform the referenced contract, or will it obtain same through the use of qualified, responsible subcontractors?

YES NO

7. Does the firm utilize a registered Apprenticeship Program for its employees for each apprenticeable occupation approved by and in compliance with the US DOL which complies with 29 C.F.R. Part 29.5, Sections 29.5 and 29.6. The firm shall complete a written attestation form affirming its compliance with a state apprenticeship agency or 29 C.F.R. 29. (See Exhibit B attached).

YES NO

8. Have the firm's employees that will be assigned to the work project for its duration, completed the 10 hour training course for safety as established by OSHA?

YES NO

9. Is the firm in compliance with the Construction Industry Independent Contractor Act?

YES NO

10. Has the firm attached to this Certification form and pursuant to N.J.S.A. 40A:11-16(2)(b) a Subcontractor List identifying all subcontractors who will perform work on the project?

YES NO

11. Will the firm further provide subcontractor certification forms for all of its subcontractors within ten (10) days of the subcontractor's selection or when the subcontractor is awarded the contract.

YES NO

This certification has been completed by an authorized representative of the firm with the sufficient knowledge and information to address all matters addressed herein and so as to be in compliance with N.J.S.A. 40A: 11-1 et seq., as well as, the sworn statement and attestation requirements of N.J.S.A. 40A:11-27 including all penalties and fines for false information as provided under N.J.S.A. 40A:11-34.

I certify under the penalty of perjury that the foregoing representations regarding the past performance, present qualifications and obligations and requirements as stated herein of the undersigned firm are true complete and accurate.

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Date

State of New Jersey, County of

\_\_\_\_\_  
Sworn to and subscribed before

me on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public Signature & Seal

## **EXHIBIT A**

**Please state below the question or questions you responded to negatively and please present a response for each negative answer.**

## EXHIBIT B

Apprenticeable Occupations as Published by the Department of Labor	Number of apprentices in each occupation	Current apprentice status, i.e.: 1st, 2 <sup>nd</sup> , 3rd, 4th, 5th year	Current number of graduate apprentices
Electrician			
Carpenter			
Plumber			
Construction Laborer			
Steamfitter			
Sheet Metal Worker			
Structural Steel/Ironworker			
Roofer			
Pipe Fitter — Sprinkler Fitter			
Millwright			
Dry-Wall Applicator			
Operating Engineer			
Painter (construction)			
Truck Driver, Heavy			
Bricklayer			
Boilermaker			
Heating, Ventilation & Air Conditioning Installer/Server (HVAC)			
Cement Mason			
Elevator Constructor Mechanic			
Insulation Worker			