

TOWN OF PHILLIPSBURG
Town Council Agenda
October 6, 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
7. MAYOR'S REPORT

Council Meeting 09-15-2015

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.

8. OLD BUSINESS

9. PUBLIC DISCUSSION ON AGENDA ITEMS

10. ORDINANCE

O: 2015-18 (Second and Final Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY ADOPTING AMENDMENTS TO THE REVISED PHILLIPSBURG COMMERCE PARK REDEVELOPMENT PLAN FOR THE FORMER INGERSOLL RAND PROPERTY COMMONLY KNOWN AS BLOCK 3201, LOTS 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12 AND 7.13, BLOCK 3301, LOTS 1, 2, 4, 4.01, 5 AND 6.

ROLL CALL

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

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

O: 2015 - 19 (Second and Final Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 58, *FIRE DEPARTMENT*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO ADD A NEW SECTION ENTITLED *JUNIOR FIREFIGHTERS*

ROLL CALL

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

12. **RESOLUTIONS**

R: 2015-152

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, A CONTRACT TO COOPERSMITH BROTHERS FOR THE SEWER ADMINISTRATION BUILDING

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

R: 2015-153

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R: 2015-154

A RESOLUTION SUPPORTING DISCHARGE OF FIREWORKS AT
HAROLD BELLIS FIELD AT MALONEY STADIUM

R: 2015-155

A RESOLUTION AUTHORIZING THE CLOSING OF STREETS

R: 2015 - 156

A RESOLUTION AMENDING RESOLUTION 2015-142; 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-2015-157

RESOLUTION AUTHORIZING THE TOWN OF PHILLPSBURG TO EXECUTE INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN LOPATCONG TOWNSHIP, TOWN OF PHILLPSBURG AND THE PHILLPSBURG SCHOOL DISTRICT TO DEFINE THE PARTIES RESPECTIVE ROLES, RESPONSIBILITIES AND CONTRIBUTIONS AS THEY RELATE TO THE WIDENING AND TRAFFIC CONTROL IMPROVEMENTS ON BELVIDERE ROAD AND ROSEBERRY STREET

R: 2015 - 158

A RESOLUTION OF THE TOWN OF PHILLPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING PAYMENT FOR UNUSED DAYS TO SHAWN CARMODY OF THE PHILLPSBURG POLICE DEPARTMENT

R: 2015 - 159

A RESOLUTION OF THE TOWN OF PHILLPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF GRANT CONTRACT WITH THE NEWJERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO HECKMAN STREET, PHASE 1 AND PHASE 2 PROJECT

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: 2015-160

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

R: 2015-161

A RESOLUTION PROVIDING FOR RENEWAL OF ENTERTAINMENT
LICENSE

R: 2015-162

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)

13. NEW BUSINESS

14. PUBLIC PETITIONS
(Public Comments)

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

15. OPEN TIME

16. MOTIONS

Approval for Raffle License No. RL: 1224 issued to St Lukes Warren Hospital Auxiliary, Inc., for a 50/50 on premise raffle to be conducted on December 11, 2015

Approval for Raffle License No. RL: 1225 issued to the St. Lukes Warren Hospital for a on premise Basket raffle on December 11, 2015 from 8:00 AM – 3:00 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 OCTOBER 6, 2015

		Check No
1	Current Fund	
2	State & Federal Grants	
4	Capital Fund	
7	Sewage Utility Fund	
8	Sewage Capital Fund	
12	Planning Board Trust Fund	
12	Opus Investments	
13	Dog Trust Fund	
15	Public Defender Trust Fund	
16	Section 8	
17	General Trust Fund	
17	Commerce Park Redevelopment	
18	Bernards Township RCA	
20	Agency Fund	
21	Revolving Loan Fund	
Total Regular Bill List as OCTOBER 6, 2015		

