

TOWN OF PHILLIPSBURG
Town Council Agenda
February 21, 2017 – 7:00PM
525 Fisher Avenue
COMMUNITY ROOM

1. OPEN PUBLIC MEETING ACT STATEMENT

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. APPROVAL OF MINUTES

Council Meeting 12-20-16 Amended
Council Meeting 02-03-17
Executive Session 01-17-17

6. APPROVAL OF BILLS

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

7. SPEAKERS: NORWESCAP – Family Success Center
Marybeth Ringo
Colleen Baylor

OPUS: Jong Sook Nee of McManimon, Scotland & Baumann, LLC

8. HABITABILITY 194 Irwin St. – Gregory Brennan
835 South Main St. –Tyson J. Knight

9. MAYOR’S REPORT

10. OLD BUSINESS

11. PUBLIC DISCUSSION ON AGENDA ITEMS

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12. ORDINANCE

O: 2017 - 01

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 290-3, *GENERAL FEES* WITH THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ESTABLISH A RANGE FOR PARK PAVILION PERMITS

13. RESOLUTIONS

R: 2017-49

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A DISCHARGE OF MORTGAGE FOR BLOCK 1314 LOT 25 AS IDENTIFIED ON THE TAX MAPS OF THE TOWN OF PHILLIPSBURG

R- 2017- 50

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SUBORDINATION AGREEMENT FOR BLOCK 1314 LOT 25 AS IDENTIFIED ON THE TAX MAPS OF THE TOWN OF PHILLIPSBURG

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

R: 2017-51

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, APPOINTING ROBERT J. MERLO AS CHIEF FINANCE OFFICER FOR THE TOWN OF PHILLIPSBURG

R- 2017-52

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE TOWN OF PHILLIPSBURG AND REMINGTON & VERNICK ENGINEERS FOR THE PROVISION OF PROFESSIONAL ENGINEERING SERVICES RELATING TO THE PHILLIPSBURG WASTEWATER TREATMENT PLANT

R- 2017-53

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY CLARIFYING THE TOWNS POLICY REGARDING MEDICAL REIMBURSEMENT FOR MEDICAL WAIVER

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

R- 2017-54

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE ADVERTISEMENT FOR PROFESSIONAL SERVICES FOR THE POSITION OF MUNICIPAL AUDITOR

R- 2017-55

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO THE SHARED SERVICE AGREEMENT FOR USE OF FACILITIES WITH ALPHA BOROUGH FOR THE COURT

14. NEW BUSINESS

15. PUBLIC PETITIONS
(Public Comments)

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. OPEN TIME

17. MOTIONS

Application for Junior Firefighter Duty – Christopher L. Farley, Jr. – Warren Chemical Co. No. 1.

Approval for Raffle License No. RL: 1254 issued to the SP&SJ Church of for an off premise 50/50 Raffle on May 07, 2017 at 4:00 PM.

18. EXECUTIVE MEETING

R: 2017-

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

19. ADJOURNMENT

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

**Bill List Summary
REGULAR BILL LIST AS OF FEBRUARY 21 2017**

| | | <u>Check No</u> |
|--|-----------------------------|---------------------|
| 1 | Current Fund | 2,023,696.69 |
| 2 | State & Federal Grants | 25,179.20 |
| 4 | Capital Fund | 132,193.00 |
| 7 | Sewage Utility Fund | 3,646.45 |
| 8 | Sewage Capital Fund | 12,147.75 |
| 12 | Planning Board Trust Fund | 0.00 |
| 12 | Opus Investments | 5,700.00 |
| 13 | Dog Trust Fund | 0.00 |
| 15 | Public Defender Trust Fund | 0.00 |
| 16 | Section 8 | 583.03 |
| 17 | General Trust Fund | 0.00 |
| 17 | Commerce Park Redevelopment | 0.00 |
| 18 | Bernards Township RCA | 0.00 |
| 20 | Agency Fund | 212.75 |
| 21 | Revolving Loan Fund | 0.00 |
| Total Regular Bill List as FEBRUARY 17 2017 | | 2,203,358.87 |

Section 8 Rent Payments for 2017

| | | |
|--|-------------------|-------------------|
| 16 | Section 8 Program | 143,555.67 |
| Total Section 8 Rent Payments Bill List as of | | 143,555.67 |


Pre-Paid Bill List as of FEBRUARY 21 2017


| | | |
|--|---------------------------|-------------------|
| 1 | Current Fund | 300.00 |
| 2 | State & Federal Grants | 44,100.00 |
| 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 | 152,090.49 |
| 21 | Relvolving Loan Fund | 0.00 |
| Total Pre-Paid Bill List for FEBRUARY 21 2017 | | 196,490.49 |

Grand Total All Funds

2,543,405.03

Approved By:


Robert J. Merlo, CFO


Stephen R. Ellis, Mayor

O: 2017 - 01

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 290-3, GENERAL FEES WITH THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ESTABLISH A RANGE FOR PARK PAVILION PERMITS

NOW THEREFORE BE IT ORDAINED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

Section 1

Chapter 290-3, *Fees Established, Park pavilion permits* is hereby amended by establishing a range as follows:

\$25-\$250

Section 2

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section 3

If any article, section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 4

This ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER,
Municipal Clerk

STEPHEN R. ELLIS
Mayor

DATED:

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 February 21, 2017 meeting.

