

**TOWN OF PHILLIPSBURG**  
**Town Council Agenda**  
**July 18, 2017 – 7:00PM**  
**Phillipsburg SENIOR Center**  
**310 Firth Street**

1. OPEN PUBLIC MEETING ACT STATEMENT
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. APPROVAL OF MINUTES Council Meeting 06-05-2017
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. SPEAKER Charles Raffaele & Deborah Meade, Coordinator for the Warren County - Local Advisory Committee on Alcoholism and Drug Abuse (LACADA)
9. PROCLAMATIONS George Chando  
Firthtown Falcons U-9 & U-16
10. MUNICIPAL ALLIANCE DJ KOPHAZY – Speak about changes to the liquor license ordinance
11. OLD BUSINESS
12. PUBLIC DISCUSSION ON AGENDA ITEMS

13. ORDINANCE

O:2017-17 (First Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 625, ZONING, ARTICLE VIII, SIGNS TO REVISE REGULATIONS FOR TEMPORARY SIGNS WITHIN THE TOWN OF PHILLIPSBURG

O: 2017-12 (TABLED @ June 13, 2017 mtg. more discussion)  
Historic Preservation

Councilman \_\_\_\_\_ made a motion to un-table the ordinance. The motion was seconded by Councilman \_\_\_\_\_.

Discussion:

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O: 2017-12 (Second and Final Reading)

## HISTORIC PRESERVATION ORDINANCE

### ROLL CALL

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

O: 2017-08 (Second and Final Reading) **MOTION TO TABLE UNTIL JULY 05, 2017**

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 464 "RENTAL PROPERTY," IN ORDER TO REVISE SECTIONS 464-2 "DEFINITIONS," 464-4 "RENTAL PROPERTY REGISTRATION," 464-5 "LICENSE REQUIREMENTS; SUSPENSION OR REVOCATION OF LICENSE," AND 464-7 "PREREQUISITES TO OCCUPANCY; MAXIMUM NUMBER OF OCCUPANTS"

### ROLL CALL

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

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O: 2017-16 ( Second & Final Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, REPEALING ORDINANCE 2015-20 AND ORDINANCE 2016-23 REGARDING SALARIES

**ROLL CALL**

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

14. **RESOLUTIONS**

R- 2017-138 (Tabled at July 05, 2017 Mtg.)

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING A SHARED SERVICE AGREEMENT ALPHA BOROUGH

R: 2017- 140

A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER 2017 COUNTY TAX AND OPEN SPACE TAX, DUE

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AUGUST 15, 2017

R: 2017-141

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL PERMIT FOR A SOCIAL AFFAIR TO SPLINTERS FROM THE PINE, T/A SOMA DOWNTOWN GRILL

R: 2017 – 142

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$6,102,000 GENERAL OBLIGATION BONDS, SERIES 2017 OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO

R: 2017-143

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R: 2017-144

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A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL  
PERMIT FOR A SOCIAL AFFAIR TO SPLINTERS FROM THE PINE,  
T/A SOMA DOWNTOWN GRILL

R:2017-145

A RESOLUTION AWARDDING PURCHASES UNDER NEW JERSEY  
STATE CONTRACT

R:2017-146

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF  
WARREN, STATE OF NEW JERSEY, APPROVING A CHANGE  
ORDER FOR THE WASTEWATER TREATMENT PLANT UPGRADES  
AND OUTFALL RELOCATION

15. NEW BUSINESS

16. PUBLIC PETITIONS  
(Public Comments)

17. HABITABILITY – Mr. Brennan of 194 Irwin Street – block 1308, lot 31  
Mr. Delorenzo of 145 Washington St. bl. 905, lot 50.01

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Mr. Dilts 1 Brainard St. Block 914, lot 1

Estate of Frances P. Colaursurdo & Maria Toth –  
577 South Main St. Block 2014, lot 9

18. OPEN TIME

19. MOTIONS

Application for active duty – Kyle J. Weston – Reliance Hose Co. No. 1

Application for active duty – Carl J. Paolina – Reliance Hose Co. No. 1

Motion to waive fees for the Multicultural event on July 29, 2017 for Kelly Sheedy – the Town's recreation superintendent.

Approval for Raffle License No. RL: 1259 issued to The Garnet Boosterettes for a premise raffle to be conducted on November 22, 2017

Approval for Raffle License No. RL: 1260 issued to the Grace Evangelical Lutheran Church for a Basket Raffle October 13, 2017 from 9:00 AM-3:00 PM

Approval for Raffle License No. RL: 1261 issued to St. Lukes Episcopal Church for an on premise Tricky Tray Raffle on September 23, 2017 from 4:00 PM – 9:00 PM

20. EXECUTIVE MEETING

R: 2017-

**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.**

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

21. ADJOURNMENT

THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS.  
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**Bill List Summary**  
**REGULAR BILL LIST AS OF JULY 18 2017**

		<u>Check No</u>
1	Current Fund	125,393.75
2	State & Federal Grants	1,675.00
4	Capital Fund	2,830.00
7	Sewage Utility Fund	489,456.62
8	Sewage Capital Fund	6,712.00
12	Planning Board Trust Fund	18,726.20
12	Opus Investments	0.00
13	Dog Trust Fund	0.00
15	Public Defender Trust Fund	0.00
16	Section 8	1,243.14
17	General Trust Fund	0.00
17	Commerce Park Redevelopment	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	0.00
21	Revolving Loan Fund	0.00
<b>Total Regular Bill List as JULY 18, 2017</b>		<b>646,036.71</b>

**Section 8 Rent Payments for 2017**

16	Section 8 Program	142,799.20
<b>Total Section 8 Rent Payments Bill List as of JULY 18, 2017</b>		<b>142,799.20</b>

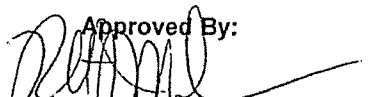
**Pre-Paid Bill List as of JULY 18, 2017**

1	Current Fund	120.00
2	State & Federal Grants	0.00
4	Capital Fund	0.00
7	Sewer Utility Fund	0.00
8	Sewer Utility Capital	0.00
12	Planning Board Trust Fund	0.00
16	Section 8	0.00
17	General Trust Fund	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	3,192.48
21	Revolving Loan Fund	0.00
<b>Total Pre-Paid Bill List for JULY 18, 2017</b>		<b>3,312.48</b>

**Grand Total All Funds**

**792,148.39**

Approved By:

  
Robert J. Merlo, CFO

  
Stephen R Ellis, Mayor

ORDINANCE 2017- 17

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY  
OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 625,  
ZONING, ARTICLE VIII, SIGNS TO REVISE REGULATIONS FOR  
TEMPORARY SIGNS WITHIN THE TOWN OF PHILLIPSBURG

BE IT ORDAINED by the Town Council, Town of Phillipsburg that Chapter 625, *Zoning*, Article VIII, *Signs*, Section 39, *Political Signs*, is hereby deleted in its entirety and replaced as follows

**Section 1**

Chapter 625, *Zoning*, Article VIII, *Signs*, Section 38, *Signs permitted in all zones*, is amended as follows:

**§625-38 Signs permitted in all zones.**

- A. A maximum of two real estate signs advertising the sale, rental or lease of only the premises on which such signs are maintained shall be permitted. Such signs shall not in any case display more than 20 square feet of surface (see § 625-35) on tracts of acreage or new developments. When advertising the sale of an existing structure, such signs shall not in any case display more than six square feet of surface per sign.
- B. One nonilluminated announcement sign, not exceeding one square foot in area, is permitted in any zone for each tenant or owner per structure.
- C. Signs identifying contractors, builders and tradesmen engaged in construction of buildings may be permitted to have an area of 12 square feet and may only be displayed while work is being performed on site.
- D. Public and quasi-public signs identifying uses such as the following are permitted and may have a maximum area of 12 square feet, provided that they comply with the restrictions set forth in § 625-40 for public buildings, schools, churches, hospitals, clinics, clubs, lodges or public utilities.
- E. Temporary signs may be erected on the premises or within any establishment having a special event, provided that the total surface of all such signs shall not exceed 32 square feet in area and shall not be displayed for a period more than seven calendar days within a thirty-day period.

**Section 2**

Chapter 625, *Zoning*, Article VIII, *Signs*, Section 39, *Political Signs*, is deleted and a new section entitled *Temporary Signs* is added as follows:

**§625-39 Temporary Signs.**

- A. Definition. As used in this article, the following terms shall have the meanings indicated:

**TEMPORARY SIGN**

A sign, poster, bill, placard, or banner that is intended for display on a non-permanent basis and is not permanently affixed or attached to the ground, wall, window, or any other free-standing object.

- B. Temporary Signs on private property are not subject to permit requirements of §625-36B above, provided they meet the following requirements.

1. Temporary signs shall not be displayed for a period longer than sixty (60) days.
2. Temporary signs shall not exceed nine (9) square feet in area.
3. Temporary signs shall be located on private property with consent of the owner.
4. Temporary signs shall be located outside the public right-of-way or any sight triangle, sight easement or sight lines for a road or driveway.

- C. No temporary signs shall be affixed by tacking, pasting or otherwise mounting upon utility poles, light standards, trees or the like unless in accordance with the following regulations:

1. Temporary signs located in the public right-of-way shall not be across, over or extending onto the paved portion of any public roadway. Temporary signs shall not be installed in such a manner as to interfere with or obstruct access or vision along any such right-of-way.
2. Each temporary sign must be clearly marked with the name of the person or organization responsible for the removal of such signs. Any signs not so designated with the name of said person or organization shall be removed by the Zoning Officer.
3. It shall be unlawful to allow temporary signs to remain posted for a period of more than seven days.
4. It shall be the responsibility of the person whose name appears on such temporary sign to remove such within the aforesated period.

- D. Upon violation of any portion of this section, the person responsible for the removal of such signs shall be subject to a fine of not less than \$10 nor more than \$50 per sign. Each violation shall be considered a separate offense.

- E. This section shall not disturb the regulations for signs established in §625-38 above.

**Section 3**

Chapter 625, *Zoning*, Article VIII, *Signs*, Section 39, *Temporary signs; violations and penalties*, is deleted.

**Section 4**

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

**Section 5**

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 6**

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 \_\_\_\_\_, 2017 meeting.

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

**From:** Joseph Salvador  
**To:** Richard Winner  
**Re:** Revisions to Phillipsburg Sign Ordinance  
**Date:** 7/13/17

## **Revisions to Phillipsburg Chapter Regarding Signs**

### **Analysis:**

The drafted revisions to the Town code regulating signs were made in an effort to survive first amendment challenges after the Supreme Court's recent Reed v. Town of Gilbert decision. 135 S.Ct. 2218 (2015).

The United States Supreme Court opinion Reed v. Town of Gilbert analyzed the validity of a town ordinance in Arizona that restricted signage. 135 S.Ct. 2218 (2015). Specifically, the ordinance prohibited the display of outdoor signs without a permit, but exempted ideological signs, temporary event signs, or political signs from such regulations. Id. at 2221. Within these exemption categories, much like Phillipsburg's current ordinance, temporary signs were given varying size and temporal limitations. The court noted the ordinance drew distinctions and regulated differently based on the content of the signs. Since the ordinance regulated signs based on the nature of the communicative content, it was found to be content based restriction and subject to heightened strict scrutiny. Id. at 2231. This broadened the previous understanding of content based regulations to be broader than favoring or restricting a viewpoint, and instead applies to differential treatment based on communicative content.

