

TOWN OF PHILLIPSBURG
Town Council Agenda
July 21, 2015 – 7:00PM
Council Chambers, Town Hall

1. OPEN PUBLIC MEETING ACT STATEMENT
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. APPROVAL OF MINUTES
6. APPROVAL OF BILLS
Council Meeting 07-07-15
Executive Meeting 07-07-15
7. OLD BUSINESS
8. 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.

9. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCE

O: 2015-16 (Second and Final Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 375, *MASSAGE ESTABLISHMENTS*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO PROVIDE AN EXCEPTION FOR LICENSED MASSAGE AND BODYWORK THERAPISTS

ROLL CALL

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Fey						
Piazza						
Stettner						
Tersigni						
Lynn						

12. RESOLUTIONS

R: 2015-110

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

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

R: 2015-111

A RESOLUTION APPROVING 2015-2016 LIQUOR LICENSES
WITHIN TOWN OF PHILLIPSBURG

R: 2015-112

A RESOLUTION PROVIDING FOR RENEWAL OF ENTERTAINMENT
LICENSE

R: 2015-113

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR
MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87
(CHAPTER 159, P.L. 1948) Donation from AQUA for New Water Lines

R: 2015-114

A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER
2015 COUNTY TAX AND OPEN SPACE TAX, DUE
AUGUST 15, 2015

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

R: 2015-115

RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING REFUND OF TAX OVER PAYMENT DUE
TO TAX APPEALS

R: 2015-116

A RESOLUTION RESCINDING A PORTION OF RESOLUTION 2015-
105; License number 211-44-012-001

R: 2015 - 117

A RESOLUTION PROVIDING FOR A REFUND OF ESCROW

R: 2015-118

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF
WARREN, STATE OF NEW JERSEY CANCELLING GRANTS
COMPLETED AND INACTIVE PROJECTS

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

R: 2015-119

A RESOLUTION EXTENDING PAYMENT OF THE THIRD QUARTER
TAXES

13. NEW BUSINESS

14. PUBLIC PETITIONS
(Public Comments)

15. OPEN TIME

16. MOTIONS

Application for Active Duty – Stanley D. Jessamine, Jr. - Lincoln Engine
Co. No. 2.

Approval for Raffle License No. RL: 1216 issued to Garnet Boosterettes for
an On - Premise Raffle on:

January 14,30 **2016** from 5:00-6:30 PM

February 4, **2015** from 5:00 – 7:30 PM

February 10,12, **2015** 6:00 PM – 7:30 PM

**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.**

Approval for Raffle License No. RL: 1217 issued to Garnet Boosterettes for
an On - Premise Raffle on:
December 22,23, **2015** from 5:00 – 7:30 PM
January 2,7,13, **2016** 5:00-7:30 PM

17. EXECUTIVE MEETING

R: 2015-

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

18. ADJOURNMENT

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

**Bill List Summary
REGULAR BILL LIST AS OF JULY 21, 2015**

Check No

1	Current Fund	257,452.77	_____
2	State & Federal Grants	22,373.28	_____
4	Capital Fund	37,884.27	_____
7	Sewage Utility Fund	521,990.91	_____
8	Sewage Capital Fund	2,764,812.17	_____
12	Planning Board Trust Fund	2,015.00	_____
12	Opus Investments	0.00	_____
13	Dog Trust Fund	71.60	_____
15	Public Defender Trust Fund	0.00	_____
16	Section 8	1,111.04	_____
17	General Trust Fund	0.00	_____
17	Commerce Park Redevelopment	18,814.67	_____
18	Bernards Township RCA	0.00	_____
20	Agency Fund	0.00	_____
21	Revolving Loan Fund	0.00	_____
Total Regular Bill List as JULY 21, 2015		3,626,525.71	

Section 8 Rent Payments for 2015

16	Section 8 Program	133,975.16	_____
Total Section 8 Rent Payments Bill List as of AUGUST 3, 2015		133,975.16	

Pre-Paid Bill List as of JULY 21, 2015


1	Current Fund	13,061.21	
2	State & Federal Grants	43,500.00	
4	Capital Fund	0.00	
7	Sewer Utility Fund	3,503.51	
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	153,242.88	
21	Revolving Loan Fund	0.00	
Total Pre-Paid Bill List for JULY 21, 2015		213,307.60	

Grand Total All Funds

3,973,808.47

Approved By:


Robert J. Merlo, CFO


Harry L. Wyant Jr., Mayor

O: 2015-16

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AMENDING CHAPTER 375, *MASSAGE ESTABLISHMENTS*, OF
THE CODE OF THE TOWN OF PHILLIPSBURG TO PROVIDE
AN EXCEPTION FOR LICENSED MASSAGE AND BODYWORK
THERAPISTS**

BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that Chapter 375, *Massage Establishments*, of the Code of the Town of Phillipsburg, is hereby amended as follows:

Section 1

Code Section 375-2, *Definitions*, is amended by adding the following:

Licensed Massage and Bodywork Therapist

A person licensed to practice massage and bodywork therapies pursuant to the provisions of P.L.1999, c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et al.)