Section 8 Rent Payments for 2015

16	Section 8 Program	
Total Section 8 Rent Payments Bill List as of		

Pre-Paid Bill List as of OCTOBER 6, 2015

1	Current Fund	
2	State & Federal Grants	
4	Capital Fund	
7	Sewer Utility Fund	
8	Sewer Utility Capital	
12	Planning Board Trust Fund	
16	Section 8	
17	General Trust Fund	
18	Bernards Township RCA	
20	Agency Fund	
21	Revolving Loan Fund	
Total Pre-Paid Bill List for OCTOBER 6, 2015		

Grand Total All Funds

3,596,311.95

Approved By:

Robert J. Merlo, CFO

Harry L. Wyant Jr., Mayor

O: 2015-18

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY ADOPTING AMENDMENTS TO THE REVISED PHILLIPSBURG COMMERCE PARK REDEVELOPMENT PLAN FOR THE FORMER INGERSOLL RAND PROPERTY COMMONLY KNOWN AS BLOCK 3201, LOTS 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12 AND 7.13, BLOCK 3301, LOTS 1, 2, 4, 4.01, 5 AND 6.

WHEREAS, the Town Council of the Town of Phillipsburg, in the County of Warren, State of New Jersey (the “**Town**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Town constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, in 2000 and 2004, in accordance with the criteria set forth in the Redevelopment Law, the Town identified and designated the former Ingersoll Rand property commonly known as Block 3201, Lots 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12 and 7.13, Block 3301, Lots 1, 2, 4, 4.01, 5 and 6 on the tax map of the Town as an “area in need of redevelopment” (the “**Redevelopment Area**”); and

WHEREAS, in 2000, the Town adopted a redevelopment plan for the Redevelopment Area which was later amended by the “*Revised* Phillipsburg Commerce Park Redevelopment Plan” (the “**Original Redevelopment Plan**”) adopted on November 4, 2013; and

WHEREAS, the Town Council has determined that certain amendments to the Original Redevelopment Plan relating to bulk standards, in the form attached hereto as Exhibit A (the “**Redevelopment Plan Amendment**”), be considered to accommodate and facilitate development within the Redevelopment Area; and

WHEREAS, the Planning Board must review the Redevelopment Plan Amendment and transmit its recommendations relating to the Redevelopment Plan Amendments to the Town Council in accordance with the provisions of *N.J.S.A. 40A:12A-7* of the Redevelopment Law; and

WHEREAS, upon receipt of the Planning Board’s recommendations relating to the Redevelopment Plan Amendment, the Town Council believes that the adoption of the Redevelopment Plan Amendment is in the best interests of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Contingent upon the receipt of the Planning Board's recommendations, the Redevelopment Plan Amendment, attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

Section 3. Except to the extent amended by the Redevelopment Plan Amendment as adopted hereby, all other terms and provisions of the Original Redevelopment Plan shall continue in full force and effect.

Section 4. The zoning district map in the zoning ordinance of the Town is hereby amended to include the "Redevelopment Area" per the boundaries described in the Original Redevelopment Plan and the Redevelopment Plan Amendment.

Section 5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 6. A copy of this Ordinance and the Redevelopment Plan Amendment shall be available for public inspection at the office of the Town Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER, RMC
Municipal Clerk

HARRY L. WYANT
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 of the Town of Phillipsburg at their September 01, 2015 meeting.

VICTORIA L. KLEINER, RMC
Municipal Clerk

EXHIBIT A

September 01, 2015

Proposed Amendments to the November 4, 2013 Phillipsburg Commerce Park Redevelopment Plan.

Additions are shown underlined and in blue thus.

Deletions are shown in red and struck through ~~thus~~.

Section 2. THE PUBLIC PURPOSE

2.1. Redevelopment Goal and Objectives

The redevelopment plan envisions a large-scale industrial/office park, with good rail and highway access, buffered from the adjoining neighborhoods.

