

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
TUESDAY, March 16, 2021 AGENDA
via ZOOM
7:00 P.M.

Join Zoom Meeting
<https://us02web.zoom.us/j/87413286946?pwd=aGFUNXQ3ZU5rN0tHSVZuVVo0SExGUT09>

Meeting ID: 874 1328 6946
Passcode: Pburg
One tap mobile
+16468769923,,87413286946#,,,,*826264# US (New York)
+13017158592,,87413286946#,,,,*826264# US (Washington DC)

Dial by your location
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1. CALL TO ORDER

2. OPEN PUBLIC MEETING ACT STATEMENT:

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF March 02, 2021 WAS INCLUDED IN A NOTICE SENT TO NEWSPAPERS OF RECORD AND POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS THE REQUIRED NOTICES UNDER THE STATUTE. IN ADDITION, A COPY OF THIS NOTICE HAS BEEN AVAILABLE TO THE PUBLIC AND IS ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK

3. INVOCATION AND FLAG SALUTE

Council Vice President Fulper

4. ROLL CALL

Council President McVey, Council Vice President Fulper, Councilwoman DeGerolamo, Councilman Piazza, Councilman Wyant

5. **APPROVAL OF MINUTES** - January 19, 2021

6. **BILLS LIST** -

7. **ANNOUNCEMENTS**

Proclamations: Dan Boyce
Lester Coleman

March 15, 2021 – Opening of County Library

March 19, 2021 – Ribbon Cutting for Platinum Star Cleaning Service at noon hosted by the Lehigh Valley Chamber of Commerce

8. **OLD BUSINESS**

None

9. **MAYOR’S AND ADMINISTRATIVE OFFICERS**

None received at this time

10. **PUBLIC DISCUSSION ON AGENDA ITEMS**

11. **ORDINANCES — FIRST READING**

O: 2021-11 (First Reading 03.16.2021)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 67-21, SCHEDULE V, ONE WAY STREETS, OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO CHANGE THE DESIGNATION OF A CERTAIN TWO-WAY STREET

12. **ORDINANCES – SECOND READING** -

O: 2021-10 (First Reading 03-02-2021 Second Reading 03.16.2021)

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF BODY WORN CAMERAS AND MOBILE VIDEO RECORDERS FOR THE POLICE DEPARTMENT, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (THE “TOWN”); APPROPRIATING \$79,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$75,050 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COSTS THEREOF

13. RESOLUTIONS - CONSENT AGENDA **Matters listed on the Consent Agenda Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item to be removed for consideration.*

R: 2021-71

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO TOPLINE CONSTRUCTION INC. IN THE AMOUNT OF \$31,261.50

R: 2021-72

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING THE PURCHASE OF SPORTING GOODS FOR THE TOWN OF PHILLIPSBURG RECREATION DEPARTMENT IN THE AMOUNT OF \$3,219.34

R: 2021-73

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: 2021-74

A RESOLUTION TO PROVIDE FOR RENEWAL OF LIMOUSINE OPERATOR'S LICENSE FOR AKAB, INC.

R: 2021-75

A RESOLUTION TO PROVIDE FOR RENEWAL OF TAXI OPERATOR'S LICENSE FOR EDDY CHERISME

R: 2021-76

RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH USW, LLC

R: 2021-77

RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF INTENT FOR THE SALE OF BLOCK 901, LOTS 1, 2 & 3 AND BLOCK 902, LOTS 1, 2, 3, 4, 5, 6, 7, 8 & 9 (REDEVELOPMENT DISTRICT NO. 2 (UNION SQUARE)-SUB-AREA 1 – WATERFRONT-NORTH) AND BLOCK 917, LOTS 25, 26, 27, 29 & 31 (REDEVELOPMENT DISTRICT NO. 2 (UNION SQUARE) – SUB-AREA 2- WATERFRONT-SOUTH) TO USW, LLC

R: 2021-78

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY REQUESTING THE GOVERNOR AND COMMISSIONER OF HEALTH OF THE STATE OF NEW JERSEY TO MAKE COVID-19 VACCINE AVAILABLE TO THE TEACHERS AND STAFF OF PHILLIPSBURG SCHOOLS

R: 2021-79

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND OF TOP LINE CONSTRUCTION CORP. AND ACCEPTANCE OF MAINTENANCE BOND OF TOP LINE CONSTRUCTION

R: 2021-80

RESOLUTION AUTHORIZING THE TOWN OF PHILLIPSBURG TO EXECUTE A SHARED SERVICE AGREEMENT BETWEEN THE COUNTY OF WARREN AND THE TOWN OF PHILLIPSBURG FOR SHARING PUBLIC WORKS EQUIPMENT

R: 2021- 81

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY TO ISSUE A REFUND FOR AN OVERPAYMENT FOR POLICE THIRD PARTY OVERTIME TO TOP LINE

R-2021-82

RESOLUTION AWARING BID FOR WALTERS PARK POOL PROJECT TO ALL STATE TECHNOLOGY INC.

