TOWN OF PHILLIPSBURG Town Council Agenda September 15, 2015 – 7:00PM Council Chambers, Town Hall

1.	OPEN PUBLIC MEETING ACT STATEMENT	
	· · · · · · · · · · · · · · · · · · ·	

- 2. <u>INVOCATION</u>
- 3. PLEDGE OF ALLEGIANCE
- 4. ROLL CALL
- 5. APPROVAL OF MINUTES

Council Meeting 09-01-2015 Executive Session 09-01-2015

- 6. APPROVAL OF BILLS
- 7. MAYOR'S REPORT
- 8. HABITABILITY HEARING

9. OLD BUSINESS

10. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCE

O: 2015-17 (Second and Final Reading)

BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW TOWN PHONE SYSTEM, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

ROLL CALL

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

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						

O: 2015 - 19 (First 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: 2015-142

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R: 2015-143

A RESOLUTION OF THETOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF SPECIAL COUNSEL

R: 2015 - 144

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE APPLICATION AND EXEUCTION OF A GRANT AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WHEREIN GRANT IDENTIFIER IS FS-16-094

R: 2015-145

A RESOLUTION AWARDING PURCHASES UNDER NEW JERSEY STATE CONTRACT

R: 2015-146

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR IMPROVEMENTS SHIMER ALLEY

R: 2015 - 147

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1

R: 2015-148

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40:69A-181 AND AUTHORIZING THE IMMEDIATE ENACTMENT OF ORDINANCE 2015-17

R: 2015-149

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

13. <u>NEW BUSINESS</u>

- 14. <u>PUBLIC PETITIONS</u> (Public Comments)
- 15. <u>OPEN TIME</u>

16. MOTIONS

Approval for Raffle License No. RL: 1222 issued to The Greenwich Township PTO for a 50/50 off premise raffle to be conducted on March 04, 2016 at Marianna's Banquet Center from 7-11 PM

Approval for Raffle License No. RL: 1223 issued to The Greenwich Township PTO for a Casino Night to be conducted on March 04, 2016 at Marianna's Banquet Center, from 7-11 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. <u>ADJOURNMENT</u>

Bill List Summary REGULAR BILL LIST AS OF SEPTEMER 15, 2015

,	.		Check No
1	Current Fund	211,024.42	
2	State & Federal Grants	108,418.76	
4	Capital Fund	86,971.00	
7	Sewage Utility Fund	191,723.90	
8	Sewage Capital Fund	0.00	
12	Planning Board Trust Fund	231.32	
12	Opus Investments	2,292.50	
13	Dog Trust Fund	0.00	
15	Public Defender Trust Fund	0.00	
16	Section 8	0.00	
17	General Trust Fund	0.00	
17	Commerce Park Redevelopment	90.00	
18	Bernards Township RCA	0.00	
20	Agency Fund	0.00	
21	Revolving Loan Fund	0.00	
Total	Regular Bill List as SEPTEMER 15, 2015	600,751.90	

Section 8 Rent Payments for 2015

16 Section 8 Program

133,111.16

Total Section 8 Rent		

133,111.16

Pre-Paid Bill List as of SEPTEMER 15, 2015

1	Current Fund	476.26	
2	State & Federal Grants	58,240.00	
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	1,388.34	
21	Relvolving Loan Fund	0.00	
Total	Pre-Paid Bill List for SEPTEMER 15, 2015		0 104 60

Grand Total All Funds

793,967.66

Approved By

obert J. Merlo, CFO

Harry L. Wyant Jr., Mayor

BOND O: 2015-17

BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW TOWN PHONE SYSTEM, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$50,000, said sum being inclusive of the sum of \$2,500 as the aggregate amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said 50,000 appropriation not provided for by the \$2,500 down payment, negotiable bonds of the Town are hereby authorized to be issued in the aggregate principal amount of \$47,500 pursuant to the Local Bond Law. In

anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Town in an aggregate principal amount not exceeding \$47,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows: installation of a new Town phone system.

- **(b)** The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, engineering and design work, preparation of plans and specifications, bid documents, contract administration, and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.
- (c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$47,500.
- (d) The aggregate estimated cost of said improvements or purposes is 50,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said improvements or purposes in the aggregate amount of \$2,500.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Warren make a contribution or grant in aid to the Town for the improvements and purposes authorized hereby and the same shall be received by the Town prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received

from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk of the Town and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Town may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- **(b)** The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10 years.
- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$47,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Town for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged

funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury

Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt

obligations of the Town other than amounts deposited into a "bona fide debt service fund"

(as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to

reimburse the Town for any expenditures toward the costs of the improvements or

purposes described in Section 3 hereof will be issued in an amount not to exceed \$47,500.