The plan's objectives are:

1. To make vacant land and buildings available for large-scale non-residential development in an appropriate location, thereby expanding the economic base of the Town through the use and redevelopment of underutilized and non-productive properties.
2. To provide for the removal or containment of contamination resulting from past industrial use of the study area, to the extent required by NJDEP, to allow future use of the site.
3. To promote development that will enhance employment opportunities for the Town's residents and to replace jobs lost with the decline of past activity in the area.
4. To improve general circulation within the Town and provide direct highway access to the study area by way of a roadway extension from the Center/Roseberry Street intersection through the tract and adjacent property in Lopatcong to Route 22.
5. To encourage development in the redevelopment area in a manner that is compatible with the unique character of the Valley View neighborhood and other adjacent residential neighborhoods, and to minimize any negative impacts on these neighborhoods.
6. To protect and preserve the stream corridor of the Lopatcong Creek and any associated wetlands.
7. ~~To provide basic commercial services for the convenience of the employees within the redevelopment area and the adjacent residential neighborhoods.~~

O: 2015-19

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE
OF NEW JERSEY AMENDING CHAPTER 58, *FIRE DEPARTMENT*, OF THE CODE OF
THE TOWN OF PHILLIPSBURG TO ADD A NEW SECTION ENTITLED *JUNIOR
FIREFIGHTERS*

BE IT ORDAINED by the Town Council of the Town of Phillipsburg as follows:

Section 1

Chapter 58, *Fire Department*, of the Code of the Town of Phillipsburg is hereby amended by
added a new section 16, *Junior Firefighters*, as follows:

§58-16. Junior Firefighters.

A. Membership. Persons between the ages of 16 and 17 years shall be permitted membership
in the Volunteer Fire Department of the Town of Phillipsburg and shall be known as Junior
Firefighters.

B. Rules and regulations. The rules and regulations governing the Junior Firefighters shall
be as follows:

- (1) Prior to joining, each applicant for the office of junior firefighter shall have the
permission of his or her parent, parents or guardian, in writing, and acknowledged or witnessed
and approved pursuant to law.
- (2) All applicants must submit to, and successfully pass, a criminal background check
pursuant to the Town's ordinance.
- (3) Upon acceptance as a junior firefighter, each member must successfully pass a
physical examination, as set forth by the New Jersey State Firemen's Association.
- (4) Upon acceptance as a member, each junior firefighter must attend and
successfully complete Firefighter I Class at an approved New Jersey Fire Academy.
- (5) In all cases, junior firefighter's may answer alarms issued only between the hours
of 6:00 a.m. and 10:00 p.m. and no other calls.
- (6) When answering a fire alarm or participating in a fire drill, each junior firefighter
shall be required to wear full firefighters' gear, including but not limited to coat, helmet and
boots.
- (7) At no time when answering an alarm or drill may a junior firefighter enter a
burning or smoke-filled building.
- (8) At no time shall a junior firefighter be permitted to start or drive a fire truck or
other fire equipment of the Town of Phillipsburg.
- (9) Junior firefighters shall not be permitted to remain at any firehouse in the Town of
Phillipsburg after the hour of 10:00 p.m.
- (10) Junior firefighters must maintain a 2.0 G.P.A. in their regular school course and
will be required to produce copies of report cards to the Fire Chief at the end of each regular

school marking period. Failure to maintain a 2.0 G.P.A. will result in suspension as a Junior Firefighter.

(11) Junior Firefighters are under the supervision of the officers of the company to which they are assigned and the Fire Chief.

(12) Any other rules and regulations established by the Fire Department of the Town of Phillipsburg or Town Council or state law shall also apply.

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 September 15, 2015 meeting.