Code Section 375-21, *Exceptions*, is deleted in its entirety and replaced in its stead with the following:

§375-21, Exceptions

The provisions of this chapter shall not apply to massage or physical therapy treatments given:

- A. In the office of a licensed physician, chiropractor, physical therapist or licensed massage and bodywork therapist.
- B. In a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors, physical therapists and/or licensed massage and bodywork therapist.
- C. By any licensed physician, chiropractor, physical therapist or licensed massage and bodywork therapist in the residence of his or her patient.

Section 2:

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

Section 3:

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

Section 4:

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

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER,
Registered Municipal Clerk

HARRY L. WYANT
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their July 07, 2015 meeting.

VICTORIA L. KLEINER, RMC
Registered Municipal Clerk

R: 2015-110

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 21, 2015 meeting.

Victoria L. Kleiner, RMC
Municipal Clerk

Schedule-Municipal Liens –July 21, 2015

Property Owner	Block/Lot/Address	Service	Lien
Thomas & Lillian Cromin 3132 56 th Ave N St. Petersburg, FL 33714	1302/4 271 Irwin Street	Public Works Call Out – Invoice 2015-44	\$225.00
Est. of Lucille Farina 4108 Bayard Street Easton, PA 18045	1308/9 65 Davis Street	Public Works Call Out – Invoice 2015-45	\$150.00
Olympia Lynn 135 Marlboro Circle Stewartsville, NJ 08886	521/7 143 Willever Street	Public Works Call Out – Invoice 2015-46	\$337.50
William Martinez & Gina Ramirez 216 Cromwell Street Phillipsburg, NJ 08865	1112/2 345 Prospect Street	Public Works Call Out – Invoice 2015-49	\$150.00
Michael Tomich 243 Irwin Street Phillipsburg, NJ 08865	1304/8 243 Irwin Street	Public Works Call Out – Invoice 2015-50	\$2,358.55
William Hendershot 130 Chambers Street Phillipsburg, NJ 08865	905/7 130 Chambers Street	Public Works Call Out – Invoice 2015-51	\$650.00
Susan Boniello & Thomas Madison 160 N. Riverview Road Phillipsburg, NJ 08865	2904/22 160 N. Riverview Road	Public Works Call Out – Invoice 2015-52	\$300.00
Est. of Viola Evans 140 Sitgreaves Street Phillipsburg, NJ 08865	2002/16 140 Sitgreaves Street	Public Works Call Out – Invoice 2015-54	\$962.50
Robert Bolmer 51 Jefferson Street Phillipsburg, NJ 08865	2006/23 51 Jefferson Street	Public Works Call Out – Invoice 2015-55	\$425.00
Rogerio Dasilva & Peter Draksin 234 Teaneck Road Ridgefield Park, NJ 07660	817/6 229 Hudson Street	Public Works Call Out – Invoice 2015-60	\$225.00
Est. of Viola Evans 140 Sitgreaves Street Phillipsburg, NJ 08865	2002/16 140 Sitgreaves Street	Public Works Call Out – Invoice 2015-61	\$100.00

A RESOLUTION APPROVING 2015-2016 LIQUOR LICENSES
WITHIN TOWN OF PHILLIPSBURG

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

WHEREAS, application for renewal of licenses in accordance with the provisions of law has been received and no remonstrance's, protests or complaints having been filed by any person with the Council on below listed licensees, and the said Council having investigated the applicant and premises, and

WHEREAS, Tax Clearance Certificates for below listed establishments have been received from Division of Taxation,

NOW, THEREFORE, BE IT RESOLVED that the following licenses be renewed: (Attached hereto and made a part hereof)

PLENARY RETAIL DISTRIBUTION EFFECTIVE: July 1, 2015 FEE: \$14000.00

2119-33-021-008	Alboc Corp/TA Guys Bar	665 Columbus Ave
2119-33-030-002	Maryann Ignatz/TA Steve's Café'	766 S. Main Street

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 21, 2015 meeting.

Victoria L. Kleiner, RMC
Municipal Clerk

R: 2015-112

A RESOLUTION PROVIDING FOR RENEWAL OF
ENTERTAINMENT LICENSE

WHEREAS, the following Plenary Retail Consumption licensee has filed required application for Entertainment License for period July 1, 2015 through June 30, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that Entertainment License is hereby issued to the following for above stated license term:

2119-33-021-008 Alboc Corp/TA Guys Bar 665 Columbus Ave

2119-33-030-002 Maryann Ignatz/TA Steve's Café' 766 S. Main Street

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 21, 2015 meeting.

Victoria L. Kleiner, RMC
Municipal Clerk

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR
MUNICIPALITY PURSUANT TO N.J.S.A 40A:4-87
(CHAPTER 159, P.L. 1948) DONATION FROM AQUA

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

SECTION 1

NOW, THEREFORE, BE IT RESOLVED that the Town of Phillipsburg hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$63,369.75 under the category 3. Miscellaneous – Section F: Special Item of Revenue Anticipated With Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

Aqua NJ – Donation for New Water Main
Improvements – Prospect St., Sitgreaves St., & Bullman St.