The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will

be "capital expenditures" in accordance with the meaning of section 150 of the Code. All

reimbursement allocations will occur not later than eighteen (18) months after the later of

(i) the date the expenditure from a source other than any bonds or notes authorized herein

is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is

"placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned,

but in no event more than three (3) years after the expenditure is paid. The Town

covenants to maintain the exclusion from gross income under Section 103(a) of the

Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued

under this ordinance.

SECTION 10. The Town covenants to maintain the exclusion from gross

income under section 103(a) of the Code, of the interest on all bonds and notes issued

under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after

the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: September 1, 2015

#8171181.1(152740.001)

6

VICTORIA L. KLEINER, Clerk of the Town of Phillipsburg

ADOPTED ON SECOND READING DATED: September 15 2015

VICTORIA L. KLEINER, Clerk of the Town of Phillipsburg

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Town of Phillipsburg, in the County of Warren, State of New Jersey, on September 1, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Phillipsburg Municipal Building, 675 Corliss Avenue, Phillipsburg, in said County on September 15, 2015 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:

BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW TOWN PHONE SYSTEM, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

Purpose(s):

Installation of a new Town phone system

Appropriation:

\$50,000

Bonds/Notes

Authorized:

\$47,500

Grants

Appropriated:

-0-

Section 20

Costs:

\$10,000

Useful Life:

10 years

VICTORIA L. KLEINER Clerk of the Town of Phillipsburg

PUBLIC NOTICE

NOTICE OF FINAL ADOPTION OF BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Town of Phillipsburg, in the County of Warren, State of New Jersey on September 15, 2015, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:

BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW TOWN PHONE SYSTEM, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

Purpose(s):

Installation of a new Town phone system

Appropriation:

\$50,000

Bonds/Notes

Authorized:

\$47,500

Grants

Appropriated:

-0-

Section 20

Costs:

\$10,000

Useful Life:

10 years

VICTORIA L. KLEINER Clerk of the Town of Phillipsburg

CERTIFICATE OF INTRODUCTION OF BOND ORDINANCE

I, the undersigned Clerk of the Town of Phillipsburg, in the County of

Warren, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from

the Minutes of a meeting of the governing body of the Town duly called and held on

September 1, 2015 at 7:00 p.m. at the Phillipsburg Municipal Building, 675 Corliss

Avenue, Phillipsburg, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me

with the original minutes as officially recorded in my office in the Minute Book of the

governing body of the Town and is a true, complete and correct copy thereof and of the

whole of the original minutes so far as they relate to the subject matters referred to in the

extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of the Town as of this 2nd day of September, 2015.

(SEAL)

VICTORIA L. KLEINER
Clerk of the Town of Phillipsburg

#8171181.1(152740.001)

CERTIFICATE OF FINAL ADOPTION OF BOND ORDINANCE

I, the undersigned Clerk of the Town of Phillipsburg, in the County of

Warren, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from

the Minutes of a meeting of the governing body of the Town duly called and held on

September 15, 2015 at 7:00 p.m. at the Phillipsburg Municipal Building, 675 Corliss

Avenue, Phillipsburg, in said County, and that the following was the roll call:

Present:

Absent:

I DO FURTHER CERTIFY that the foregoing extract has been compared by

me with the original minutes as officially recorded in my office in the Minute Book of the

governing body of the Town and is a true, complete and correct copy thereof and of the

whole of the original minutes so far as they relate to the subject matters referred to in the

extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of the Town as of this 16th day of September, 2015.

(SEAL)

VICTORIA L. KLEINER
Clerk of the Town of Phillipsburg

#8171181.1(152740.001)

CLERK'S CERTIFICATE CONCERNING BOND ORDINANCE ADOPTION PROCEDURES

- I, VICTORIA L. KLEINER, DO HEREBY CERTIFY that I am the Clerk of the Town of Phillipsburg, in the County of Warren (the "Town"), State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Town. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Town and the records relative to all resolutions and ordinances of the Town. The representations made herein are based upon the records of the Town. I DO HEREBY FURTHER CERTIFY THAT:
- 1. Attached hereto is the bond ordinance introduced on September 1, 2015 and finally adopted on September 15, 2015 and approved by the Mayor, as applicable, on September 16,2015.
- 2. After introduction, the bond ordinance was published as required by applicable law on September 4th, 2015 in <u>The Express-Times</u>.
- 3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Town at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the Town who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the Town. Copies of the bond ordinance were made available to all who requested same.

After final adoption, the bond ordinance was duly approved by the Mayor

of the Town (if applicable) and duly published as required by law on September 17th, 2015

in The Express Times. No protest signed by any person against making any improvement

or incurring the indebtedness authorized therein, nor any petition requesting that a

referendum vote be taken on the action proposed in the bond ordinance has been

presented to the governing body of the Town or to me or filed in my office within twenty

(20) days after said publication or at any other time after the final adoption thereof.