14. NEW BUSINESS

COMMUNITY ACTION PANEL to be introduced by VP Fulper

RENT CONTROL to be introduced by CP McVey

15. PUBLIC PETITIONS

16. DISCUSSION

17. COUNCIL OPEN TIME

18. MOTIONS

19. EXECUTIVE SESSION -

R: 2021-64 **Possible action to be taken**

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWN AND AFSCME COUNCIL NO. 73

CONTRACTUAL MATTERS TO BE DISCUSSED **Action may be taken**

20. ADJOURNMENT

ORDINANCE 2021-11

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 67-21, SCHEDULE V, ONE WAY STREETS, OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO CHANGE THE DESIGNATION OF A CERTAIN TWO-WAY STREET

WHEREAS, Chapter 67-21 of the Code of the Town of Phillipsburg designates certain streets within the Town as one-way streets; and

WHEREAS, there is a need to change the designation of certain streets from two-way to one-way.

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

Section 1

Chapter 67-21, Schedule V, *One-Way Streets*, is hereby amended by adding the following street as designated one-way streets:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Limits</u>
Morris Canal Way	Southwest	South Main Street to Sawmill Street

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,
Municipal Clerk
DATED:

TODD TERSIGNI
Mayor

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 16, 2021 meeting.

VICTORIA L. KLEINER,
Municipal Clerk

**TOWN OF PHILLIPSBURG
ORDINANCE 2021-10**

**BOND ORDINANCE PROVIDING FOR THE PURCHASE OF
BODY WORN CAMERAS AND MOBILE VIDEO
RECORDERS FOR THE POLICE DEPARTMENT, BY AND
IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF
WARREN, STATE OF NEW JERSEY (THE "TOWN");
APPROPRIATING \$79,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$75,050 BONDS OR
NOTES OF THE TOWN TO FINANCE PART OF THE
COSTS 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 amount of \$79,000, said amount being inclusive of \$3,950 as the 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"). The 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 \$79,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Town are hereby

authorized to be issued in the principal amount not exceeding \$75,050 pursuant to, and within the limitations prescribed by, 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 the principal amount not exceeding \$75,050 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 for the purchase of body worn cameras and mobile video recorders for the Police Department and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$75,050.

(c) The estimated cost of said improvements or purposes is \$79,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the amount of \$3,950 appropriated for the down payment for said improvements or purposes.

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

**TOWN OF PHILLIPSBURG
WARREN COUNTY, NEW JERSEY**

**PUBLIC NOTICE
BOND ORDINANCE STATEMENT 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 _____, 2021, 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 THE PURCHASE OF BODY WORN CAMERAS AND MOBILE VIDEO RECORDERS FOR THE POLICE DEPARTMENT, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$79,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$75,050 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COSTS THEREOF

Purpose(s): Providing for the purchase of body worn cameras and mobile video recorders for the Police Department

Appropriation: \$79,000

Bonds/Notes Authorized: \$75,050

Section 20 Costs: \$7,900

Useful Life: 7 years

VICTORIA L. KLEINER
Clerk of the Town of Phillipsburg

ORDINANCE 2021-11

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 67-21, SCHEDULE V, ONE WAY STREETS, OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO CHANGE THE DESIGNATION OF A CERTAIN TWO-WAY STREET

WHEREAS, Chapter 67-21 of the Code of the Town of Phillipsburg designates certain streets within the Town as one-way streets; and

WHEREAS, there is a need to change the designation of certain streets from two-way to one-way.

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

Section 1

Chapter 67-21, Schedule V, *One-Way Streets*, is hereby amended by adding the following street as designated one-way streets:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Limits</u>
Morris Canal Way	Southwest	South Main Street to Sawmill Street

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,
Municipal Clerk
DATED:

TODD TERSIGNI
Mayor

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 16, 2021 meeting.

