TOWN OF PHILLIPSBURG Town Council Agenda March 21, 2017 – 7:00PM 525 Warren Street ALL PURPOSE ROOM

1.	OPEN PUBLIC MEETING ACT ST	ATEMENT
2.	INVOCATION	
3.	PLEDGE OF ALLEGIANCE	
4.	ROLL CALL	
••	ACCES OF RESE	
5.	APPROVAL OF MINUTES	Council Meeting 01-17-2017
		Special Meeting 01-25-2017

6.	APPROVAL OF BILLS
7.	PROCLAMATION Julio Herrera – Life Saving Actions
8.	<u>FEASIBILITY STUDY</u> – Engineer Schrek – Action may be taken
9.	BUDGET HEARING
10.	HABITABILITY 11 Union Square – Jim Guerra
11.	MAYOR'S REPORT
12.	OLD BUSINESS
13.	PUBLIC DISCUSSION ON AGENDA ITEMS

14. ORDINANCE

O: 2017 – 01 (Second and Final Reading)

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

ROLL CALL

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

O: 2017-02 (Second and Final Reading)

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

ROLL CALL

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

13. RESOLUTIONS

R: 2016-65

A RESOLUTION AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION TO NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

R: 2017-66

A RESOLUTION PROVIDING FOR EXPENDITURE OF TAXES CERTIFICATION IN REGARDS TO RECYCLING ENHANCEMENT ACT

R: 2017-67

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R: 2017 - 68

A RESOLUTION AUTHORIZING AN APPLICATION FOR ENROLLMENT OF THE PHILLIPSBURG POLICE DEPARTMENT IN THE UNITED STATES DEPARTMENT OF DEFENSE (DOD) 1033 PROGRAM

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2016 IN ACCORDANCE WITH PROVISIONS OF N. J. S. A. 40A:4-20

R-2017-70

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE TOWN OF PHILLIPSBURG AND

FOR THE POSITION OF REGISTERED MUNICIPAL AUDITOR

R: 2017-71

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2017 IN ACCORDANCE WITH PROVISIONS OF N. J. S. A. 40A:4-20

R-2017-72

A RESOLUTION APPOINTING THE PENSIONS AND BENEFITS CERTIFYING SUPERVISOR WITHIN THE TOWN OF PHILLIPSBURG

14. <u>NEW BUSINESS</u>

15. <u>PUBLIC PETITIONS</u> (Public Comments)

16. OPEN TIME

17. MOTIONS

Approval for Raffle License No. RL: 1255 issued to St Philip & St James for Carnival Games on:

May 03, 2017 May 04, 2017 } 6-11 PM May 05, 2017

May 06, 2017 12 Noon- 12 PM May 07, 2017 12 Noon - 6 PM

Approval for Raffle License No. RL: 1256 issued to Life Choices, Inc., for an off premise raffle on May 19, 2017.

18. EXECUTIVE MEETING

R: 2017-

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

19. <u>ADJOURNMENT</u>

Bill List Summary REGULAR BILL LIST AS OF MARCH 21, 2017

	<u>Check No</u>
1,021,790.57	
1,671.69	
1,904.00	
9,565.61	
0.00	
36,832.50	
2,340.00	
1,200.00	
0.00	
119.03	
0.00	***************************************
0.00	
0.00	
212.75	(
0.00	***************************************
1,075,	636.15
	1,671.69 1,904.00 9,565.61 0.00 36,832.50 2,340.00 1,200.00 0.00 119.03 0.00 0.00 0.00 212.75 0.00

Section 8 Rent Payments for 2017

16 Se	ection 8	Program	
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141,696.67

																				2		

141,696.67

Pre-Paid Bill List as of MARCH 21, 2017

1	Current Fund	3,190.00
2	State & Federal Grants	38,800.00
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	144,647.36
21	Relvolving Loan Fund	0.00
otal	Pre-Paid Bill List for MARCH 21, 2017	186 637

Grand Total All Funds

1,403,970.18

Approved By:

Robert J. Merlo, CFO

tephen R Ellis, Mayor

O: 2017 - 01

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

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

Section 1

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

\$25-\$250

Section 2

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

Section 3

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

Section 4

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

ATTEST:	TOWN OF PHILLIPSBURG
VICTORIA L. KLEINER,	STEPHEN R. ELLIS
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 at their March 07, 2017 meeting.