5. The bond ordinance has not been amended, added to, altered or

repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital

budget form has been filed with the Director of the Division of Local Government Services,

New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Town is the seal, an impression of which is affixed

opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of the Town as of this 16th day of September, 2015.

(SEAL)

VICTORIA L. KLEINER
Clerk of the Town of Phillipsburg

#8171181.1(152740.001)

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT FOR BOND ORDINANCE

I, the undersigned, Clerk of the Town of Phillipsburg, in the County of Warren, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Robert J. Merlo, the Chief Financial Officer as of September 1, 2015, that such Supplemental Debt Statement was filed in my office on September 1, 2015 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on September 1st, 2015.

VICTORIA L. KLEINER
Clerk of the Town of Phillipsburg

DOWN PAYMENT CERTIFICATE FOR BOND ORDINANCE

I, the undersigned Chief Financial Officer of the Town of Phillipsburg, in the County of Warren, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

"BOND ORDINANCE PROVIDING FOR INSTALLATION OF A NEW TOWN PHONE SYSTEM, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF",

there was available as a down payment for the improvements or purposes authorized by said ordinance \$2,500 by virtue of provisions in a previously adopted budget or budgets of the Town for down payment or capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the Town as of this __ day of _____, 2015.

ROBERT J. MERLO Chief Financial Officer

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 <u>Exhibit A</u> 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 fore 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	HARRY L. WYANT
· · · · · · · · · · · · · · · · · · ·	
Municipal Clerk	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:

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

Section 3:

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

Section 4:

<u>Effective Date.</u> 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: 2015-142

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 September 15, 2015 meeting.

Victoria L. Kleiner, RMC Municipal Clerk

Schedule-Municipal Liens -September 15, 2015

Property Owner	Block/Lot/Address	Service	Lien
Lori Gubich 258 Washington Street Phillipsburg, NJ 08865	1411/7 258 Washington Street	Public Works Call Out – Invoice 2015-80	\$850.00
Saldino & Sandra Gomes 247 Crann Street Hillside, NJ 07205	1409/22 258 Chambers Street	Public Works Call Out – Invoice 2015-81	\$3,925.00
Derrick Williams 52 Dwight Street Jersey City, NJ 07305	805/6 202 Morris Street	Public Works Call Out – Invoice 2015-82	\$262.50
Sarah Dewire 320 Church Road Milford, NJ 08848	805/3 208 Morris Street	Public Works Call Out - Invoice 2015-83	\$262.50
Est. of Elizabeth Dehart 000 Rt. 57 Broadway, NJ 08808	1410/12 247 Washington Street	Public Works Call Out - Invoice 2015-85	\$900.00
Ann Stephens & Luann Bean 41 Glen Avenue #2 Phillipsburg, NJ 08865	518/4 568 Corliss Avenue	Public Works Call Out – Invoice 2015-86	\$350.00
Est. of Verna Miller 9 Randall Street Phillipsburg, NJ 08865	910/2 & 3 9 & 11 Randall Street	Public Works Call Out – Invoice 2015-91	\$2,050.00
			444.00.00.00.00.00.00.00.00.00.00.00.00.

R: 2015-143

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF SPECIAL COUNSEL

WHEREAS, Lavery, Selvaggi Abromitis and Cohen, P.C. serves as counsel for the Town of Phillipsburg; and

WHEREAS, a matter has arisen which requires the appointment of special environmental counsel; to wit: the coordination with the Town's LSRP in compiling and submitting necessary paperwork to the NJDEP in connection with the transfer of Town property located with Commerce Park to Opus Investments, LLC (the "Project"); and

WHEREAS, pursuant to the Town Code, the Mayor has authority to appoint special counsel when the need arises; and

WHEREAS, Philip Morin, Esq., has been nominated and presented to the Council as Special Environmental Counsel to assist the Town in completing the Project and will be compensated at a rate of \$225.00 per hour to be billed against the escrow account established by Opus Investments, LLC.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the appointment of Philip Morin, Esq. to the position of Special Environmental Counsel to assist in the Project is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute and attest to a professional services agreement between the Town of Phillipsburg and Philip Morin, esq.

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 September 15, 2015 meeting.

Victoria L. Kleiner Registered Municipal Clerk A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE APPLICATION AND EXEUCTION OF A GRANT AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WHEREIN GRANT IDENTIFIER IS FS-16-094

WHEREAS, the Governing Body of the Town of Phillipsburg desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the following project:

Green Communities Grant

Community Forestry Management Plan

NOW THEREFORE the Governing Body resolves that Dawn L. Slifer or the successor the Office of Superintendent of Recreation, is authorized (a) to make application for such a grant; (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000 and not more than \$3,000, and (c) to execute any amendments thereto which do not increase the grantee's obligations.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg authorizes and hereby agrees to match fifty percent (50%) of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. One hundred percent (100%) of the match may be made up of in-kind services (if allowed by grant program requirements and the agreement). The grantee agrees to comply with all federal, state and municipal laws, rules and regulations in its performance pursuant to the 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 a meeting
duly held on the 15th day of September, 2015; this Resolution has not been amended or repealed;
and that it remains in full force and effect on the date I have subscribed my signature.