VICTORIA L. KLEINER,
Municipal Clerk

R-2021-71

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO TOPLINE CONSTRUCTION INC. IN THE AMOUNT OF \$31,261.50

WHEREAS, the Town of Phillipsburg awarded a contract for paving services in the amount of \$503,591.98 to Topline Construction Inc.; and

WHEREAS, Van Cleef Engineering associates submitted correspondence dated February 24, 2021 recommending approval of a change order decreasing the value of the contract by \$31,261.50; and

WHEREAS, the Town Council desires to authorize and approve the change order.

NOW, THEREFORE, BE IT RESOLVED by Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that a change order for a reduction in the amount of \$31,261.50 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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R- 2021- 72

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING THE PURCHASE OF SPORTING GOODS FOR THE TOWN OF PHILLIPSBURG RECREATION DEPARTMENT IN THE AMOUNT OF \$3,219.34

WHEREAS, the Town of Phillipsburg's Department of Recreation solicited proposals for the purchase of sporting goods for use of the Town of Phillipsburg;

WHEREAS, Partac Peat Corporation is an approved vendor through the State Co-op and submitted a quote in the amount of \$3,219.34, which quotes are attached hereto and dated January 18, 2021 and January 19, 2021;

WHEREAS, Town Council desires to authorize the purchase of said equipment;

WHEREAS, the funds are available as evidence by the attached certification of funds.

NOW THEREFORE, BE IT RESOLVED, by Town Council, Town of Phillipsburg, County of Warren, State of New Jersey, the purchase of sporting goods as set forth in the provided proposal and dated January 19, 2021 in the amount of \$3,219.34 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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

Resolution No. 2021- 73

**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 therefore, 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 which affects the health, safety and welfare of the citizens of the Town of Phillipsburg to wit, the aeration blowers at the Phillipsburg wastewater treatment operations need to be replaced. The health and life of the biomass is dependent on maintaining dissolved oxygen levels in the SBR tanks are designed levels. Without adequate air supply, the biomass will begin to die off within several hours. Plant operation is a matter of public health, safety and welfare; and

WHEREAS, in the opinion of the Town's professionals and Mayor, it was necessary to immediately provide for the blower panel and motor replacement in order to ensure that the treatment plant remains in service; and

WHEREAS, North End Electric was contracted to perform the work, it being the lowest responsible quote; and

WHEREAS, North End Electric performed the work for the amount of \$71,157.00; and

WHEREAS, sufficient funding is available as evidenced by the attached Certification of Funds.

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 authorizes the payment to North End Electric for a cost of \$71,157.00.

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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2021-74

A RESOLUTION TO PROVIDE FOR RENEWAL OF
LIMOUSINE OPERATOR'S LICENSE FOR AKAB, INC.

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

WHEREAS, an application has been received from AKAB, INC., 277
North Main Street, Phillipsburg, NJ for a Limousine Operator's License @
\$55.00 and eight (8) vehicles @ \$30.00 each, and

WHEREAS, the proper fee of 295.00 has been received with the
application and the required Certificate of Insurance is in effect and in order,
and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of
the Town of Phillipsburg that the application be accepted, and license
granted.

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 March 16, 2021 meeting.

Victoria L. Kleiner, RMC

R: 2021-75

A RESOLUTION TO PROVIDE FOR RENEWAL OF
TAXI OPERATOR'S LICENSE FOR EDDY CHERISME

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

WHEREAS, an application has been received from EDDY
CHERISME, 768 South Main Street, Phillipsburg, NJ for a Taxi Operator's
License @ \$55.00 and four (4) vehicles @ \$30.00 each, and

WHEREAS, the proper fee of \$175.00 has been received with the
application and the required Certificate of Insurance is in effect and in order,
and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of
the Town of Phillipsburg that the application be accepted and license
granted.

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 March 16, 2021 meeting.