Content based restriction is subject to strict scrutiny, and is presumptively unconstitutional, and only justified if the government powers prove it is narrowly tailored to serve compelling state interests. Ibid. The Town attempted to demonstrate compelling state interests through traffic safety and aesthetics within the municipality. Both state interests argued by the Town failed and the ordinance was found to be unconstitutional.

The Reed decision does not suggest what forms of content-based sign ordinances would survive strict scrutiny. Fede, Andrew, "Sign and Billboard Law", New Jersey Lawyer (April 2017). Further, the decision suggests that ordinances imposing content-specific duration limitations on temporary signs would also be held invalid. Ibid.

The ordinances remove varying restrictions based on the communicative message, and instead imposes limitations based on the type of sign itself (ex. Temporary vs permanent, private property vs. public, commercial vs. private purpose). Therefore, the ordinance should be viewed under an intermediate form of constitutional scrutiny and state safety and aesthetic interests are far more likely to be viewed as valid. Moreover, the Reed decision pertains to private speech, and does not speak to commercial speech which receives less protection. Thus, regulations concerning commercial advertisement / real estate were not revised.

**O: 2017-12**  
**HISTORIC PRESERVATION ORDINANCE**

**CHAPTER 625. ZONING**

**ARTICLE XXI. Historic Preservation**

**§ 625-100. Short title.**

This article shall be known and may be referred to as the "Historic Preservation Ordinance of the Town of Phillipsburg."

**§ 625-101. Scope.**

- A. It is the intention of the Town Council of the Town of Phillipsburg to designate and regulate historic sites within the Town consistent with and pursuant to the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-1 et seq.).
- B. A Commission is hereby created to review the potential effect of development and permit applications on designated historic sites and to work with and advise the planning board and individual property owners on the effect of applications coming before either Board on designated historic properties or improvements within a historic district.
- C. This article is intended to regulate only those activities on designated sites which require a permit from a municipal officer or employee or which require an application for development to the planning board. Nothing herein shall prevent review of other activities by the Commission, but such review is not required by the adoption of this article.
- D. This article does not require or prohibit any particular architectural style. New construction upon or near a historic site should not necessarily duplicate the exact style of the site; rather, it should be compatible with and not detract from the historic site.

**§ 625-102. Findings and purpose.**

The Town Council of the Town of Phillipsburg finds and determines that the Town has many historic and architecturally significant properties, together with groupings of properties of generally vernacular structures. These properties contribute visually to the character and integrity of the Town and are important in assessing the historic patterns of development and the Town's history. Maintaining, preserving, and rehabilitating these visual links to the past is an important function of government, not only to provide a sense of stability and continuity for future generations, but to provide impetus for the revitalization of the Town's economic base and for the resulting increase in property values. Moreover, the Town's planning board adopted a historic preservation master plan element in April 2017 that contains a list of historically significant properties and districts in Phillipsburg and made certain recommendations regarding their preservation.

**§ 625-103. Establishment of Historic Preservation Commission; membership; terms; vacancies.**

- A. Establishment. Pursuant to the provisions of N.J.S.A. 40:55D-107 et seq., the Town of Phillipsburg Historic Preservation Advisory Commission (hereafter "Commission") is hereby established and created.
- B. Membership. The Commission shall consist of seven regular members, one of which shall be Class A and two of which shall be Class B, and who shall serve without compensation, except that Commission members shall be reimbursed for reasonable and necessary expenses incurred in the performance of official business within the guidelines of the budget established by the Town Council. Commission members shall be appointed solely by the Mayor. The Commission shall include members from each of the following classes:
- (1) Class A: a person knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and
  - (2) Class B: a person who is knowledgeable of or with a demonstrated interest in local history and who may reside outside the municipality; and
  - (3) Class C: regular members who are not designated Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment, except for membership on the planning board.
  - (4) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest, and all members shall disclose to the Commission any such personal or financial interest.
- C. Term; vacancies; removal. The terms of members shall be for four years. The terms of the initial members appointed under this article shall be staggered, to the extent possible, evenly over the first four years after their appointment. The term of any member common to the Commission and the planning board shall be for the term of membership on the planning board. All members, at the expiration of their terms, may be eligible for appointment to an additional four-year term. Appointments to fill vacancies shall be only to complete the unexpired terms. Vacancies shall be filled within 60 days. A member of the Commission may, after public hearing if requested, be removed by the Town Council for cause.

**§ 625-104. Organization of Historic Preservation Commission.**

- A. Officers. Each year in the month of January, the Commission shall elect a Chairman and Vice Chairman from its members and select a secretary who may or may not be a member of the Commission or a municipal employee.
- B. Staff, experts, counsel, expenses and costs.
- (1) The Town Council shall make provision in its annual budget and appropriate funds for the expenses of the Commission.
  - (2) The Commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney or other authorized attorney approved by the Town

Council at the rate of compensation determined by the governing body. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts, grants or other sources of self-generated revenue, the amount appropriated by the governing body for the Commission's use and shall be in accordance with the Local Public Contracts Law.

- (3) Escrow and application fee schedules, which are necessary to reimburse the Commission for costs incurred pursuant to § 625-104B(2), shall be established and adopted via ordinance by the Town Council.

C. Meetings; procedures; decisions. The Commission shall reorganize annually, each January. The Commission may adopt such administrative rules, regulations, procedures and forms for applications by formal resolution, as shall provide for the orderly conduct of its business and processing of applications, provided that such rules, regulations and procedures shall not be inconsistent with any provision of this article. A quorum shall consist of four members. All Commission meetings shall be subject to the Open Public Meetings Act. To the extent practical, the procedures followed by the Commission as to public hearings, voting, etc., shall be patterned after those of a planning board pursuant to the Municipal Land Use Law. Decisions by the Commission shall be in writing by resolution setting forth findings of fact and conclusions of law. The Commission may follow the procedure for memorializing decisions as is permitted for planning boards.

#### **§ 625-105. Responsibilities of the Historic Preservation Commission.**

A. Powers and duties. The powers and duties of the Commission shall be as follows:

- (1) Prepare and regularly update a survey of historic sites in the Town and recommend the establishment and boundaries of historic sites and districts where appropriate to the planning board and Town Council;
- (2) Prepare the necessary supporting documentation for nominating eligible properties for designation to the State and/or National Registers.
- (3) Prepare and maintain guidelines for appropriate architectural designs applicable to the exterior appearance of new construction and for the renovation, alteration, enlargement or other change to the exterior of structures that are located on a historic property which have been designated a historic landmark.
- (4) Make recommendations to the planning board on the historic preservation plan element of the master plan and on the implications for preservation of historic sites of any other master plan elements.
- (5) Advise the planning board and Town Council on the inclusion of historic sites in any recommended capital improvement program.
- (6) Advise the planning board on applications for development pursuant to §625-108.
- (7) Carry out such other advisory, educational and informational functions that promote historic preservation in the Town such as providing public education regarding the



benefits of historic preservation to individual property owners and the community at-large.

B. Compatibility with other agencies.

- (1) The responsibilities, powers and duties of the Commission shall not conflict with or supersede the powers and duties of any other board or agency within the Town of Phillipsburg.
- (2) The planning board shall refer to the Commission every application for development submitted the board for development in historic zoning districts or on historic sites designated on the zoning map or identified in any component element of the master plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through delegation of one of its members or staff to testify orally at the hearing on the application for development and to explain any written report which may have been submitted.

**§ 625-106. Definitions.**

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

*ADDITION* – An extension or increase in building size, floor area or

height. *ADMINISTRATIVE OFFICER* – The Zoning Officer.

*ALTERATION* – Any change in the exterior architectural features of any improvement or addition.

*APPLICATION* – A request to the Commission made pursuant to this article for the purposes of obtaining a certificates of appropriateness or other action by the commission hereunder specified.

*APPLICATION FOR DEVELOPMENT* – The application form and all accompanying documents required by ordinance to the Planning board or the Zoning Board of Adjustment of the Town for approval of a major or minor subdivision, plat, site plan, planned development, conditional use, zoning variance or the direction of the issuance of a permit pursuant to Section 25 or 27 of P.L. 1975, c.291 (N.J.S.A. 40:55D-34 or 40:55D-36).

*BUILDING* – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person or property.

*CERTIFICATE OF APPROPRIATENESS* - The certificate issued by the planning board or administrative officer after review of the certificate of appropriateness application by the Commission. This certificate is required prior to undertaking rehabilitation, restoration, renovation, alteration, ordinary and non-ordinary repair work or demolition work undertaken

within a historic district or on an individually designated historic structure pursuant to this article.

*COMMISSION* – The Historic Preservation Commission established pursuant to the provisions of this article.

*DEMOLITION* - The partial or total razing, dismantling or destruction, whether entirely or in significant part, of any building, structure, object or site. "Demolition" includes the removal of a building, structure or object from its site or the removal or destruction of the facade or surface.

*DESIGNATED PROPERTY OR DISTRICT* - An individual building, structure, site, object or district which has been designated as having historical, architectural, cultural, aesthetic or other significance pursuant to the provisions of this article.

*DEVELOPMENT* - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required pursuant to the Municipal Land Use Law.

*HISTORIC DISTRICT* - A geographically definable area possessing a significant linkage, or continuity of sites, buildings, structures, and/or objects meeting the criteria established for designation in §625-107.

*HISTORIC PROPERTIES* - Any buildings, structures, sites, objects, or districts which possess integrity of location, design, setting, materials, workmanship, or association, and which have been determined historically significant pursuant to §625-107.

*HISTORIC SITE* - The word "historic site" may substitute for historic

property. *HISTORIC STRUCTURE* - Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs. *IMPROVEMENT* – A building or other structure or any work constituting a man-made alteration of or addition to any site.

*INTEGRITY* - The authenticity of the historic identity of a building, structure, site, object or district evidenced by the survival of the physical characteristics that existed during its historic or prehistoric period.

*INTERESTED PARTY* - Any person whose right to use, acquire or enjoy property is affected by any action taken under this article or whose rights to use, acquire or enjoy property under this article or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this article.

*INVENTORY* - A list of historic properties determined to meet specified criteria of significance.

*LANDMARK* - The word “landmark” may substitute for historic property, site or district.

*MASTER PLAN* - The Master Plan of the Town of Phillipsburg, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

*MINOR APPLICATION* - Any application for a certificate of appropriateness which:

- A. Does not involve demolition, relocation or removal of an historic landmark or a key or contributing resource in an historic district;
- B. Does not involve an addition to an historic landmark or a property in an historic district or new construction in an historic district;
- C. Is a request for approval of fences, signs, awnings, lighting, paving or streetscape work which, in the opinion of the Minor Application Subcommittee, will not substantially affect the characteristics of the historic landmark or the historic district; or
- D. Is a request for a field change for a certificate of appropriateness which has already been issued and which meets the criteria of Subsection C above.

*MUNICIPAL LAND USE LAW* - The Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), as amended from time to time.