VICTORIA L. KLEINER, Municipal Clerk

O: 2017-02

CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Phillipsburg in the County of Warren finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$399,311.22 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Phillipsburg, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Town of Phillipsburg shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$465,863.09, and that the CY 2017 municipal budget for the Town of Phillipsburg be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

ATTEST:	TOWN OF PHILLIPSBURG
VICTORIA L. KLEINER, RMC Municipal Clerk	Stephen R. Ellis Mayor
DATE:	
CERTI	IFICATION
	rk for the Town of Phillipsburg, do hereby certify nance duly adopted by the Town Council at thei

VICTORIA L. KLEINER, RMC

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A RESOLUTION AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION TO NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Town Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the Town of Phillipsburg hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Patty Huxta, Certified Recycling Coordinator to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 March 21, 2017 meeting.

A RESOLUTION PROVIDING FOR EXPENDITURE OF TAXES CERTIFICATION IN REGARDS TO RECYCLING ENHANCEMENT ACT

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility, and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that it hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2016 in the amount of \$19,119.00. Documentation supporting this submission is available in the Office of Public Works located at 675 Corliss Avenue, Phillipsburg, NJ 08865 and shall be maintained for no less than five years from this date.

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 March 21, 2017 meeting.

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, 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 March 21, 2017 meeting.

Schedule-Municipal Liens -March 21, 2017

Property Owner	Block/Lot/Address	Service	10;1
Scott Sorge 21-30 Hazen Street East Elmhurst, NJ 11370	1213/1 268-270 Warren Street	Public Works Call Out - Invoice 2017 5	#300.00
Converge Construction LLC 9 Stephanville Parkway Edison, NJ 08817	2015/15 239 Cedar Allev	Public Works Call Out - Invoice 2017-10	\$500.00 \$176.00
			\$1/3.00
£			
			and the second s

A RESOLUTION AUTHORIZING AN APPLICATION FOR ENROLLMENT OF THE PHILLIPSBURG POLICE DEPARTMENT IN THE UNITED STATES DEPARTMENT OF DEFENSE (DOD) 1033 PROGRAM

WHEREAS, The 1033 program permits the Secretary of the United States Department of Defense to transfer, without charge, surplus U.S. Department of Defense (DOD) personal property to State and Local Enforcement agencies (LEAs); and

WHEREAS, the Town through the Department of Police desires to make an application to the Department of Defense 1033 program for surplus Federal property including aircraft, armored vehicles, automatic weapons, and night vision equipment originally intended for use by the United States Armed Forces; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Philipsburg does hereby authorize the following:

- 1. The Town of Phillipsburg through the department of Police is hereby authorized to apply for enrollment in the Department of Defense 1033 program in order to have an opportunity to obtain surplus Federal property including aircraft, armored vehicles, automatic weapons, and night vision equipment originally intended for use by the United States Armed Forces
- 2. This Resolution only approves the application for the 1033 program. The acquisition of any property by Department of Police from the 1033 program must be approved by a Resolution adopted by a majority of the full membership of the governing body.
- 3. The Town Clerk be and is hereby authorized and directed to maintain this resolution on file and is available for public inspection in the office of the Municipal Clerk; and
- 4. The Town Clerk is hereby authorized and directed to publish a copy of this notice as required by low.

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 March 21, 2017 meeting.