VICTORIA L. KLEINER,
Registered Municipal Clerk

R: 2015-152

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY, A
CONTRACT TO COOPERSMITH BROTHERS FOR THE
SEWER ADMINISTRATION BUILDING**

WHEREAS, the Town advertised for the submission of bids relative to the construction of the administration building at the wastewater treatment plant ("Project"); and

WHEREAS, two sealed bids were received by the Town, which bids were opened on September 15, 2015; and

WHEREAS, said bids were as follows:

1. Cooper Smith Brothers, Inc. - \$ 371,370.00
2. JP Group Lehigh Valley - \$395,370.00; and

WHEREAS, the bids were reviewed by the administration and by the Town's Professionals with a recommendation to award the bid to Cooper Smith Brothers, Inc. as being the lowest responsible bidder; and

WHEREAS, funding is available as evidenced by the attached Certificate of Availability of Funds; and

WHEREAS, the Town is desirous of awarding said bid.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Town Council does hereby award the bid for the construction of the administration building at the wastewater treatment plant to Cooper Smith Brothers, Inc. in the amount of \$371,370.00 in accordance with the bid and bid specifications submitted therefor.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to enter into a contract on behalf of the Town of Phillipsburg upon the submission of all proper documentation by Cooper Smith Brothers, Inc. pursuant to said bid.

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 October 06, 2015 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2015-153

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 October 06, 2015 meeting.

Victoria L. Kleiner, RMC
Municipal Clerk

R: 2015-154

A RESOLUTION SUPPORTING DISCHARGE OF FIREWORKS AT
HAROLD BELLIS FIELD AT MALONEY STADIUM

WHEREAS, the Phillipsburg School District will conduct their annual Pre-Thanksgiving activities at the Harold Bellis Field at Maloney Stadium on Wednesday, November 25, 2015, and

WHEREAS, the Phillipsburg School District wishes to have a fireworks display, which would be provided by Celebration Fireworks, Emmaus, PA on Wednesday, November 25, 2015, and

WHEREAS, Celebration Fireworks will provide a Certificate of Insurance to the Board of Education prior to the event,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that they hereby support the discharge of fireworks at the Harold Bellis Field at Maloney Stadium on Wednesday, November 25, 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 October 06, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-155

A RESOLUTION AUTHORIZING THE CLOSING
OF STREETS

WHEREAS, Phillipsburg High School will be conducting their annual Pre-Thanksgiving Celebration on Wednesday, November 25, 2015, and

WHEREAS, a request has been received from the Phillipsburg School District for the closing of Hillcrest Boulevard (entire length around Maloney Stadium) and Warren Street (Corliss Avenue to Hillcrest Boulevard) on Wednesday, November 25, 2015 from 5 P.M. to the conclusion of celebration,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that they hereby approve the request for closing of Hillcrest Boulevard (entire length around Maloney Stadium) and Warren Street (Corliss Avenue to Hillcrest Boulevard) on Wednesday, November 25, 2015 from 5 P.M. to the conclusion of celebration.

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 October 06, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-156

A RESOLUTION AMENDING RESOLUTION
2015-142; IMPOSING LIEN FORMUNICIPAL SERVICES

WHEREAS, resolution 2015-142 authorized the approval of a municipal liens for municipal services with the Town of Phillipsburg;

WHEREAS, the schedule of properties attached to said Resolution was incorrect insofar as public works call out – invoice 2015-9, inadvertently combined two (2) different properties; and

WHEREAS, the Council desires to correct error by correctly identifying the properties and charges associated with invoice 2015-9; and

WHEREAS, the attached schedule lists so corrects said error, and

WHEREAS, there are unpaid charges in the amount listed outstanding on said Blocks and Lots, representing the costs incurred by the Town of Phillipsburg to remedy violations occurring on said properties, 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 September 15, 2015 meeting.