*OBJECT* - A material thing of functional, aesthetic, cultural, historic, scenic or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.

*ORDINANCE* - A legislative act of the governing body of a municipality adopted in accordance with statutory requirements as to notice, publicity and public hearing as required by law.

*OWNER* - Any person having a right, title or interest in any property so as to be legally entitled, upon obtaining such permits and other authorizations as may be required pursuant to law, to perform construction, alteration, removal, demolition or other work with respect to such property.

*PERMIT* - Any Township approval for exterior work to be performed on any landmark or on any building, structure, object or site located within a landmark district, which exterior work will be subject to public view. Said permit shall include but not be limited to a building permit, a demolition permit or a permit to move, convert, relocate or remodel or to change the use or occupancy of any landmark or any building, structure, object or site located within a landmark district. "Permit" shall also include all exterior work to be performed on fences, signs, porches, railings, steps, lighting and sidewalks and any other work subject to public view which would alter the exterior appearance of landmarks or properties located within a landmark district or their sites.

*REHABILITATION* - Any repair or alteration that preserves significant historical or architectural features.

*RESTORATION* - The historically accurate repair or replacement of architectural features.

*SITE* - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may both have been actively occupied. A site may also be the location of a ruined building, structure or object if the location itself possesses historic, cultural or archaeological significance.

*SITES OF HISTORIC INTEREST* - Any buildings, structures, sites, objects or districts which, although not given historic landmark designation under this article, are an important historical asset to the community which it is felt would benefit from the advice and input of the Commission.

*STRUCTURE* - A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

*SURVEY* - The survey of buildings, structures, objects, sites and districts located within the Township of Montclair which is conducted by the Commission for the ascertainment of their historical, architectural, aesthetic, cultural or other significance pursuant to the provisions of this article.

*VIEW OR PUBLIC VIEW* - The view by the public of a building, structure, object or site from any point on a street or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

*ZONING OFFICER* – The officer of the Town who shall be authorized to and shall administer and enforce the provisions of this chapter.

**§ 625-107. Designation of historic sites and districts.**

- A. Historic Districts. For the purposes of this chapter, the boundaries of the historic districts are hereby established as shown on the map entitled, "Map of Historic Districts, Town of Phillipsburg, New Jersey," dated 2012, and the list of properties within the district ("Attachment 1") as may be amended from time to time, which is filed at the office of the town clerk. In addition to meeting the abovementioned criteria, historic districts shall represent a geographically definable area possessing a significant linkage, or continuity of sites, buildings, structures, and/or objects which when viewed collectively:
- (1) Represent a significant period in the development of the Town; or
  - (2) Have a distinctive character resulting from their architectural style; or
  - (3) Because of their distinctive character, can readily be viewed as an area or neighborhood distinct from surrounding portions of the Town.
- B. General Standards. The criteria for evaluating and designating historic districts and sites shall be guided by the National Register criteria. Consideration shall be given to buildings, structures, objects, sites and districts that merit designation and protection by reason of possessing integrity of location, design, setting, materials, workmanship, and association and meet one or more of the following criteria:
- (1) Of particular historic significance to the Town of Phillipsburg by reflecting or exemplifying the broad cultural, political, economic or social history of the nation, state, or community.
  - (2) Associated with historic personages important in national, state, county or local history.
  - (3) The site of a historic event which had a significant effect on the development of the nation, state, county, or Town.
  - (4) An embodiment of the distinctive characteristics of a type, period, or method of construction, architecture or engineering.
  - (5) Representative of the work of an important builder, designer, artist, engineer, architect or landscape architect whose work has influenced the development of the Town, state or nation.
  - (6) Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation.
  - (7) Able or likely to yield information important in prehistory or history.
- C. Exceptions. Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years should not be

considered eligible for designation. However, such properties might qualify if they are integral parts of historic sites or districts or if they fall within one of the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction or historical importance.
- (2) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure that most importantly associates with a historic person or event.
- (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building associated with their productive life.
- (4) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
- (5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.
- (6) Property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.
- (7) A property achieving significance within the past 50 years if it is of exceptional importance.

D. Historic District Resources. Resources within a historic district shall be classified as key, contributing, or non-contributing which are defined as:

- (1) Key – Any buildings, structures, sites or objects which due to their significance would individually qualify for landmark status.
- (2) Contributing – Any buildings, structures, sites or objects which are integral components of the historic district either because they date from a time period for which the district is significant or because they represent an architectural type, period or method for which the district is significant.
- (3) Non-contributing – Any buildings, structures, sites or objects which are not integral components of the historic district because they neither date from a time period for which the district is significant nor represent an architectural type, period, or method for which the district is significant.

E. Designation list. In addition to the properties and structures already identified in the Historic Preservation Plan Element of the Town's master plan, the Commission shall make a list of historic sites and districts recommended for designation. For each such proposed designation, there shall be a brief description of the site, of the site's significance pursuant to the criteria set forth above,

a description of the site's location and boundaries, a digital photograph of each property, and a location map.

- F. Hearing on proposed designation. A hearing shall be conducted on the proposed designations at which interested persons shall be entitled to present their opinions, suggestions, and objections on the proposed recommendations. To the extent that a property owner appears at the hearing to object to the designation of their property; or provides written confirmation to the Commission at or prior to the hearing that such property owner does not agree or consent to having such property designated as a historic site, then such property shall not be so designated under any circumstances pursuant to this Historic Preservation Ordinance.
- G. Notice of proposed designation. At least 10 days prior to the hearing provided for in Subsection F above, the Commission shall provide notice of the hearing in the following manner:
- (1) By certified mail, return receipt requested, to each owner, that their property being considered for historic designation and the reasons therefor. The notice shall advise the owner of the significance and consequences of such designation, that if so designated, his or her property would be subject to the provisions of this article; shall advise him of their opportunities and rights to challenge or contest such designation; and shall set forth the time, date and location of the public hearing to be held.
  - (2) By publishing in an official newspaper of the municipality, a notice of the time, date and location of the hearing, a preliminary list of potential designations including a lot and block designation for same as it appears on the official Town Tax Map.
- H. Historic Preservation Commission report to Planning Board. After the hearing, the Commission shall prepare a report for the planning board that includes a list and map of the recommended sites and districts. Copies of the report shall be delivered to the Mayor, Town Council, planning board and the Municipal Clerk and a notice of action published by the Commission secretary in an official newspaper of the Town. The published notice shall state the Commission's recommendations and also that final designation shall be made by the planning board at a public meeting specified on a date not less than 15 nor more than 45 days from the date of publication. The planning board shall communicate its action with respect to the Commission's recommendation to the Town Council.
- I. Town Council's adoption of designations. The Commission shall submit the list of designated landmarks/sites of historic interest and a map to the Municipal Clerk for filing. The Town Council shall then consider the designation list and map, and may approve, reject or modify same by ordinance. Once adopted, the designation list and map may be amended in the same manner in which it was adopted. Upon adoption, the designation list and map shall also be incorporated by reference into the municipal master plan and the zoning provisions of this article.
- J. Filing of certificate of designation. Copies of the adopted list of designated sites and districts and location maps shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be served by certified and regular mail upon each owner included on the list, a true copy thereof shall be filed with the Tax Collector and Tax Assessor who shall maintain a record of all historic designations on the tax rolls.

- K. Reconsideration of designation. Nothing herein shall be construed as requiring the Commission to recommend designation of a structure, building, object or site as a historic site even if all criteria to so designate have been satisfied. Thereafter, the Commission shall not be prohibited from reconsidering such recommendation and, after following the procedures of § 625-107F, recommend a given site or district for designation.
- L. Designated structures not within a historic district. For the purposes of this chapter, a list of structures of historic or architectural value not located within the boundaries of an established historic district is hereby established as a list in Attachment #1 to the map of historic districts mentioned in subsection (a) of this section and further identified as "Historic Sites and Districts, Town of Phillipsburg, Warren County, New Jersey", and dated November 2014, as may be amended from time to time.
- M. Map of historic districts and attachments incorporated by reference. The "Map of Historic Districts, Town of Phillipsburg, New Jersey" and its attachments described in this section are hereby made part of this chapter by reference and are included as Attachments #2 and #3.
- N. Public property. It is the intent of this chapter that property owned by any governmental entity and, not previously designated nor within the historic district, may be placed on either Attachment 1 or 2. The town council shall approve any such designation with respect to town owned property.
- O. Maintenance of historic properties list. The criteria for adding or deleting a structure from the list of historic structures and for the review of historic district boundaries shall be the National Register Criteria for Evaluation or similar criteria which may be adopted by the National Park Service and/or Secretary of the Interior under federal law. The commission shall establish and maintain procedures by which property owners and/or the commission may nominate properties for addition to or deletion from the list of structures. The town council upon the recommendation of the commission shall determine whether or not to grant a petition.

**§ 625-108. Actions requiring review by Historic Preservation Commission.**

**A. Applications subject to Commission review.**

- (1) All building permit, demolition and development applications affecting a historic property or an exterior improvement within a historic district designated in the historic preservation plan element of the Town's master plan and pursuant to §625-107 shall be reviewed by the Commission. Such review shall be required for, but not limited to, the following:
  - a. Demolition, in whole or in part, of a historic property or of any key or contributing property within a historic district.
  - b. Relocation of a historic property or of any key or contributing property within a historic district.
  - c. Significant, non-historic changes in exterior appearance to a historic property by means of repainting (not in the same color or a historically certified color).



- d. Changes in exterior appearance by means of non-ordinary repairs, replacement, rehabilitation, alteration or addition to any historic property or any key or contributing property within a historic district.
- e. New construction taking place within a historic district.
- f. Changes in or additions of new signage or exterior lighting on a historic property.
- g. Zoning variances affecting a historic property or any improvement within a historic district.
- h. Site plans or subdivisions affecting a historic property or an improvement within a historic district.
- i. Roadway-widening projects.

*In making a recommendation on an application, the Commission shall be aware of the importance of finding a way to meet the current needs of the applicant. The Commission shall also recognize the importance of making recommendations that will be both consistent with the purposes of this article and reasonable for the applicant to carry out. Before an applicant prepares plans, he or she may bring a tentative proposal to the Commission for informal review and comment.*

- (2) Any proposal for renovation, modification, addition or expansion requiring a building permit shall have plans drawn by a New Jersey licensed architect. An escrow fee shall be assessed to cover costs of review by Town professionals and any portion of the procedural requirements may be waived depending on the simplicity or complexity of the proposal.

- (3) The following activities are not subject to this article:

- a. Changes to the interior of structures.
- b. Ordinary repairs and maintenance or the exact replacement of any existing architectural details that are otherwise permitted by law, provided that this work on a historic landmark does not alter the exterior appearance of the building.

B. Emergencies. Emergency repairs may be performed in accordance with Town building and construction codes, without the necessity of first obtaining the Commission's review, as determined by the Administrative Officer. Under such circumstances, the repairs performed shall be only those necessary to protect the health and safety of the occupants of the historic property, or others, and/or to maintain the habitability of the structure. A request for Commission review shall be made as soon as possible thereafter and no further work shall be performed upon the structure until an appropriate request for review is made. All work done under this subsection shall conform to the criteria set forth in this article and the guidelines for review of applications as adopted by the planning board in accordance with this article.