SECTION 2

BE IT FURTHER RESOLVED that the sum of \$63,367.75 be and is hereby appropriated under the caption of:

8. General Appropriations
(A) Operations – Excluded from “CAPS”

AQUA NEW JERSEY NEW WATER MAIN IMPROVEMENTS

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 21, 2015 meeting.

Victoria L. Kleiner, RMC
Municipal Clerk

R: 2015-114

A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER
2015 COUNTY TAX AND OPEN SPACE TAX, DUE
AUGUST 15, 2015

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

The payment of County Taxes in the amount of \$1,409,602.95 is
hereby approved,

This payment represents THIRD QUARTER 2015 COUNTY TAX
and THIRD QUARTER 2015 OPEN SPACE TAX due AUGUST 15, 2015:

SECOND QUARTER 2015 TAXES -- \$1,321,214.09

SECOND QUARTER 2015 OPEN SPACE TAX -- \$88,388.86

AMOUNT DUE: \$1,409,602.95

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 21, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-115

**RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING REFUND OF TAX OVER PAYMENT DUE
TO TAX APPEALS**

WHEREAS, the Tax Office of the Town of Phillipsburg has certified that the following is a refund overpayment due to tax appeals; and

WHEREAS, said payment was due to a tax appeals for the tax years 2010 - 2014.

ACCT	YEAR	BLOCK	LOT	NAME	AMOUNT
73702	2010	2420	09	Geriatric & Medical Svcs. c/0 Skoloff & Wolfe PC	\$ 42,673.91
73702	2011	2420	09	Geriatric & Medical Svcs. c/0 Skoloff & Wolfe PC	\$ 43,705.40
73702	2012	2420	09	Geriatric & Medical Svcs. c/0 Skoloff & Wolfe PC	\$ 44,503.98
73702	2013	2420	09	Geriatric & Medical Svcs. c/0 Skoloff & Wolfe PC	\$ 45,951.40
73702	2014	2420	09	Geriatric & Medical Svcs. c/0 Skoloff & Wolfe PC	\$ 24,098.02

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Phillipsburg, County of Warren, that the following list receive tax payments

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on July 21, 2015.

Victoria L. Kleiner, RMC

R: 2015-116

A RESOLUTION RESCINDING A PORTION OF RESOLUTION 2015-105; License number 211-44-012-001

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the portion of Resolution 2015-105 granting approval for a renewal to Rock Sky, LLC, license number 2119-44-012-001 is hereby rescinded.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 21, 2015 meeting.

Victoria L. Kleiner, RMC

A RESOLUTION PROVIDING FOR A REFUND OF ESCROW

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

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

WHEREAS, KMK DEVELOPMENT will not need said traffic control services in the near future and wishes to close its escrow account.

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

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

Penn Bower Construction

\$115.25

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 21, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-118

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN,
STATE OF NEW JERSEY CANCELLING GRANTS COMPLETED AND
INACTIVE PROJECTS**

WHEREAS, the Town of Phillipsburg received grants for numerous projects undertaken by the town, and

WHEREAS, there are grants outstanding for projects that are inactive or have been completed, and

WHEREAS, at the recommendation of the Town auditors and CFO, the Town now seeks to cancel grants for inactive and completed projects.

NOW, THERE, BE IT RESOLVED by the town Council of the Town of Phillipsburg, County Warren, State of New Jersey, that the following grants are cancelled, effective immediately:

*Please see attached list

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 21, 2015 meeting.

Victoria L. Kleiner, RMC

Town Grants to be Canceled

Year	Town Grants	Account Number	Debit	Credit	Difference	Reason
2014	DS or GPO - YE Holiday Crackdown	02-117-03-019-019	\$ 1,836.40			
2014	DS or GPO - YE Holiday Crackdown	02-213-41-723-019		\$ 1,836.40	\$ -	Cancel - Grant Period Ended
2015	Click it or Ticket	02-117-03-020-006	\$ 403.90			
2015	Click it or Ticket	02-213-41-724-006		\$ 403.90	\$ -	Cancel - Grant Period Ended

\$ 2,240.30 \$ 2,240.30 \$ -

R: 2015-119

**A RESOLUTION EXTENDING PAYMENT OF THE
THIRD QUARTER TAXES**

WHEREAS, the annual tax bills were not mailed by the statutory mailing date pursuant to N.J.S.A 54:4-66 because the 2015 tax rate was not set; and

WHEREAS, the mailing of the annual tax bills occurred on or before July 21, 2015; and

WHEREAS, pursuant to Statute, no interest may be charged for 25 days after mailing

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the third installment of the 2015 tax bill shall be due and payable without penalty by August 17, 2015. Any payments received after that date will accrue interest back to August 01, 2015.

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 21, 2015 meeting.

Victoria L. Kleiner, RMC