VICTORIA L. KLEINER,
Municipal Clerk

R: 2017-49

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A DISCHARGE
OF MORTGAGE FOR BLOCK 1314 LOT 25 AS IDENTIFIED ON THE TAX MAPS
OF THE TOWN OF PHILLIPSBURG**

WHEREAS, the Town of Phillipsburg, through its Division of Community Development Home Rehabilitation Program, gave a loan in the amount of \$9,495.00 to be used to rehabilitate the property situated on Block 1314, Lot 25, in the Town of Phillipsburg, more commonly known as 295 Filmore Street; and

WHEREAS, said loan was secured by a mortgage dated January 18, 2005 and recorded September 20, 2005 in Book 4153, Page 77 and given to the Town of Phillipsburg for the property located at Block 1314, Lot 25, in the Town of Phillipsburg; and

WHEREAS, in accordance with the Mortgage Note dated January 18, 2005, the Mortgage Note shall be due and payable at the time within the six-year term that the Borrower vacates or transfers title to the property. The Mortgage Note amount will be forgiven at the end of the six-year term; and

WHEREAS, the six-year term has expired as of January 18, 2011; therefore the Mortgage Note amount shall be forgiven.

NOW THEREFORE BE IT RESOLVED by the Town of Phillipsburg, County of Warren, State of New Jersey that the Mortgage in favor of the Town dated January 18, 2005 and recorded on September 20, 2005 in Book 4153, Page 77 is hereby authorized and directed to be discharged.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Town of Phillipsburg are hereby authorized and directed to execute any Agreements necessary to accomplish to foregoing.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk

R- 2017- 50

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A
SUBORDINATION AGREEMENT FOR BLOCK 1314 LOT 25 AS IDENTIFIED ON
THE TAX MAPS OF THE TOWN OF PHILLIPSBURG**

WHEREAS, the Town of Phillipsburg is the holder of a Mortgage in the principal amount of \$4,400.00 executed in favor of the Town by Timothy Burger and recorded on October 11, 2005 in Book 4176, Page 89 in the County of Warren covering property commonly known as 295 Filmore Street, Phillipsburg, New Jersey 08865 and identified as Block 1314, Lot 25 on the Tax Maps of the Town of Phillipsburg; and

WHEREAS, Timothy Burger is attempting to obtain financing for the property; and

WHEREAS, said financing will only be provided to Mr. Burger if the Town of Phillipsburg subordinates its Mortgage to that of the desired lender; and

WHEREAS, the Town Council Town of Phillipsburg believes it to be in the best interest of the Town to so subordinate said Mortgage.

NOW THEREFORE BE IT RESOLVED by the Town of Phillipsburg, County of Warren, State of New Jersey that the Mortgage in favor of the Town dated January 18, 2005 and recorded on October 11, 2005 in Book 4176, Page 89 is hereby authorized and directed to be subordinated.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Town of Phillipsburg are hereby authorized and directed to execute any Agreements necessary to accomplish to foregoing.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk

R: 2017-51

**A RESOLUTION OF THE
TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY, APPOINTING
ROBERT J. MERLO AS CHIEF FINANCIAL OFFICER FOR THE
TOWN OF PHILLIPSBURG**

WHEREAS, on December 17, 2013, Robert Merlo was appointed to the position of the Chief Financial Officer (“CFO”) for a term of four (4) years retroactive to January 1, 2013; and

WHEREAS, the initial term has expired and the Mayor desires to nominate and reappoint Robert Merlo to the position of CFO; and

WHEREAS, Robert J. Merlo has acquitted himself well in discharging his duties and has demonstrated that he is qualified to execute the duties of the CFO; and

WHEREAS, the Town Council desires to appoint Robert J. Merlo to the position of CFO; and

WHEREAS, Robert J. Merlo holds the required licensures and is authorized to hold the position of CFO.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that, pursuant to N.J.S.A. 40A:9-140.10, Robert J. Merlo is hereby re-appointed to serve as the Chief Financial Officer for the Town of Phillipsburg.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Municipal Clerk

R- 2017-52

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE TOWN OF PHILLIPSBURG AND REMINGTON & VERNICK ENGINEERS FOR THE PROVISION OF PROFESSIONAL ENGINEERING SERVICES RELATING TO THE PHILLIPSBURG WASTEWATER TREATMENT PLANT

WHEREAS, the Mayor of the Town of Phillipsburg has nominated the appointment of Remington & Vernick Engineers, 232 Kings Highway East, Haddonfield, NJ to serve as Consulting Wastewater Treatment Plant Engineers in accordance with a Statement of Qualifications provided February 2, 2017; and

WHEREAS, the Mayor makes said appointment, and the Town Council approves said appointment, with the express understanding that said services provided by Remington & Vernick shall be limited to matters involving the Treatment Plant itself and shall not encompass services relating to the sewer service system or storm water system located under the streets of the Town; said services being specifically the responsibility of the Town Engineer.