- C. Referrals to Historic Preservation Commission. The planning board shall refer all development applications to the Commission; and the administrative officer shall refer all building permit applications, including permit applications for new construction, demolition, alterations, additions, or replacements which affect a historic property or key and contributing sites in a historic district, to the Commission.

(1) Procedures for the review of development applications.

- a. For all applications presented to the planning board the property owner shall also submit to the Board an application for review and request for issuance of a certificate of appropriateness. Such an application shall pertain solely to the proposed development application. If building permits are required, those actions will be reviewed separately by the Commission in accordance with the procedures outlined in § 625-108C(2).
- b. The planning board shall forward to the Commission a complete set of all application materials as well as the application for issuance of a certificate of appropriateness. Such referral shall be made when the application is deemed complete or is scheduled for a hearing, whichever is sooner. The Commission shall be allowed at least 14 calendar days from the day it receives a complete application to prepare its recommendations to the planning board regarding whether the certificate of appropriateness should be approved or denied. Said recommendations shall be in the form of a written report, which may be orally conveyed to the planning board through the Commission's delegate at a hearing on the application.
- c. The Commission's recommendation shall focus on how the proposed undertaking would affect a historic property's historical or architectural significance as outlined in § 625-107. In considering the Commission's recommendations, the planning board shall be guided by the review criteria established in § 625-108E. The recommendation of this Commission shall not be binding upon the planning board.

(2) Procedures for review of building permits and alterations.

- a. Prior to undertaking any action affecting the exterior architectural appearance of a historic property or a key and contributing site in a historic district as outlined in § 625-108A, the property owner shall complete and submit to the administrative officer an application for review and request for issuance of a certificate of appropriateness.
- b. An application for a certificate of appropriateness shall be submitted on forms provided by the administrative officer. Each application submission shall include, at a minimum, the following information:
  - i. Any drawings, plans, photographs, manufacturer specifications and sample materials that are required by the administrative officer and/or as may be noted in the application checklist.

- ii. A detailed plot plan delineating the relationship of the renderings of the proposal in relation to adjacent improvements, buildings and/or structures or surrounding lands may be required as determined by the administrative officer.
- iii. Drawings shall be prepared and sealed by either a New Jersey licensed registered architect or other New Jersey licensed design professional or by the residing property owner of a single-family dwelling under his/her ownership with an accompanying affidavit of ownership, as required by P.L. 1989, Chapter 277 (commonly known as the "Building Design Services Act") or other applicable laws of the State of New Jersey.
- c. The Administrative Officer shall refer the application to the Commission for its recommendation. The Commission or its designee shall review the application for technical completeness. Any application found to be incomplete shall be returned to the applicant within 10 calendar days of the receipt of the application.
- d. When an application is found to be technically complete, the Commission shall schedule a review of the application at its next regularly scheduled meeting. The applicant shall be notified of the meeting date and shall be allowed an opportunity to speak at the meeting. The Commission may recommend the denial of any application that is not properly represented at the hearing.
- e. The Commission shall report to the planning board within 25 calendar days after the application is deemed complete. The report shall set forth the Commission's recommendation regarding whether the certificate of appropriateness should be approved, denied or conditionally approved; and it shall explain, in writing, the reasons for its recommendation. In accordance with Subsection (3) of this section, if the application involves demolition or removal, the Commission may also recommend postponement. The Commission's recommendation shall focus on how the proposed undertaking would affect a property's historic or architectural significance pursuant to the review criteria set forth in § 625-108E. The Commission's recommendation shall not be binding upon the planning board.
- f. When making its determination on the application for a certificate of appropriateness, the planning board should be guided by the review criteria set forth in § 625-108E. The planning board should consider the Commission's recommendations with the same care it affords all expert information. The planning board may accept, reject or modify the Commission's recommendations. The planning board shall provide its report to the administrative officer for the appropriate action within 45 days of his or her referral of the application to the Commission. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of the application for a certificate of appropriateness, without conditions. The administrative officer is bound by the planning board's decision.

(3) Demolitions and Relocations.

- a. The planning board, upon affirmative vote of a majority of the membership, may postpone the demolition or relocation of a historic property ancillary to a development application for up to one year. The planning board and the Commission may utilize this time period to consult with the New Jersey State Historic Preservation Office or other similarly qualified organizations to ascertain how the Town may preserve the structure when demolition or relocation thereof would be a great loss to the Town. The planning board may request that the Town Council initiate such actions as may lead to the preservation of the premises within the one-year hiatus. In its review of an application to demolish a site pursuant to this section, the Commission may require the applicant to prepare a financial analysis which may include any or all of the following:
  - i. Amount paid for the property, date of purchase and party from who purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
  - ii. Assessed value of the land and improvements thereon according to the most recent assessment.
  - iii. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
  - iv. All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property.
  - v. Bona fide offers of the property for sale or rent, price asked and offers received, if any.
  - vi. Any consideration by the owner as to profitable, adaptive uses for the property.
- b. The Commission shall study the question of economic hardship for the applicant and shall determine whether the property can be put to beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his existing building. The Commission may ask applicants for additional information to be used in making these determinations.

D. Supplemental Documentation. At the discretion of the Commission, applications for a certificate of appropriateness shall also include detailed information on the construction material, color, design and any of the following or other elements of the proposal to provide clear and comprehensive information for the Commission in its determination of the complexity of the proposal:

- (1) Roof design and surfacing;

- (2) Walls/siding/pattern of shingles/and exterior painting or stain;
- (3) Windows: style, relationship to each other/awnings;
- (4) Doors;
- (5) Ornaments or trim;
- (6) Colors/materials;
- (7) Railings/porches;
- (8) Chimneys;
- (9) Fences;
- (10) Garages/carports;
- (11) Signs;
- (12) TV antennas/satellite dishes;
- (13) Solar energy installation;
- (14) Outdoor furniture for accessory use of a principal (nonresidential) use such as restaurant's outdoor eating section;
- (15) Street furniture generally relative to a public or a semipublic use; or recreation equipment;
- (16) Landscaping, grading and topography;
- (17) For new construction, utilities shall be placed underground and site plans shall show the placement of same; statements from the relevant public utility company may be requested by the Commission.

E. Review standards. The following criteria shall be used by the Commission and the planning board when reviewing an application for a certificate of appropriateness:

- (1) The historical or architectural value and significance of the building and/or structure, its relationship to the historic value of the surrounding area, and the impact of the proposed change or use on the historic and architectural significance of the subject property or district.
- (2) Its importance to the municipality and the extent to which the historic or architectural interest would be adversely affected to the detriment of the public interest.
- (3) The extent to which the proposed action would adversely affect the public's view of a landmark from a public street.
- (4) If the application deals with a structure within a historic district, the impact the proposed change would have on its character and ambience and the structure's visual compatibility with the buildings, places and structures to which it would be visually related.
- (5) The effectiveness of the proposal in adhering to the building and/or structure's original style or destroying or otherwise affecting the exterior texture, materials and architectural features; but in no instance shall interior improvements be considered.
- (6) The practicality of performing the work with materials or workmanship of a type equivalent or similar to the historical or architectural era during which the structure, building or place was constructed; and the extent to which they could be reproduced but only with great difficulty and expense.

- (7) The general compatibility of exterior design, arrangement and materials proposed to be used and any other factor, including aesthetic, which is found to be pertinent.
  - (8) The overall effect that proposed work would have upon the protection, enhancement, perpetuation and the use of the property, adjoining properties and the historic district in which it is located.
  - (9) The impact of the proposed change upon archaeological resources.
  - (10) The U.S. Department of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be utilized to assess the effect of any proposed application on any historic property or district. Such standards and guidelines are hereby adopted by reference and copies shall be made available for inspection and/or purchase in the office of the Municipal Clerk.
- F. Demolitions not in conjunction with a development application. An application for a permit to demolish a historic landmark or site of historic interest shall be forwarded by the Construction Official to the Commission.
- (1) Demolitions involving historic landmarks.
    - a. The Commission shall conduct a public hearing on the proposed demolition. At least 10 days before such hearing, the applicant shall give notice of the time, date, location and purpose of the hearing to the Warren County Cultural and Heritage Commission and the NJ Historic Preservation Office by certified mail, return receipt requested, and by published notice in an official newspaper of the municipality; and shall present an affidavit attesting to such notification prior to commencement of the hearing
    - b. In addition to any other criteria contained in this Section regarding demolitions, the following matters shall be considered by the Commission:
      - i. The ownership, use and applicant's reason(s) for requesting demolition;
      - ii. Its potential for use for those purposes currently permitted by the zoning provisions of this article;
      - iii. Its structural condition and the economic feasibility of alternatives to the proposal;
      - iv. The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it would not be reproduced or could be reproduced only with great difficulty and expense;
      - v. Such other matters as may appropriately affect the decision considering the specific characteristics of the property in question;

- c. Following the public hearing, the Commission shall make a decision and act on the request for the demolition permit.
  - (2) Demolitions involving a site of historic interest. The Commission shall conduct the procedures as outlined in Subsection F(1) above, except that the Commission shall have a period not exceeding six months in order to have an opportunity to seek a viable alternative to demolition.
  - (3) Demolitions in conjunction with a development application. In those circumstances where the planned demolition is part of a development application pending before the planning board, the hearing provided for in this section shall be combined as part of the development application hearing held before the reviewing board. The Commission shall be given notice of the hearing and its members or representatives shall be allowed to ask questions, request information and present evidence to the reviewing board relating to the demolition. The Commission shall further be afforded the opportunity of making a recommendation to the reviewing board as to whether or not the demolition should be allowed.
- G. Relocations. In regard to an application to move any historic landmark, or to move any improvement within a historic district, the application shall be forwarded by the responsible municipal official to the Commission.
- (1) The Commission shall conduct a public hearing on the proposed move or relocation. At least 10 days before such hearing, the applicant shall give notice of the time, date, location and purpose of the hearing to the Warren County Cultural and Heritage Commission and the NJ Historic Preservation Office by certified mail, return receipt requested, and by published notice in an official newspaper of the municipality and shall present an affidavit attesting to such notification prior to the hearing.
  - (2) The following matters shall be considered by the Commission:
    - a. The historic loss to the site of original location and the historic district as a whole;
    - b. The compelling reasons for not retaining the landmark or structure as its present site;
    - c. The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the protection of interest and values referred to in this section;
    - d. The probability of significant damage to the landmark or structure itself;
    - e. If it is to be moved from the Town, the proximity of the proposed new location to the Town, including the accessibility to the residents of the municipality and other citizens;
    - f. Visual compatibility factors as set forth in this section.

- (3) Following the public hearing, the Commission shall make a decision and act on the request for relocation.
- (4) In those circumstances where the planned relocation is part of a development application pending before the planning board, the hearing provided for in this section shall be combined as part of the development application hearing held before the reviewing board. The Commission shall be given notice of the hearing and its members or representatives shall be allowed to ask questions, request information and present evidence to the reviewing board relating to the relocation. The Commission shall further be afforded the opportunity of making a recommendation to the reviewing board as to whether or not the relocation should be allowed.