VICTORIA L. KLEINER
MUNICIPAL CLERK

R-2021-76

**RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE
TOWN OF PHILLIPSBURG AUTHORIZING THE EXECUTION OF AN
ESCROW AGREEMENT WITH USW, LLC**

WHEREAS, the Town is the owner of certain real property located within the Town of Phillipsburg identified as Block 901, Lots 1, 2 & 3 and Block 902, Lots 1, 2, 3, 4, 5, 6, 7, 8 & 9 (Redevelopment District No. 2 (Union Square) – Sub-Area 1 – Waterfront-North); Block 917, Lots 25, 26, 27, 29 & 31 (Redevelopment District No. 2 (Union Square) – Sub-Area 2 – Waterfront-South) on the Tax Map of the Town (the “Property”); and

WHEREAS, the Town has, in accordance with the Local Housing and Redevelopment Law of the State of New Jersey, designated the Property an area in need of redevelopment; and

WHEREAS, the Town has determined that the Property is not needed for public use; and

WHEREAS, USW, LLC, is a limited liability company duly authorized to conduct business within the State of New Jersey, is the successor entity to Stateliner United, and expressed interest in purchasing the Property and developing same in accordance with the Redevelopment Plan, as may be amended; and

WHEREAS, the Town and USW, LLC entered into a Letter of Intent to Purchase setting forth the terms and conditions pursuant to which the Town will convey the Property to USW, LLC; and

WHEREAS, USW, LLC and the Town desire to enter into an Escrow Agreement to provide for the USW LLC’s payment to the Town of the Project Reimbursable Town Costs (as defined in the Escrow Agreement) related to the Project; and

WHEREAS, the parties have determined that the Escrow Agreement is desirable to confirm the parties’ agreement with respect to the Project Reimbursable Town Costs (as defined in the Escrow Agreement) related to the Project; and

WHEREAS, the parties have agreed to an initial \$25,000.00 escrow.

WHEREAS, the Mayor and Town Council of the Town of Phillipsburg desire to enter into an Escrow Agreement with USW, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the execution of an Escrow Agreement between the Town and USW, LLC is approved, subject to any and all conditions contained herein and such revisions as deemed advisable by the Town Attorney; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the Escrow Agreement, with such revisions as deemed advisable by the Town Attorney,

on behalf of the Town of Phillipsburg and to perform the obligations of the Town and enforce its rights thereunder.

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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R-2021-77

RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF INTENT FOR THE SALE OF BLOCK 901, LOTS 1, 2 & 3 AND BLOCK 902, LOTS 1, 2, 3, 4, 5, 6, 7, 8 & 9 (REDEVELOPMENT DISTRICT NO. 2 (UNION SQUARE) –SUB-AREA 1 – WATERFRONT-NORTH) AND BLOCK 917, LOTS 25, 26, 27, 29 & 31 (REDEVELOPMENT DISTRICT NO. 2 (UNION SQUARE) – SUB-AREA 2 – WATERFRONT- SOUTH) TO USW, LLC

WHEREAS, the Town of Phillipsburg owns properties known as Block 901, Lots 1, 2 & 3 and Block 902, Lots 1, 2, 3, 4, 5, 6, 7, 8 & 9 (Redevelopment District No. 2 (Union Square) – Sub-Area 1 – Waterfront-North); Block 917, Lots 25, 26, 27, 29 & 31 (Redevelopment District No. 2 (Union Square) – Sub-Area 2 – Waterfront-South).

WHEREAS, USW, LLC is desirous to purchase the property from the Town of Phillipsburg.

WHEREAS, the parties have agreed to a Letter of Intent to Purchase in the form attached hereto; and

WHEREAS, the Town is desirous of entering into this Agreement with USW, LLC in accordance with the terms and conditions set forth in the Letter of Intent to Purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the execution of the Letter of Intent to Purchase is hereby authorized for the purposes set forth therein.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg hereby authorizes the Mayor and Municipal Clerk to execute any and all necessary documents in order to effectuate same.

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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

Resolution No. 2021-78

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY
REQUESTING THE GOVERNOR AND COMMISSIONER
OF HEALTH OF THE STATE OF NEW JERSEY TO MAKE
COVID-19 VACCINE AVAILABLE TO THE TEACHERS
AND STAFF OF PHILLIPSBURG SCHOOLS**

WHEREAS, providing COVID-19 vaccination to teachers and other school staff will help protect the health of the students, school staff and families of Phillipsburg's school districts; and

WHEREAS, the President of the United States of America Joseph Biden has made it a national goal that "every educator, school staff member, childcare worker receive at least one shot by the end of the month of March"; and

WHEREAS, the Town of Phillipsburg has surveyed it's public schools and found that public school staff are willing to be vaccinated against COVID-19 as soon as possible; and

WHEREAS, the superintendents of Phillipsburg's school districts have agreed to work with the Warren County Health Department to vaccinate their staff as quickly as possible; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, requests New Jersey Governor Phil Murphy and New Jersey Commissioner of Health Judith Persichilli to allocate sufficient COVID-19 Vaccine to the Town of Phillipsburg so that initial vaccination of all eligible and interested school staff can be completed by end of March 2021.