NOW THEREFORE BE IT RESOLVED that Dennis K. Yoder, PE of the firm Remington & Vernick Engineers is appointed to serve as the Consulting Wastewater Treatment Plant Engineer for the Town of Phillipsburg, in accordance with the fee schedule set forth in the February 2, 2017 proposal, until such time his successor is nominated and appointed. The Town of Phillipsburg is hereby authorized to enter into an Agreement with the firm of Remington & Vernick Engineers pertaining to compensation of fees without competitive bidding, pursuant to N.J.S.A. 40A:11-1, et seq.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Town of Phillipsburg are hereby authorized and directed to execute said Agreement on behalf of the Town of Phillipsburg. The Clerk is hereby directed to publish notice of this appointment within ten (10) days of the adoption of this Resolution as required by law.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk

R- 2017-53

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY CLARIFYING THE TOWNS POLICY REGARDING
MEDICAL REIMBURSEMENT FOR MEDICAL WAIVER**

WHEREAS, the Town Council previously adopted a Resolution providing for medical reimbursement for medical waiver for unclassified employees; and

WHEREAS, the Town of Phillipsburg also offers medical reimbursement for medical waivers for classified employees; and

WHEREAS, the Town desires to clarify its policy regarding how such reimbursements are provided and further desires to conform with requirements of local finance notice 2016-10.

NOW THEREFORE BE IT RESOLVED by the Town of Phillipsburg, County of Warren, State of New Jersey that the guidelines set forth in the local finance notice 2016-10 are hereby adopted in full as set forth fully herein.

BE IT FURTHER RESOLVED that in accordance with Local Finance Notice 2016-10 that payments for waivers filed before May 21, 2010 and maintained continuously since cannot exceed 50% of the amount saved by the local unit as a result of the employee's waiver of coverage and that for waivers filed on or after May 21, 2010 payments cannot exceed the lesser of 25% of the amount saved by the Town as a result of the waiver of \$5,000.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk

R- 2017-54

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY AUTHORIZING THE ADVERTISEMENT FOR
PROFESSIONAL SERVICES FOR THE POSITION OF MUNICIPAL AUDITOR**

WHEREAS, the Town Council desires to seek proposals for professionals seeking to provide municipal auditing services; and

WHEREAS, a request for proposals (“RFP”) for said services has been drafted; and

WHEREAS, the Town Council desires to advertise same.

NOW THEREFORE BE IT RESOLVED by the Town of Phillipsburg, County of Warren, State of New Jersey that the request for proposals for position of municipal auditor is hereby authorized to be advertised.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk

R- 2017-55

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO THE SHARED
SERVICE AGREEMENT FOR USE OF FACILITIES WITH ALPHA BOROUGH
FOR THE COURT**

WHEREAS, the Town of Phillipsburg and Alpha Borough previously entered into a Shared Service Agreement for the use of facilities for the Phillipsburg and Alpha Shared Court to be held in Alpha; and

WHEREAS, it has become necessary to utilize the Alpha facilities for court services beyond the initial three-week period contemplated for in the Agreement; and

WHEREAS, it has also become necessary to relocate certain Phillipsburg Court staff to the Municipal Building in Alpha; and

WHEREAS, such relocation will require certain renovations to be performed to the Alpha building in order to accommodate the Phillipsburg Court personnel; and

WHEREAS, said renovations are not expected to exceed the cost of \$5,000.00; and

WHEREAS, the Town Council believes it to be in the best interest of the Town of Phillipsburg to authorize the expenditure of funds not to exceed \$5,000.00 in order to accomplish the renovations in order to accommodate the Municipal Court personnel of the Town of Phillipsburg and also believes it to be in the best interest of the Town of Phillipsburg to authorize the expenditure of \$400.00 per court session held at the Alpha Municipal Building.

NOW THEREFORE BE IT RESOLVED by the Town of Phillipsburg, County of Warren, State of New Jersey that an addendum to the Shared Service Agreement for use of facilities by and between the Town of Phillipsburg and the Borough of Alpha is hereby authorized to be executed containing the terms set forth above.

BE IT FURTHER RESOLVED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey that the Town Council does hereby approve the payment of \$400.00 per court session held in the Alpha Municipal Building for the Phillipsburg Municipal Court and further approves the expenditure in the amount not to exceed \$5,000.00 in order to effectuate renovations necessary in order to accommodate Phillipsburg Municipal Court personnel.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 21, 2017 meeting.

Victoria L. Kleiner
Registered Municipal Clerk