**§ 625-109. Violations and penalties.**

- A. Any person who undertakes any activity affecting a historic landmark or any improvement within a historic district which is regulated by this article, without obtaining review by the Commission, shall be in violation of this article.
- B. On any violation, the Zoning Officer shall personally serve a notice on the owner describing the violation and demanding abatement within 10 days, and notify the owner or person(s) present that they must immediately stop and cease any further activity whatsoever. Such owner or other person(s) shall immediately stop any activity.
- C. The Zoning Officer may also file a complaint in the Town municipal court and/or seek injunction relief or restraints in any court of competent jurisdiction.
- D. Each separate day a violation exists shall be deemed to be a new and separate violation.
- E. Any person violating the provisions of this article shall be subject to the fine and penalty set forth in §1-15 (General penalty provision) of the Code of the Town of Phillipsburg.



**R- 2017-138**

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN  
STATE OF NEW JERSEY AUTHORIZING A SHARED SERVICE AGREEMENT  
ALPHA BOROUGH**

**WHEREAS**, Alpha is in need of clerical assistance on a temporary basis; and

**WHEREAS**, Phillipsburg is capable of providing and does so desire to provide an employee to assist Alpha;

**WHEREAS**, the Governing Bodies of both Phillipsburg and Alpha find that it would be in the best interest of the Parties to enter into a Shared Services Agreement; and

**WHEREAS**, Alpha shall pay \$654.64 per week to Phillipsburg; and

**WHEREAS**, a Shared Service Agreement has been drafted in the form attached hereto.

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

**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 July 05, 2017 meeting.

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Victoria L. Kleiner  
Registered Municipal Clerk

**SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG  
AND THE BOROUGH OF ALPHA**

**THIS SHARED SERVICES AGREEMENT** (this "Agreement") is made this \_\_\_\_\_ day of 2017 by and between **THE TOWN OF PHILLIPSBURG** ("Phillipsburg"), a municipal corporation of the State of New Jersey with its principal offices located at 675 Corliss Avenue Phillipsburg, New Jersey, 08865, and **THE BOROUGH OF ALPHA** ("Alpha"), a municipal corporation of the State of New Jersey with its principal offices located at 1001 East Boulevard Alpha New Jersey, 08865. Phillipsburg and Alpha will be collectively referred to herein as the "Parties."

**WITNESSETH:**

**WHEREAS**, Alpha is in need of clerical assistance on a temporary basis; and

**WHEREAS**, Phillipsburg is capable of providing and does so desire to provide an employee to assist Alpha;

**WHEREAS**, the Governing Bodies of both Phillipsburg and Alpha find that it would be in the best interest of the Parties to execute this Agreement.

**NOW THEREFORE**, with the foregoing Recitals incorporated herein by reference and in consideration of the mutual covenants contained herein, Phillipsburg and Alpha, intending to be legally bound, hereby agree as follows:

**1. Provision of Employee.** Phillipsburg shall provide to Alpha an employee to assist Alpha at the Borough Hall in the provision of clerical and other duties that may be required. Said employee shall work a maximum of three (3) days per week, between the hours of 8:30a.m and 4:30p.m. The employee's work hours may be amended by written agreement between the parties.

**2. Payment to Phillipsburg.** Alpha hereby agrees to pay Phillipsburg the sum of \$25.68 per hour for the employee with payments being made monthly. This sum takes into account all salary requirements including all possible benefit contribution and an administrative fee. It is agreed by the parties that Alpha will not be responsible for any amount above the stated amount.

**3. Indemnification.** In addition to the other rights and remedies of the Parties herein, the Parties, to the extent permitted by law, agree to indemnify and hold harmless the other, its officials, employees and agents, from any and all liability and claims for damages or injuries on the part of one party caused by or resulting from the negligent acts or omissions of the other party arising out of this Agreement provided it is determined by a court of proper jurisdiction that one party is solely responsible for such liability. In the event it is determined by the Court that one party is not solely responsible for said liability, liability shall be limited to that degree of liability determined by said Court to be the proportionate liability of each party.

**4. Modification.** Any modification to the Agreement may be directly negotiated between the Parties, and amendments shall be made and adopted by duly-adopted resolution of both Parties.

**5. Term.** The term of this Agreement shall extend until December 31, 2017. Notwithstanding the foregoing, by resolutions of the governing bodies of both parties, this Agreement may be extended for such additional terms, or terminated as may be agreed upon by the parties.

6. The parties agree that the employee is not an Agent, Employee or Servant of Alpha. The parties expressly agree that the relationship intended between them shall be that of an independent contractor only and that this Agreement is not intended to create the relationship of principal and agent, employer and employee, or master and servant.

7. The parties agree that all payments will be made directly to Phillipsburg, and that the employee shall not be treated as an employee with respect to the services performed hereunder for federal or state tax purposes. No federal, state or local income tax or payroll tax of any kind shall be withheld or paid by Alpha on behalf of the employee. Phillipsburg understands that it is responsible to pay the employee's withholding taxes in accordance with the law.

**8. Worker's Compensation.** No worker's compensation insurance shall be obtained by Alpha for the employee. Phillipsburg shall comply with applicable worker's compensation laws regarding the employee, as the employee is a Phillipsburg employee.

**9. Notices.** All notices, statements, or other documents required by this Agreement shall be hand-delivered or mailed to the designated municipal representative.

a. The designated municipal representative for Phillipsburg is:

Town Clerk  
Township of Phillipsburg  
675 Corliss Avenue Phillipsburg, N.J. 08865

b. The designated municipal representative for Alpha is:

Borough Clerk  
Borough of Alpha  
1001 East Boulevard Alpha, N.J. 08865

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their respective officers duly authorized, and have caused this Agreement to be dated as of the day and year written above.

**BOROUGH OF ALPHA**

**TOWN OF PHILLIPSBURG**

\_\_\_\_\_  
Craig S. Dunwell, Mayor

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

**ATTEST**

**ATTEST**

\_\_\_\_\_  
Victoria L. Kleiner, RMC

R: 2017-140

A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER  
2017 COUNTY TAX AND OPEN SPACE TAX, DUE  
AUGUST 15, 2017

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

The payment of County Taxes in the amount of \$1,325,486.37 is  
hereby approved,

This payment represents THIRD QUARTER 2017 COUNTY TAX  
and THIRD QUARTER 2017 OPEN SPACE TAX due AUGUST 15, 2017:

THIRD QUARTER 2017 TAXES -- \$1,247,771.62

THIRD QUARTER 2017 OPEN SPACE TAX -- \$77,714.75

AMOUNT DUE: \$1,325,486.37

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 July 18, 2017 meeting.

---

Victoria L. Kleiner, RMC

R: 2017-141

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL  
PERMIT FOR A SOCIAL AFFAIR TO SPLINTERS FROM THE PINE,  
T/A SOMA DOWNTOWN GRILL

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:

Splinters From the Pine, T/A SoMa Downtown Grill, 62 South Main  
Street, Phillipsburg, New Jersey, for:

August 03, 2017 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 the  
Phillipsburg Boat Ramp Parking Lot, Union Square, 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 July 18, 2017 meeting.

---

Victoria L. Kleiner, RMC

EXTRACT from the minutes of a regular meeting of the Town Council of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town") held at the Senior Center, 310 Firth Street, Phillipsburg, New Jersey on July 18, 2017 at 7:00 p.m.

PRESENT:

ABSENT:

\*\*\*\*\*

Councilman  
following resolution and Councilman

introduced and moved for the adoption of the  
seconded the motion:

**R: 2017 – 142**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$6,102,000 GENERAL OBLIGATION BONDS, SERIES 2017 OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"), authorized pursuant to the bond ordinances of the Town heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Obligation Bonds, Series 2017 in the aggregate principal amount of \$6,102,000 (the "General Obligation Bonds").

**Section 2.** The principal amount of bonds authorized by each bond ordinance to be combined into a single issue of General Obligation Bonds as provided above, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in each of the bond ordinances are respectively as follows:





**Section 3.** The following matters are hereby determined with respect to the combined issue of General Obligation Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of General Obligation Bonds presently authorized to be issued pursuant to each of the bond ordinances described in Section 2 hereof and the respective periods or average periods of usefulness therein determined, is not more than 11.39 years.

(b) The \$6,102,000 aggregate principal amount of General Obligation Bonds of the combined issue shall be designated "General Obligation Bonds, Series 2017" and shall mature within the average period of usefulness hereinabove determined.

(c) The General Obligation Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and, accordingly, may be sold with other issues of bonds.

**Section 4.** The following additional matters are hereby determined, declared, recited and stated:

(a) None of the General Obligation Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 hereof have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or Obligations authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law.

**Section 5.** The General Obligation Bonds shall mature in the principal amounts on August 1 in each year as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2018	\$500,000	2024	\$565,000
2019	505,000	2025	580,000
2020	515,000	2026	595,000
2021	525,000	2027	605,000
2022	540,000	2028	622,000
2023	550,000		

The General Obligation Bonds are subject to redemption prior to their stated maturities in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit B (the "Notice of Sale"). The General Obligation Bonds shall be eleven (11) in number, unless the purchaser shall structure a portion of the serial maturities as one or more term bonds in accordance with the Local Bond Law and the Notice of Sale, with

one bond certificate being issued for each year of maturity, and shall be designated and numbered GO-1 to GO-11, inclusive.

**Section 6.** The General Obligation Bonds are referred to hereinafter as the "Bonds" or "General Obligation Bonds".

**Section 7.** The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as Securities Depository (the "Securities Depository") for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases of the Bonds may be made in the principal amount of \$5,000, or any integral multiple thereof, or any integral multiple of \$1,000 in excess thereof, through book entries made on the books and records of DTC and its participants. The Bonds will be dated their date of delivery and shall bear interest from such date, which interest shall be payable semiannually on the first (1st) day of February and August (each an "Interest Payment Date"), commencing February 1, 2018, in each year until maturity, at such rate or rates of interest per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. Principal on the Bonds shall be payable annually on the first (1st) day of August, commencing August 1, 2018, in each year until maturity. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Town, or some other paying agent as the Town may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the participants of DTC as listed on the records of DTC as of each January 15 and July 15 preceding an Interest Payment Date (the "Record Dates"). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer of the Town under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Town.

**Section 8.** The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Town to market the Bonds in accordance with the requirements of DTC, upon the advice of Bond Counsel (as hereinafter defined).

**Section 9.** The Bonds shall be sold upon receipt of electronic bids on Thursday, August 3, 2017 at 11:00 a.m. by the Chief Financial Officer of the Town on I-Deal's Bidcomp®/PARITY® electronic competitive bidding system ("PARITY"), in accordance with the Notice of Sale authorized herein. The use of the services provided by PARITY and the fees associated therewith are hereby approved. Wilentz, Goldman & Spitzer, P.A. ("Bond Counsel"), on behalf of the Town Clerk, is hereby authorized and directed to arrange for the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a nationally recognized local government bond marketing publication devoted to financial news and municipal bonds, and the full text of such Notice of Sale in The Express Times, such Notice of Sale to be published not less than seven (7) days prior to the date of sale. Pursuant to N.J.S.A. 40A:2-34, the Town hereby designates the Chief Financial Officer of the Town as the financial officer authorized to sell and award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall

report in writing the results of the sale to the Town Committee at its next regularly scheduled meeting thereafter. The Chief Financial Officer is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

**Section 10.** The Notice of Sale shall be substantially in the form set forth in Exhibit B attached hereto with such additions, deletions and omissions as may be necessary for the Town to market the Bonds, upon advice of Bond Counsel to the Town.