September 15, 2015	
	Victoria L. Kleiner
	Municipal Clerk

R: 2015-145

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-80961

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

54 Scott X3314022000301 X3 Air Packs, NFPA/NJPEOPSHA Compliant 108 Scott #804722-01,4500psi, 45 Min. Carbon Wrap Cylinders 72 Scott #201215, AV3000HT Face pieces

- 72 Scott #201276-01 EPIOC 3 R1 Voice Amplifier w/Bluetooth lapel speaker microphone for use with Motorola HT1250 Series Radios
- 2 Scott #200954 -02 Rit Pak III, complete with carry bag
- 2 Scott # 200266-04 Pak Tracker Hand Held Receiver w/ 12 VDC Charger
- 2 Scott #200077-02 EZ-FLO Quick Connect Regulators

Price \$512,949.00

\$447,540.00 AFG Grant Award

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 September 15, 2015 meeting.

Victoria L. Kleiner, RMC

R: 2015-146

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR IMPROVEMENTS SHIMER ALLEY

WHEREAS, the Town of Phillipsburg has a need to acquire professional services relative to engineering services required for the improvements to Shimer Alley; and

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

WHEREAS, Van Cleef Engineering Associates submitted a proposal dated September 11, 2015, to provide engineering services relative to the improvements to Shimer Alley; and

WHEREAS, said proposal consisted of the following services and costs:

1. Preparation of design drawings and contract documents and/or bid specifications.

TOTAL: \$5,000.00

WHEREAS, the Town Council finds it to be in the best interest of the Town of Phillipsburg to authorize said work; and

WHEREAS, funding for is available by appropriation in the budget of the Town, as evidenced by the attached certification of funds.

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

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

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of	f the Town of Phillipsburg, County of Warren
and State of New Jersey do hereby certify the	
Resolution adopted by Council at a meeting held of	
	· · · · · · · · · · · · · · · · · · ·
	Victoria L. Kleiner, Municipal Clerk

R: 2015 - 147

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 permit contracting of services without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery or performance of services; and

WHEREAS, an emergency has arisen affecting the health, safety and welfare of the citizens of the Town of Phillipsburg to wit, the failure of the Town Hall telephone system, which failure will prevent communication with the Town residents with various departments within the Town, including the police department (non-emergency and fax lines), inspections department, Section 8 administration, among others; and

WHEREAS, in the opinion of the Town's professionals, it is necessary to immediately replace the telephone system.

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 declares an emergency to exist as detailed above for which emergency services are needed and authorize the contracting for replacement of the phone system and payment therefore in excess of the bid threshold.

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 Municipal Clerk A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40:69A-181 AND AUTHORIZING THE IMMEDIATE ENACTMENT OF ORDINANCE 2015-17

WHEREAS, N.J.S.A. 40:69A-181 permits the waiver of the 20 day estoppel period for the enactment of ordinances upon the adoption of a resolution by 2/3 of the Council finding that an emergency exists necessitating the immediate enactment of the ordinance; and

WHEREAS, an emergency has arisen affecting the health, safety and welfare of the citizens of the Town of Phillipsburg to wit, the failure of the Town Hall telephone system, which failure will prevent communication with the Town residents with various departments within the Town, including the police department (non-emergency and fax lines), inspections department, Section 8 administration, among others; and

WHEREAS, the Town Council has adopted Resolution 2015-147 declaring an emergency to exist; and

WHEREAS, immediate enactment of Ordinance 2015-17 is needed as said ordinance will provide for the funding of the replacement of the telephone system.

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 declares an emergency to exist as detailed above for which waiving the 20 day estoppel period for enactment of Ordinance 2015-17 is warranted and justified.

BE IT FURTHER RESOLVED that Ordinance 2015-17 shall take effect immediately upon final adoption.

CERTIFICATION

	I	, Victoria	L.	Kl	einer	, Mui	nicipa	al Clerk	for	the	Town	of	Phi	llips	burg,	do	hereby	CE	ertify
that	the	foregoing	; is	a	true	copy	of a	resolut	ion	duly	adopt	ted	by	the	Town	C	ouncil	at	their
		er 15, 201									_		•						

Victoria L. Kleiner Municipal Clerk

R: 2015- 149

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

2119-44-012-002

ROCK SKY, LLC

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

2119-33-002-004

WARDELL REALITY/ FREE BRIDGE WINE & SPIRITS 9 UNION SO.

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 September 15, 2015 meeting.

Victoria L.	Kleiner,	RMC