Victoria L. Kleiner, RMC

Schedule-Municipal Liens –September 15, 2015

[illegible]

R-2015-157

**RESOLUTION AUTHORIZING THE TOWN OF
PHILLPSBURG TO EXECUTE INTERLOCAL SERVICES
AGREEMENT BY AND BETWEEN LOPATCONG
TOWNSHIP, TOWN OF PHILLPSBURG AND THE
PHILLPSBURG SCHOOL DISTRICT TO DEFINE THE
PARTIES RESPECTIVE ROLES, RESPONSIBILITIES AND
CONTRIBUTIONS AS THEY RELATE TO THE
WIDENING AND TRAFFIC CONTROL IMPROVEMENTS
ON BELVIDERE ROAD AND ROSEBERRY STREET**

WHEREAS, the Town of Phillipsburg is a municipal corporation of the State of New Jersey, with offices located at 675 Corliss Avenue, Phillipsburg, New Jersey 08865-1698; and

WHEREAS, the Township of Lopatcong is a municipal corporation of the State of New Jersey; and

WHEREAS, the Phillipsburg School District is the send/receive school district serving, for the purposes of this Interlocal Agreement, grades 9-12 from Phillipsburg, Lopatcong, Alpha Borough, Pohatcong Township, Bloomsbury Township and Greenwich Township; and

WHEREAS, the District is presently constructing in Lopatcong and at the intersection of Roseberry Street and Belvidere Road [hereinafter the “intersection”], a new high school serving grades 9-12; and

WHEREAS, the intersection divides, north and south and east and west, Lopatcong and Phillipsburg along their respective, municipal boundaries; and

WHEREAS, the parties have met and agree that the intersection requires certain widening and traffic control improvements and desire to enter into an Interlocal Agreement defining their respective roles, responsibilities and contributions as they relate to the intersection; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined therein to enter into Shared Service Agreements for the provision of government services; and

WHEREAS, the parties have reduced the rights and obligations of the other to writing in the form of a shared service agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Interlocal Agreement for the construction of the intersection and road widening project between the Town of Phillipsburg, the Township of Lopatcong and the Phillipsburg School District is hereby approved.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg hereby authorize and direct the Mayor of the Town of Phillipsburg and the Municipal Clerk to execute the Agreement, a copy of which annexed hereto as Exhibit "A".

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 October 06, 2015.

Victoria L. Kleiner, Municipal Clerk

**INTERLOCAL SERVICES AGREEMENT BY AND
BETWEEN LOPATCONG TOWNSHIP, TOWN OF
PHILLIPSBURG AND THE PHILLIPSBURG SCHOOL
DISTRICT TO DEFINE THE PARTIES RESPECTIVE
ROLES, RESPONSIBILITIES AND CONTRIBUTIONS AS
THEY RELATE TO THE WIDENING AND TRAFFIC
CONTROL IMPROVEMENTS ON BELVIDERE ROAD
AND ROSEBERRY STREET**

WHEREAS, the Township of Lopatcong is a municipal corporation of the State of New Jersey [hereinafter referred to as “Lopatcong” or, collectively, the “parties”]; and

WHEREAS, the Town of Phillipsburg is a municipal corporation of the State of New Jersey [hereinafter referred to as “Phillipsburg” or, collectively, the “parties”]; and

WHEREAS, the Phillipsburg School District [hereinafter referred to as the “District” or, collectively, the “parties”] is the send/receive school district serving, for the purposes of this Interlocal Agreement, grades 9-12 from Phillipsburg, Lopatcong, Alpha Borough, Pohatcong Township, Bloomsbury Township and Greenwich Township; and

WHEREAS, the District is presently constructing in Lopatcong and at the intersection of Roseberry Street and Belvidere Road [hereinafter the “intersection”], a new high school serving grades 9-12; and

WHEREAS, the intersection divides, north and south and east and west, Lopatcong and Phillipsburg along their respective, municipal boundaries; and

WHEREAS, the parties have met and agree that the intersection requires certain widening and traffic control improvements and desire to enter into an Interlocal Agreement defining their respective roles, responsibilities and contributions as they relate to the intersection; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined therein to enter into Shared Service Agreements for the provision of government services;

Now, therefore, be it resolved that:

1. Lopatcong has agreed to contribute the sum of \$100,000.00 to the intersection widening and improvement costs, which intersection widening and improvement costs shall include, but are not limited to, land acquisition, professional service (legal, engineering and appraisal fees and costs related directly to the intersection widening and improvements), and other fees, costs and expenses related to those intersection widening and improvement costs located in Lopatcong and/or benefiting directly the residents thereof.
2. Phillipsburg has agreed to contribute the sum of \$100,000.00 to the intersection widening and improvement costs, which intersection widening and improvement costs shall

include, but are not limited to, land acquisition, professional service (legal, engineering and appraisal fees and costs related directly to the intersection widening and improvements), and other fees, costs and expenses related to those intersection widening and improvement costs located in Phillipsburg and/or benefiting directly the residents thereof.

3. The Lopatcong Township Engineer is fully familiar with all aspects of this project and therefore the use of the Township Engineer for all engineering work associated with the intersection widening and improvement costs would be cost effective to all parties. The Township agrees to utilize the township Engineer for all engineering work associated with the intersection widening and improvement costs and the District agrees to reimburse to the Township for all engineer costs associated with the intersection widening and improvement costs. The District has agreed to contribute the sum of \$150,000 which shall be deposited with the Township of Lopatcong upon the execution of this Agreement. This contribution shall be used by the Township of Lopatcong, first, to pay all engineering costs associated with the intersection widening and improvement project and, second, any other costs associated with the intersection widening and improvement project.

4. Lopatcong received of a \$300,000.00 grant from the NJ DOT for intersection widening and improvement costs to the intersection, which grant was awarded to Lopatcong on Lopatcong's application and which application was made at the request of the District, and which funding was secured upon the District's meetings with NJ DOT representatives. Notwithstanding anything herein to the contrary, none of the \$300,000.00 obtained via the aforementioned NJ DOT grant shall be used by Lopatcong for the intersection widening and improvement costs referred to in paragraph number (1) above, until such time as Lopatcong has first exhausted its \$100,000.00 pledge and, then, only after applying said \$300,000.00 grant in equal shares to the same or similar intersection widening and improvement costs of Lopatcong, Phillipsburg and the District.

5. The Parties shall be equally responsible for the balance of the intersection widening and improvement costs as hereinafter defined after deductions for the contributions reflected in paragraphs (1) through (4) above and for any and all other contributions now or in the future identified and secured from the State of New Jersey, County of Warren, local municipalities, and any and all other sources, known or unknown.

6. Insofar as the new high school is located entirely within Lopatcong, as a result of which Lopatcong made application for and was awarded the NJ DOT grant above-referenced, Lopatcong shall be designated as the project leader responsible for overseeing the intersection widening and improvement project provided, however, that nothing herein contained shall give to or bestow upon the project leader any authority of any kind or nature whatsoever to modify, delete, alter, amend or change, in any way, any plan, design

or detail related directly or indirectly to the intersection widening and improvement project without the express, written consent of the District.

7. As used in this Interlocal Agreement, the phrase “intersection widening and improvement costs” shall refer to the acquisition of all land and easements and the acquisition, construction and installation of all intersection traffic control and ancillary signage and devices at the intersection of Roseberry Street and Belvidere Road, up to an until such intersection becomes operational and is turned over to the County of Warren and/or the Township of Lopatcong and/or the Town of Phillipsburg.

8. Term of Agreement: The Agreement shall remain in effect until the construction and installation of all intersection traffic control and ancillary signage and devices is complete.

9. Termination: This Agreement may only be terminated for cause. In the event any party should fail to perform any obligation that would lead to the timely completion of the intersection widening and improvement project, the other parties hereto may seek strict performance of those obligations. Additionally, damages shall be limited to each party's agreed upon financial contribution, including but not limited to the amount of any parties *pro rata* contribution to any unfunded balance as determined in paragraph 5 above.

10. Relationship of the Parties: Nothing contained herein shall be construed as creating a relationship of principal and agent, employer and employee, principal and broker, partners, joint venturers, donor and donee, or any relationship whatsoever.