**Section 11.** Bond Counsel is hereby authorized and directed to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Official Statement (as hereinafter defined), and any and all fees associated therewith, and any such actions heretofore undertaken are hereby ratified and confirmed. The Preliminary Official Statement and the Official Statement are hereby authorized to be prepared by Bond Counsel, Phoenix Advisors, LLC, Bordentown, New Jersey, financial advisor to the Town (the "Financial Advisor"), Suplee, Clooney & Company, Westfield, New Jersey, auditor to the Town (the "Auditor"), and other Town officials, and any such actions related thereto heretofore undertaken are hereby ratified and confirmed. Bond Counsel and Financial Advisor are also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Town to those financial institutions that customarily submit bids for such Bonds, and any such actions heretofore undertaken are hereby ratified and confirmed. The Mayor, Chief Financial Officer and the Clerk of the Town are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Official Statement. Bond Counsel, Financial Advisor and the Auditor are further authorized and directed to obtain a rating on the Bonds and to prepare and submit financial and other information on the Town to such rating agency selected by the Town and the preparation and submission of any such application is hereby ratified and confirmed.

**Section 12.** The Town hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

**Section 13.** The Town is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

**Section 14.** In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Town and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, or any integral multiple of \$1,000 in excess thereof. The beneficial owners under the book-entry system, upon registration of the Bonds held in the names of the beneficial owners thereof, will become the registered owners of the Registered Bonds. The Town shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

**Section 15.** The Chief Financial Officer is hereby authorized and directed to "deem final" the Official Statement relating to the Bonds in preliminary form (the "Preliminary Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same, and any such actions heretofore undertaken are hereby ratified and confirmed. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Preliminary Official Statement in connection with the offering and sale of the Bonds, and any such actions heretofore undertaken are hereby ratified and confirmed. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel, Financial Advisor and the Auditor, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser of the Bonds in accordance with the provisions of the Rule for its use in the sale, resale and distribution of the Bonds, where and if applicable.

**Section 16.** The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate (the "Certificate"), which will set forth the obligation of the Town to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provisions of Rule 15c2-12, as amended and supplemented (the "Rule"), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Chief Financial Officer of the Town is hereby authorized and directed to execute and deliver the Certificate to the purchaser of the Bonds evidencing the Town's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Town to comply with the Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Town to comply with its obligations hereunder and thereunder.

**Section 17.** The Chief Financial Officer of the Town is hereby authorized and directed to sell the aforesaid Bonds and to determine all matters in connection with the Bonds (including adjusting the maturity schedule or any other matters set forth in this resolution that are deemed necessary and advisable to change by the Chief Financial Officer, prior to the sale or closing of the Bonds, all in consultation with Bond Counsel, Financial Advisor and the Auditor), and the manual or facsimile signature of the Chief Financial Officer of the Town upon any documents shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer and the Clerk of the Town and any other Town Official or professional, including, but not limited to, Bond Counsel, Financial Advisor, the Auditor, the Town Engineer and the Town Attorney (collectively, the "Town Officials"), are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale, issuance, delivery and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds and all such actions or inactions taken by the aforesaid Town Officials heretofore are hereby ratified and confirmed.

**Section 18.** This Resolution shall take effect immediately.

### CERTIFICATION

I, VICTORIA L. KLEINER, Clerk of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$6,102,000 GENERAL OBLIGATION BONDS, SERIES 2017 OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO" is a copy of a resolution which was duly adopted by the Town Council at a regular meeting of the Town Council duly called and held on July 18, 2017 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended and supplemented, at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body 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 within and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town as of this 18 day of July, 2017.

---

VICTORIA L. KLEINER,  
Town Clerk

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF WARREN  
TOWN OF PHILLIPSBURG

NUMBER GO-\_\_\_\_\_

REGISTERED OWNER: CEDE & CO.

The TOWN OF PHILLIPSBURG, in the County of Warren, a body politic and corporate of the State of New Jersey (the "Town"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as Securities Depository (the "Securities Depository"), on the MATURITY DATE specified above, the PRINCIPAL SUM specified above, and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this Bond at the RATE OF INTEREST PER ANNUM specified above semiannually on the first (1st) day of February and August in each year, commencing February 1, 2018 (each an "Interest Payment Date") until maturity. Principal of and interest on this Bond will be paid to the Securities Depository by the Town, or a duly designated paying agent, and will be credited to the participants of DTC as listed on the records of DTC as of the fifteenth (15th) day of January and July preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of DTC. DTC shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers.

The Bonds of this issue maturing prior to August 1, 2026 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after

August 1, 2026 are subject to redemption at the option of the Town, in whole or in part, on any date on or after August 1, 2025, upon notice as required herein, at a redemption price equal to one hundred percent (100%) of the principal amount thereof being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by mailing by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Town or a duly appointed bond registrar. So long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Town determines to redeem a portion of the Bonds prior to maturity, such bonds shall be redeemed by the Town in inverse order of maturity and within any maturity shall be selected by the Town by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

[The Bonds maturing on August 1, \_\_\_\_\_ are subject to mandatory redemption from sinking fund installments made on each August 1, beginning August 1, \_\_\_\_\_, and shall be redeemed on the dates set forth below at a Redemption Price equal to one hundred percent (100%) of the principal amount of the Bonds called for redemption, plus interest accrued and unpaid to the date fixed for redemption, according to the schedule set forth below:

<u>Date</u>	<u>Sinking Fund Installment</u>	<u>Date</u>	<u>Sinking Fund Installment]</u>
-------------	-------------------------------------	-------------	--------------------------------------

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented, various bond ordinances of the Town duly adopted by the Town Council and approved and published as required by law, and a resolution duly adopted by the Town Council of the Town on July 18, 2017, entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN BOND ORDINANCES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$6,102,000 GENERAL OBLIGATION BONDS, SERIES 2017 OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO".

The full faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds of which this is one, together with all other indebtedness of the Town, is within every debt and other limit prescribed by such Constitution or statutes.



IN WITNESS WHEREOF, THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of its Clerk, and this Bond to be dated the Date of Original Issue as specified above.

(SEAL)

TOWN OF PHILLIPSBURG

By: [FORM, DO NOT SIGN]  
STEPHEN R. ELLIS,  
Mayor

ATTEST:

[FORM, DO NOT SIGN]  
VICTORIA L. KLEINER,  
Town Clerk

By: [FORM, DO NOT SIGN]  
ROBERT J. MERLO,  
Chief Financial Officer

**EXHIBIT B**

**TOWN OF PHILLIPSBURG  
IN THE COUNTY OF WARREN, STATE OF NEW JERSEY**

**NOTICE OF SALE**

**\$6,102,000  
GENERAL OBLIGATION BONDS, SERIES 2017**

**BOOK-ENTRY ONLY**

**(CALLABLE)  
(BANK QUALIFIED)**

**SUMMARY**

ISSUER:	Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town")
PAR AMOUNT:	\$6,102,000 General Obligation Bonds, Series 2017 (the "Bonds")
SECURITY:	General Obligations of the Town
TAX EXEMPT:	Yes
RATING:	S&P – Expected
INSURANCE:	The Winning Bidder of the Bonds may, at its sole option and expense, purchase a policy of municipal bond insurance
TYPE OF SALE:	Electronic bids via the Parity Electronic Bid Submission System ("PARITY")
BIDDING AGENT:	PARITY
BID/AWARD DATE:	August 3, 2017 until 11:00 a.m. Eastern Daylight Saving Time. Award by 2:00 p.m.
DATED DATE:	Date of Delivery
DELIVERY DATE:	On or about August 15, 2017
INTEREST PAYMENT DATES:	February 1 and August 1, commencing February 1, 2018
MINIMUM BID:	\$6,102,000 (Par)
MAXIMUM BID:	\$6,285,060 (103% of Par)
BID SECURITY:	<b><u>Good Faith Check in the form of a certified, cashier's or treasurer's check or wire transfer in the amount of \$122,040 received by the Town no later than 11:00 a.m. on August 3, 2017 or a Financial Surety Bond, if available, as provided in this Notice</u></b>
BASIS OF AWARD:	True Interest Cost
OFFERING STATEMENT:	Preliminary Official Statement available at <a href="http://www.prospectushub.com">www.prospectushub.com</a>

## **NOTICE**

NOTICE IS HEREBY GIVEN that bids will be received by the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town") for the purchase of the Town's General Obligation Bonds, Series 2017 (the "Bonds"). **All Bids (as defined below) must be submitted in their entirety on i-Deal's PARITY website ("PARITY") prior to 11:00 a.m., Eastern Daylight Saving Time on August 3, 2017 (the "Bid Date"). To bid via PARITY, Bidders (as defined below) must have submitted a good faith check in the form of a certified, cashier's or treasurer's check, a wire transfer, or Financial Surety Bond, if available, payable to the Town in the amount of \$122,040 no later than 11:00 a.m. on the Bid Date (see Bidding Details below).**

### **Preliminary and Final Official Statement**

The Town's Preliminary Official Statement (the "POS" or "Preliminary Official Statement") is available for viewing in electronic format on [www.prospectushub.com](http://www.prospectushub.com). In addition, broker dealers registered with the National Association of Securities Dealers (the "NASD") and dealer banks with The Depository Trust Company, New York, New York ("DTC") clearing arrangements may either: (a) print out a copy of the POS on their own printer, or (b) at any time prior to August 3, 2017, elect to receive a copy of the POS in the mail by requesting it on PARITY or by calling the Town's bond counsel, Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095 ("Bond Counsel"). Calls should be directed to Anthony J. Pannella, Esq. at (732) 855-6460. All Bidders must review the POS and certify that they have done so prior to participating in the bidding.

The POS is deemed by the Town to be final as of its date, for purposes of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, except for the omission of information concerning the offering price(s), interest rate(s), selling compensation, aggregate principal amount of the Bonds and any other terms or provisions to be determined from the successful Bid(s) or depending on such matters, and the identity of the underwriter(s). The POS is, however, subject to such further revisions, amendments and completion in a Final Official Statement (the "Official Statement"), as may be necessary.

The Town, at its expense, will make available to the Winning Bidder (as defined herein) a reasonable number of Official Statements within seven (7) business days following the date of acceptance of the Bid.

### **Types of Bids Allowed**

Subject to the Bid requirements described below, Bids for the Bonds must be submitted on an "All-or-None" ("AON") basis for the entire amount of \$6,102,000. First, a Bidder must submit a conforming Bid for the entire issue, and if such Bid is accepted by the Town, the Bidder will be required to purchase the entire issue in accordance with such Bid.