Victoria L. Kleiner Registered Municipal Clerk

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2017 IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

WHEREAS, an emergent condition has arisen with respect to delays in budget appropriation and the 2017 Temporary Budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolution adopted in the year 2017 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, PL 1951, as amended) including this resolution total \$1,310,990.47;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20:

- 1. An Emergency Temporary Appropriation be and the same is hereby made for Temporary Emergency Budget in the total amount of \$1,310,990.47. This resolution combined with the 2017 Temporary Budget Appropriation R:2017-01 and R:2017-02 adopted January 01, 2017 brings the total 2017 Temporary Appropriations to \$6,089,634.47.
- 2. That said Emergency Temporary Appropriation would be provided for in the 2017 Budget under the total budget Town of Phillipsburg.
- 3. That a certified copy of this resolution be filed with the Director of Local Government Services.

CERTIFICATION

	I, Vi	ictoria I	Kleine	er, Municipa	al Cle	rk fo	r the	Town	of Phillips	burg,
do	hereby	certify	that the	e foregoing	is a	true	copy	of a	resolution	duly
ado	pted by	the Tov	wn Coun	cil at their l	March	1 21, i	2017 1	meetir	ıg.	

R- 2017-70

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE TOWN OF PHILLIPSBURG AND ______ FOR THE POSITION OF REGISTERED MUNICIPAL AUDITOR

WHEREAS, the Mayor of the Town of Phillipsburg has nominated, and the Town Council, Town of Phillipsburg has approved the appointment of to serve as Registered Municipal Auditor.
NOW THEREFORE BE IT RESOLVED that is hereby appointed to serve as the Registered Municipal Auditor for the Town of Phillipsburg until such time a successor is nominated and appointed. The Town of Phillipsburg is hereby authorized to enter into an Agreement with pertaining to compensation of fees without competitive bidding, pursuant to N.J.S.A. 40A:11-1, et seq.
BE IT FURTHER RESOLVED that the Mayor and Clerk of the Town of Phillipsburg are hereby authorized and directed to execute said Agreement on behalf of the Town of Phillipsburg. The Clerk is hereby directed to publish notice of this appointment within ten (10) days of the adoption of this Resolution as required by law.
CERTIFICATION
I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do nereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their March 21, 2017 meeting.
Victoria L. Kleiner Registered Municipal Clerk

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2017 IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

WHEREAS, an emergent condition has arisen with respect to delays in budget appropriation and the 2017 Sewer Utility Temporary Budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolution adopted in the year 2017 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, PL 1951, as amended) including this resolution total \$1,309,375.00;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20:

- 1. An Emergency Temporary Appropriation be and the same is hereby made for Temporary Emergency Budget in the total amount of \$1,309,375.00. This resolution combined with the 2017 Temporary Budget Appropriation R:2017-03 and R:2017-04 adopted January 1, 2017 brings the total 2017 Temporary Appropriations to \$1,046,875.00.
- 2. That said Emergency Temporary Appropriation would be provided for in the 2017 Budget under the total budget Town of Phillipsburg.
- 3. That a certified copy of this resolution be filed with the Director of Local Government Services.

CERTIFICATION

	I, Vi	ctoria L	Klei	iner,	, Municipa	ıl Cl	erk fo	r the	Town	of Phillips	burg,
do her	reby	certify	that 1	the	foregoing	is a	true	copy	of a	resolution	duly
adopted by the Town Council at their March 21, 2017 meeting.											

R- 2017-72

A RESOLUTION APPOINTING THE PENSIONS AND BENEFITS CERTIFYING SUPERVISOR WITHIN THE TOWN OF PHILLIPSBURG

WHEREAS, the Town Council previously appointed Mayor Ellis to be the Certifying Supervisor for Pensions and Benefits; and

WHEREAS, the Mayor has requested that Samuel Cappello be appointed to serve in that capacity; and

WHEREAS, said named individual has agreed to perform the duties associated with said position.

NOW THEREFORE BE IT RESOLVED, by the Town Council, the Town of Phillipsburg, Warren County, State of New Jersey that pursuant to N.J.S.A. 43:3C-15 the Town of Phillipsburg hereby designates Samuel Cappello as the Certifying Supervisor to manage and supervise the pension and retirement funds with the Town of Phillipsburg.

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 March 21, 2017 meeting.

Victoria L. Kleiner Registered Municipal Clerk