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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

RESOLUTION NO. 2021-79

**RESOLUTION AUTHORIZING RELEASE OF
PERFORMANCE BOND OF TOP LINE CONSTRUCTION
CORP. AND ACCEPTANCE OF MAINTENANCE BOND OF
TOP LINE CONSTRUCTION**

WHEREAS, Top Line Construction Corp. entered into a Contract dated June 3, 2020 for the construction of improvements to Heckman Street Phase 3 & 4; and

WHEREAS, Top Line Construction Corp. did post a Performance Bond; and

WHEREAS, all of the improvements have been completed; and

WHEREAS, the Town Engineer has inspected the improvements and has rendered an opinion that all of the improvements are acceptable; and

WHEREAS, the Town is desirous of releasing the Performance Bond provided that the developer post a Maintenance Bond in accordance with Town Ordinances; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, in the County of Warren, State of New Jersey, that the Performance Bond having a balance of \$503,591.98 be released and that the maintenance bond in the amount of \$54,251.88 be accepted as per the Town Engineer.

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 March 16, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R-2021-80

**RESOLUTION AUTHORIZING THE TOWN OF
PHILLIPSBURG TO EXECUTE A SHARED SERVICE
AGREEMENT BETWEEN THE COUNTY OF WARREN
AND THE TOWN OF PHILLIPSBURG FOR SHARING
PUBLIC WORKS EQUIPMENT**

WHEREAS, the Town of Phillipsburg is a municipal corporation of the State of New Jersey, with offices located at 120 Filmore Street, Phillipsburg, New Jersey 08865-1698; and

WHEREAS, the County of Warren is a political corporation of the State of New Jersey, with offices located at 165 Route 519 South, Belvidere, New Jersey 087823; and

WHEREAS, the County has authorized a shared service agreement which permits municipalities to utilize County equipment as needed and when available for a fee, which list of equipment and fees therefore is set forth on the attached agreement; and

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

WHEREAS, the Agreement is authorized under N.J.S.A. 40A:65-1, *et seq.*

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Shared Service Agreement for the provision of various public works equipment owned by the County between the Town of Phillipsburg and the County of Warren 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 March 16, 2021.

Victoria L. Kleiner, Municipal Clerk

**RESOLUTION 2021- 81
RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO ISSUE A REFUND FOR AN OVERPAYMENT FOR POLICE THIRD PARTY
OVERTIME TO TOP LINE**

WHEREAS, the Town wishes to issue a refund in the amount of \$1,326.60 to Top Line for an overpayment for Police Third Party Overtime that it made for traffic control measures.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Phillipsburg hereby authorizes a refund in the amount of \$1,326.60 to:

Top Line Construction Corp.
22 Fifth Street
Somerville, NJ 08876

CERTIFICATION

I, Victoria L. Kleiner, Acting 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 March 16, 2021.

Victoria L. Kleiner, Municipal Clerk

R-2021-82
RESOLUTION AWARDING BID FOR WALTERS PARK
POOL PROJECT TO ALL STATE TECHNOLOGY INC.

WHEREAS, the Town advertised for bids to be submitted for Walters Park Pool project;
and

WHEREAS, bids were received and opened; and

WHEREAS, the following bids were received:

1. All State Technologies Inc. \$1,914,000.00
2. Premier Pool Renovations \$2,208,627.00
3. RJR Engineering \$2,445,200.00
4. Stoneridge, Inc. \$3,244,780.00; and

WHEREAS, after a review of all bids submitted, it has been determined that All State Technologies Inc. is the lowest conforming bid; and

WHEREAS, sufficient funding is available as evidenced by the attached Certification of Funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg hereby awards the Contract for the Walters Park Pool project to All State Technologies Inc. in the amount of \$1,914,000.00.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg hereby authorizes the Mayor and acting Municipal Clerk to execute and attest to a Contract for said Walter Park Pool project in the form provided for in the bid documents.

CERTIFICATION

I, Victoria L. Kleiner, Acting 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 March 16, 2021.

Victoria L. Kleiner, Municipal Clerk