### **Insurance**

If the Bonds qualify for the issuance of any policy of municipal bond insurance, the Bidder of the Bonds may, at its sole option and expense, purchase such insurance. The insurance premium, if any, will be paid by the Bidder. Any failure of the Bonds to be so insured shall not in any way relieve the Winning Bidder of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

## Interest Payment Dates; Description of the Bonds

The Bonds will be dated their date of delivery and will bear interest from such date payable semiannually on each February 1 and August 1 (each an "Interest Payment Date"), commencing February 1, 2018, in each year until maturity, by payment of money to DTC or its authorized nominee. DTC will credit payments of principal of and interest on the Bonds to the Participants of DTC as listed on the records of DTC as of each January 15 and July 15 preceding each Interest Payment Date for the Bonds (the "Record Dates").

## Principal Amortization

The Bonds will consist of one series of bonds (with one CUSIP for the aggregate amount of each maturity) maturing on August 1 in each year, commencing with August 1, 2018, as indicated on the maturity schedule set forth below, inclusive, except as otherwise may be determined if the "Term Bond Option" is selected as set forth herein. The principal amounts of each serial maturity shall be as set forth below, subject to the applicable limitations set forth herein under "Term Bond Option."

The Bonds shall mature on August 1 in each year as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2018	\$500,000	2024	\$565,000
2019	505,000	2025	580,000
2020	515,000	2026	595,000
2021	525,000	2027	605,000
2022	540,000	2028	622,000
2023	550,000		

## Book-Entry Only

The Bonds will be issued in book-entry only form, and each certificate will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. The Bonds will be issued in the form of one certificate for the aggregate principal amount of the Bonds maturing in each year and will be payable as to both principal and interest in lawful money of the United States of America. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its Participants or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of the individual purchasers. The Winning Bidder will not receive certificates representing their interests in the Bonds. Individual purchases may be made in the principal amount of \$5,000, or any integral multiple thereof, or any integral multiple of \$1,000 in excess thereof, through book entries made on the books and records of DTC and its Participants. Payments of principal, interest and redemption premium, if any, will be made by the Town or a designated paying agent to DTC for subsequent disbursement to Participants to then be remitted to the Beneficial Owners of the Bonds. It shall be the obligation of the Winning Bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

## **Redemption Provisions**

The Bonds of this issue maturing prior to August 1, 2026 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after August 1, 2026 are subject to redemption at the option of the Town, in whole or in part, on any date on or after August 1, 2025, upon notice as required herein, at a redemption price equal to one hundred percent (100%) of the principal amount thereof being redeemed (the "Redemption Price"), plus accrued interest to the date fixed for redemption.

Notice of Redemption ("Notice of Redemption") shall be given by mailing by first class mail, at least thirty (30) but not more than sixty (60) days prior to the date fixed for redemption, in a sealed envelope with postage prepaid to the owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Town or a duly appointed bond registrar. So long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Town determines to redeem a portion of the Bonds prior to maturity, such bonds shall be redeemed by the Town in inverse order of maturity and within any maturity shall be selected by the Town by lot.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption..

## **Term Bond Option**

Bidders may elect to structure the issue to include term bonds (the "Term Bond Option"), which term bonds, if selected by the Bidder, will be subject to mandatory redemption prior to maturity, in the years and amounts shown above as serial maturities, upon payment of one hundred percent (100%) of the principal amount of the Bonds to be redeemed, together with accrued interest to the date fixed for such mandatory redemption of such amounts. Bidders must designate the Bonds that are to be term bonds at the time of their bid. If the Bonds are awarded and no term bonds are designated in the Winning Bid (as defined herein), the Bonds will mature serially as shown in the preceding maturity schedule.

## **Terms of PARITY**

Each electronic bid must be submitted via PARITY. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). To the extent any instructions or directions set forth on PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact the Town's Financial Advisor, Phoenix Advisors, LLC (the "Financial Advisor"), at (609) 291-0130 or PARITY at (212) 849-5021. The Town may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via PARITY. When a bid for the Bonds is submitted via PARITY, the bidder further agrees that: the Town may regard the electronic transmission of the bid via PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the term Bonds, if any, specified, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as the official

"Bid for Bonds" executed by a duly authorized signatory of the bidder. If the bid submitted electronically via PARITY is accepted by the Town, the terms of the bid and this Notice of Sale and the information that is electronically transmitted via PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

PARITY is not an agent of the Town, and the Town shall have no liability whatsoever based on any bidder's use of PARITY, including, but not limited to, any failure by PARITY to correctly or timely transmit information provided by the Town or information provided by the bidder.

The Town may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via Thomson News Service ("TM3"), or by other available means, no later than 3:00 p.m., Eastern Daylight Saving Time, on the last business date prior to the Bid Date.

Once the bids are communicated electronically via PARITY to the Town, each bid will constitute an official "Bid for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Bids for Bonds" electronically via PARITY, the time as maintained on PARITY shall constitute the official time.

Each bidder shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Town nor PARITY shall have any duty or obligation to provide or assure to any bidder, and neither the Town nor PARITY shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, PARITY. The Town is using PARITY as a communication mechanism, and not as the Town's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Town harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

The Town may, in its sole discretion and prior to the electronic receipt of bids, clarify any term hereof, including, without limitation, its decision to discontinue use of electronic bidding via PARITY, by issuing a notification of the clarification via TM3, or any other available means, no later than 11:00 a.m. (Eastern Daylight Saving Time) on the Bid Date.

### **Bidding Details**

Bidders should be aware of the following bidding details associated with the sale of the Bonds:

- (1) **THE BONDS ARE BEING SOLD ON THE BASIS OF THE MATURITY SCHEDULE SET FORTH ABOVE. ALL BIDDERS SUBMITTING PROPOSALS MUST BID ON ALL OF THE BONDS.**
- (2) **BIDDERS MUST SUBMIT EITHER A GOOD FAITH CHECK IN THE FORM OF A CERTIFIED, CASHIER'S OR TREASURER'S CHECK, WIRE TRANSFER OR FINANCIAL SURETY BOND, IF AVAILABLE, IN THE AMOUNT OF \$122,040 PAYABLE TO THE TOWN NO LATER THAN 11:00 A.M. ON THE BID DATE AT THE FOLLOWING ADDRESS:**

**Robert J. Merlo  
Chief Financial Officer  
Town of Phillipsburg  
675 Corliss Avenue  
Phillipsburg, New Jersey 08865**

**BIDDERS SUBMITTING GOOD FAITH CHECKS SHOULD ALSO ENCLOSE A RETURN ENVELOPE FOR USE BY THE TOWN. TO OBTAIN WIRE TRANSFER INSTRUCTIONS, PLEASE CONTACT THE TOWN'S BOND COUNSEL, ANTHONY J. PANNELLA, ESQ. AT (732) 855-6460 OR [apannella@wilentz.com](mailto:apannella@wilentz.com) OR FINANCIAL ADVISOR, MARY LYONS AT (609) 291-0130 OR [mlyons@muniadvisors.com](mailto:mlyons@muniadvisors.com).**

- (3) All Bids must be submitted via PARITY website at [www.prospectushub.com](http://www.prospectushub.com). No telephone, telefax, telegraph, e-mail or personal delivery Bids will be accepted.
- (4) All Bids for the Bonds must be submitted on an AON basis.
- (5) Bidders may bid to purchase Bonds from the Town at a price which is no less than the par amount and no greater than 103%. No Bid shall be considered that offers to pay an amount less than the total principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest True Interest Cost to the Town under any legally acceptable Bid.
- (6) Bidders must specify a rate of interest for each maturity of the Bonds which rate of interest must be expressed in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). The difference between the highest and lowest rates of interest named in the Bid shall not exceed three percent (3%) and not more than one rate of interest may be named for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be named.
- (7) Bidders are only permitted to submit Bids for the Bonds during the bidding period.
- (8) The Winning Bidder shall be obligated to furnish to the Town within forty-eight (48) hours prior to the date of delivery of the Bonds a certificate satisfactory to Bond Counsel to the Town to the effect that: (i) each maturity of the Bonds has been the subject of a bona fide initial offering to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price set forth in such certificate; (ii) ten percent (10%) or more in par amount of the Bonds of each maturity was sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at the initial public offering price for such maturity set forth in such certificate; and (iii) at the time the Winning Bidder submitted its Bid to the Town, based upon then prevailing market conditions, the Winning Bidder had no reason to believe that any maturity of the Bonds would be sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price greater than the initial public offering price for that maturity, or that the fair market of any maturity of the Bonds would be in excess of the initial public offering price for that maturity. In the event the Town receives fewer than three (3) bids for the Bonds, then the issue price of the Bonds shall be established

based on the first price at which at least 10% of each maturity of the Bonds was sold to the Public (as defined below). The Winning Bidder shall be required to deliver on the Delivery Date a certificate to such effect, and provide to the Town, in writing, evidence satisfactory to Bond Counsel to the Town of such sales prices for each maturity of the Bonds. In the event that the Winning Bidder has not sold at least 10% of each maturity of the Bonds to the Public as of the Delivery Date (each, an "Unsold Maturity"), the Winning Bidder shall (i) provide to the Town, in writing, on the Delivery Date, the expected offering prices for each Unsold Maturity and a certificate regarding same and (ii) have a continuing obligation to provide to the Town, in writing, evidence satisfactory to Bond Counsel to the Town of the first price at which at least 10% of each Unsold Maturity is sold to the Public, contemporaneous with each such sale, until at least 10% of all such Unsold Maturities have been sold to the Public. Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter (as defined herein) or a related party to the Underwriter. The term "related party" generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly. Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public. Such certificate shall state that it is made to the best knowledge, information and belief of the Winning Bidder.

- (9) Additionally, the Winning Bidder shall be obligated to furnish to the Town within forty-eight (48) hours of the Bid Date the public offering prices and reoffering yields for each maturity of the Bonds.

## Definitions

"Bid"	any confirmed purchase offer received by PARITY on or before the submission deadline.
"Bidder"	any firm registered and approved for participation in the sale.
"True Interest Cost"	computed by determining the interest rate, compounded semiannually, necessary to discount the debt service payments to the date of the Bonds and to the price bid, excluding accrued interest to the delivery date. The True Interest Cost serves as the basis for awarding bonds to Winning Bidders.
"Winning Bid"	any purchase offer made by a Bidder and received by PARITY which, at the end of the bidding time period, results in the lowest True Interest Cost and which is acceptable to the Town.



## **Bid Procedure and Basis of Award**

Subject to the right reserved by the Town to reject any or all Bids, the Bonds will be sold to the Bidder whose Bid produces the lowest True Interest Cost for the Town and otherwise complies with this Notice of Sale.

Bids must remain valid until at least 2:00 p.m., Eastern Daylight Saving Time, on the Bid Date, and if accepted by the Town, prior to such time, shall be irrevocable except as otherwise provided in this Notice of Sale. Upon selection of the Winning Bidder, the Town will execute an award certificate to award the Bonds and will promptly communicate with the Winning Bidder by telephone, e-mail or fax.