11. Non assignability: The Agreement shall not be assigned by any party hereto without the prior written consent of the other parties.

12. Entire Agreement: The parties hereto agree that this Agreement represents the entire agreement between the parties. All negotiations, oral arguments, and understandings are merged herein.

13. Binding Effect: All of the terms and conditions to be observed and performed by the parties shall be applicable to and binding upon their several successors and assigns, as the case may be.

14. Severability: All agreements contained herein are severable, and in the event any of them shall be held to be invalid by any court of competent jurisdiction, this Agreement shall be interpreted as if such invalid agreement were not contained herein. Should performance of one or more conditions by one party be waived by any other party, such waiver shall not be deemed to waive or render unnecessary the consent or approval of the waiving party to or of any subsequent similar act by the other party.

15. Upon the adoption of a resolution pursuant to the Uniform Shared Services and Consolidation Act, a copy of such resolution, this contract, and any other pertinent information shall be forwarded to the Department of Community Affairs, Local Government Services within seven (7) days of execution.

16. A copy of this Agreement shall be open to public inspection at the offices of the local units immediately after passage of a resolution to become a party to the agreement.

President – Phillipsburg BOE

Mayor – Town of Phillipsburg

Superintendent- PSD

Mayor – Township of Lopatcong

R: 2015 - 158

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING PAYMENT FOR UNUSED DAYS TO
SHAWN CARMODY OF THE PHILLIPSBURG POLICE
DEPARTMENT**

WHEREAS, Lt. Shawn Carmody of the Phillipsburg Police Department has retired from service with the Police Department; and

WHEREAS, Lt. Carmody has accumulated unused sick days pursuant to the collective bargaining agreement entered into by and between the Town of Phillipsburg and the Phillipsburg Police Department Superior Officers Association; and

WHEREAS, Lt. Shawn Carmody accumulated a total of 87.5 sick days totaling \$34,214.17; and

WHEREAS, the Chief Financial Officer of the Town of Phillipsburg has certified that there are sufficient funds in the municipal budget to pay the amount of compensated sick days due in budget year 2015.

NOW THEREFORE IT BE RESOLVED, by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey and pursuant to N.J.A.C. 5:30-15.4, that payment for compensated sick days in the amount of \$34,214.17 for budget year 2015 to Lt. Shawn Carmody is hereby approved.

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 October 06, 2015 meeting.

Victoria L. Kleiner
Municipal Clerk

A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING THE SUBMISSION OF A GRANT
APPLICATION AND THE EXECUTION OF GRANT
CONTRACT WITH THE NEWJERSEY DEPARTMENT OF
TRANSPORTATION FOR THE IMPROVEMENTS TO
HECKMAN STREET, PHASE 1 AND PHASE 2 PROJECT

BE IT RESOLVED that the Town Council of Phillipsburg, County of Warren, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "LAIF-2016 Phillipsburg Town P-00043(Phase 1) and LAIF-2016 Phillipsburg Town P-00048(Phase 2) to the New Jersey Department of Transportation and on behalf of the Town of Phillipsburg.

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

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 October 06, 2015 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2015-160

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: \$1400.00

2119-33-032-007 Farley Pub, Inc., / Snack Bar 7 Filmore 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 October 6, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-161

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:

2119-33-032-007 Farley Pub, Inc., / Snack Bar 7 Filmore 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 October 06, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-162

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)

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 \$12,440.00 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:

FY 2016 Municipal Alliance on Alcoholism and Drug Abuse

SECTION 2

BE IT FURTHER RESOLVED that the sum of \$4,000.00 be and is hereby appropriated under the caption of:

8. General Appropriations
 - (A) Operations – Excluded from “CAPS”
- FY 2016 Municipal Alliance on Alcoholism and Drug Abuse

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 October 06, 2015 meeting.

Victoria L. Kleiner, RMC