## **Bid Security and Method of Payment for Bonds**

A Good Faith Deposit ("Deposit") in the form of a certified, cashier's or treasurer's check, wire transfer or a Financial Surety Bond, if available, in the amount of \$122,040, payable to the order of the Town, is required for each Bid to be considered. Wire instructions may be obtained by contacting Anthony J. Pannella, Esq., Bond Counsel, at (732) 855-6460 or Mary Lyons, Financial Advisor, at (609) 291-0130, and such wire must be received and confirmed by the Town prior to 11:00 a.m., Eastern Daylight Saving Time, on the Bid Date. If a check is used, it must be a certified, cashier's or treasurer's check and must be provided to the Town prior to 11:00 a.m., Eastern Daylight Saving Time, on the Bid Date. Each Bidder accepts responsibility for delivering such check on time and the Town is not responsible for any check that is not received on time. If a Financial Surety Bond is available and is used, it must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the "Director") and such bond must be submitted to the Town no later than 11:00 a.m. on the Bid Date at the address referred to above. The Financial Surety Bond must identify the Bidder whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a Bidder utilizing a Financial Surety Bond, then that Winning Bidder is required to submit its Deposit to the Town by wire transfer as instructed by the Town not later than 3:30 p.m. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the Town to satisfy the Deposit requirement. No interest on the Deposit will accrue to the Winning Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the Winning Bidder fails to honor its accepted Bid or fails (other than for reasons permitted under this Notice) to accept delivery of and pay for the Bonds on the closing date, the Deposit shall be retained by the Town as and for full liquidated damages to secure the Town from any loss resulting from such failure by the Winning Bidder. Award of the Bonds to the Winning Bidder or rejection of all Bids is expected to be made within two hours after opening of the Bids, but such Winning Bidder may not withdraw its proposal until after 2:00 p.m. of the Bid Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Town on or before January 17, 2017.

## **Right to Reject Bids; Waive Irregularities**

The Town reserves the right to reject any and all Bids and, to the extent permitted by law, waive any irregularity or informality in any Bid.

## **Delivery of the Bonds**

The Bonds will be delivered on August 15, 2017 (UNLESS A NOTICE OF A CHANGE IN THE DELIVERY DATE IS PUBLISHED ON PARITY NOT LATER THAN TWO (2) HOURS PRIOR TO ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) through the facilities of DTC against payment of the purchase price therefor (less the amount of the good faith deposit). PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE BY WIRE TRANSFER OF IMMEDIATELY AVAILABLE FUNDS.

There will also be furnished the usual closing papers, including (1) a certificate, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery of the Bonds, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds, (2) certificates in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor and compliance with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to preserve tax exemption, (3) a certificate signed by the Town relating to the Official Statement, and (4) a Continuing Disclosure Certificate evidencing compliance with SEC Rule 15c2-12 and the undertaking of the Town with respect thereto.

### **CUSIP Identification Numbers**

CUSIP Identification Numbers (one CUSIP for the aggregate amount of Bonds maturing each year) will be applied for with respect to the Bonds. Obtaining such CUSIP Identification Numbers and the CUSIP Service Bureau charge for the assignment of the numbers shall be the responsibility of and shall be paid for by the Winning Bidder of the Bonds. The Town will assume no obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the Winning Bidder thereof to accept delivery of and make payment for the Bonds.

### **Legal Opinion**

The approving opinion of Bond Counsel will be furnished without cost to the Winning Bidder, such opinion to be substantially in the form set forth in the Preliminary Official Statement distributed in connection with the sale of the Bonds, to the effect that the Bonds are valid and legally binding obligations of the Town and, unless paid from other sources, all the taxable property therein will be subject to the levy of *ad valorem* taxes to pay the principal of and interest on the Bonds, without limitation as to rate or amount, and that interest on the Bonds is not includable as gross income under federal law if the Town complies with all conditions subsequent contained in the Code, except to the extent that interest on the Bonds held by a corporate taxpayer is included in the income computation for the calculation of the corporate alternative minimum tax, and that interest on the Bonds and any gain on the sale thereof are not includable as gross income under the New Jersey Gross Income Tax Act, 1976 N.J. Laws c. 47, as amended and supplemented.

### **Postponement**

The Town reserves the right to postpone, from time to time, the date and time established for receipt of Bids. **ANY SUCH POSTPONEMENT WILL BE PUBLISHED OR POSTED ON PARITY, BEFORE 11:00 A.M. ON THE BID DATE.** If any date fixed for the receipt of Bids and the sale of the Bonds is postponed, an alternative sale date will be announced via PARITY at least forty-eight (48) hours prior to such alternative sale date. On any such alternative sale date, any Bidder may submit a Bid for the purchase of the Bonds in conformity in all respects with the provisions of this Notice of Sale, except for the date of sale

and except for the changes announced on PARITY at the time the sale date and time are announced.

### **Termination**

The Winning Bidder, at its option, may refuse to accept the Bonds if, prior to their delivery, any change in any income tax law of the United States of America shall provide that the interest thereon is includable or shall be includable in gross income at a future date for Federal income tax purposes. In such case, the deposit made by such Winning Bidder shall be returned and such bidder will be relieved of its contractual obligations arising from the acceptance of its Winning Bid.

### **Additional Information**

For further information relating to the Bonds, reference is made to the POS prepared for and authorized by the Town. This Notice of Sale and the POS may be viewed on [www.prospectushub.com](http://www.prospectushub.com). However, the Town makes no assurance or representation with respect to the form of this Notice of Sale and the POS on [www.prospectushub.com](http://www.prospectushub.com), and no investment decision should be made in reliance thereon. Printed copies of the POS and this Notice of Sale may be obtained from the Bond Counsel at the address and phone number stated below. Additional information relating to the Town can be obtained by contacting Robert J. Merlo, Chief Financial Officer, Town of Phillipsburg, 675 Corliss Avenue, Phillipsburg,

New Jersey 08865, telephone (908) 454-5500, Ext. 311; Anthony J. Pannella, Esq., Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095, telephone (732) 855-6460 or email [apanella@wilentz.com](mailto:apanella@wilentz.com) or Mary Lyons, Phoenix Advisors, LLC, 4 West Park Street, Bordentown, New Jersey 08505, telephone (609) 291-0130 or [mlyons@muniadvisors.com](mailto:mlyons@muniadvisors.com).

/s/ Robert J. Merlo

Robert J. Merlo  
Chief Financial Officer  
Town of Phillipsburg  
County of Warren  
State of New Jersey

Dated: July 27, 2017

R: 2017-143

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, 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 July 18, 2017 meeting.

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Victoria L. Kleiner, RMC

**Schedule-Municipal Liens –July 18, 2017**

Property Owner	Block/Lot/Address	Service	Lien
Alan & Robyn Siska 580 County Road 627 Bloombsbury, NJ 08804	1801/18 411 Fifth Street	Public Works Call Out – Invoice 2017-44	\$587.50
Dennis Miller Sr. 480 Marshall Street Apt 423 Phillipsburg, NJ 08865	1418/3 198 Lewis Street	Public Works Call Out – Invoice 2017-45	\$225.00
Est. of Richard & Carol Roskilly 252 Heckman Street Phillipsburg, NJ 08865	1317/1 110 Heckman Street	Public Works Call Out – Invoice 2017-46	\$225.00
Thomas Bishop & Angela Romanwitch 46 Schultz Avenue Phillipsburg, NJ 08865	816/3 46 Schultz Avenue	Public Works Call Out – Invoice 2017-47	\$225.00
Joseph Loscialo 38 Skimmer Lane Port Monmouth, NJ 07758	2404/3 702 Columbus Avenue	Public Works Call Out – Invoice 2017-48	\$225.00
Joseph & Kerri Varga 1406 Loise Lane Bethlehem, PA 18018	2905/41 136 Belt Road	Public Works Call Out – Invoice 2017-49	\$250.00
Andrew Sona 7340 Clandigger Drive Blaine WA 98230	813/52 165 Hudson Street	Public Works Call Out – Invoice 2017-50	\$225.00
Theresa Niper/Carla Badini 157 N. Riverview Road Phillipsburg, NJ 08865	2901/25 157 N. Riverview Road	Public Works Call Out – Invoice 2017-52	\$750.00
Barbara Huff 912 Gate Street Phillipsburg, NJ 08865	2604/29 912 Gate Street	Public Works Call Out – Invoice 2017-53	\$225.00
Richard Ianucci 120 Center Road Phillipsburg, NJ 08865	3002/13 130 Center Road	Public Works Call Out – Invoice 2017-54	\$500.00
Andrew Sona 7340 Clandigger Drive Blaine, WA 98230	812/39 15 Glen Avenue	Public Works Call Out – Invoice 2017-55	\$225.00

[illegible]

R: 2017-144

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL  
PERMIT FOR A SOCIAL AFFAIR TO SPLINTERS FROM THE PINE,  
T/A SOMA DOWNTOWN GRILL

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:

Splinters From the Pine, T/A SoMa Downtown Grill, 62 South Main  
Street, Phillipsburg, New Jersey, for:

July 29, 2017 from 5:00 P.M. to 10:00 P.M. also in accordance with  
all local ordinances, and a rain date of August 24, 2017.

The above stated Special Permit is for premises known as the  
Phillipsburg Boat Ramp Parking Lot, Union Square, 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 July 18, 2017 meeting.

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Victoria L. Kleiner, RMC



R: 2017-145

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

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

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

**Purchase of Fire Clothing**

**State Contract #A-80945 &  
#A80953**

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

**Personal Protective  
Equipment**

**Four (4) Globe #11278-G Gemni XT, Blact Turnout Coats w/Drag/Rescue Device, Complete, per Quote #54428, Sz. 52,42,40 & 38  
\$1,708.92 each/Total 6,835.68**

**Four (4) Globe #21278-G Gemini XT, Black Turnout Pants, Complete, per Quote #54428, Sz 52 x 28, 44 x 26, 38 x 28, 36 x 28.  
1,289.22 each/Total 5,156.88**

**Three (3) Cairns #1010 – Firefighting Helmet, per quote of July 12, 2017.  
\$404.00 each/Total 1,212.00**

**Grand Total - \$13,204.56**

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of resolution duly adopted by the Town Council at their July 18, 2017 meeting.

\_\_\_\_\_  
Victoria L. Kleiner, RMC

Resolution No. 2017- 146

**A RESOLUTION OF THE  
TOWN OF PHILLIPSBURG, COUNTY OF WARREN,  
STATE OF NEW JERSEY, APPROVING A  
CHANGE ORDER FOR THE WASTEWATER TREATMENT PLANT UPGRADES AND  
OUTFALL RELOCATION**

**WHEREAS**, the Town of Phillipsburg is under contract for the Wastewater Treatment Plant Upgrades and Outfall Relocation Project; and

**WHEREAS**, the Municipal Sewer Engineer has recommended approval of the following change order:

- 1) Change Order #2, with an increase in the contract amount to \$43,103.00, which represents a total increase of less than 1% over the course of contract.

**NOW THEREFORE IT BE RESOLVED** by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the above-mentioned Change Order # 2 is hereby approved increasing the Contract amount previously awarded to LB Industries for the Wastewater Treatment Plant Upgrades and Outfall Relocation Project by \$43,103.00.

**BE IT FURTHER RESOLVED** that final payment to LB Industries is hereby authorized to be made based upon the recommendation of the Municipal Sewer Engineer.

**BE IT FURTHER RESOLVED** that sufficient funding is available based upon certification of availability of funds by the Town's Chief Financial Officer.

**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 \_\_\_\_\_, 2017 meeting.

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