

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
WEDNESDAY, JULY 07, 2021 AGENDA
SENIOR CENTER
7:00 P.M

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 July 07, 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**

4. **ROLL CALL**

5. **APPROVAL OF MINUTES -** June 15, 2021

6. **BILLS LIST -**

7. **ANNOUNCEMENTS**

8. **OLD BUSINESS**

159 Mercer Street – Repair/Demo – August 3 TC Mtg.

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

Mayor’s report.

10. **PUBLIC DISCUSSION ON AGENDA ITEMS**

11. **ORDINANCES – SECOND READING -**

ORDINANCE NUMBER 2021-16 (1st Rdg. 06.15.2021, 2nd Rdg. 07.07.2021)

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$2,886,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,742,175 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

ORDINANCE NUMBER 2021-17 (1st Rdg. 06.15.2021, 2nd Rdg. 07.07.2021)

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AT THE SEWAGE TREATMENT PLANT OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

12. ORDINANCES — FIRST READING

None

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.*

R2021-166

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF LIQUOR LICENSE FOR PLENARY RETAIL CONSUMPTION LICENSE NUMBER 2119-33-021-008 FROM ALBOC CORP. TO ROSENDO GROUP, LLC

R2021 - 167

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

R: 2021-168

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN

R: 2021-169

**A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER 2021 COUNTY TAX AND OPEN SPACE TAX, DUE
AUGUST 15, 2021**

R2021-170

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING CERTIFICATE NO. 4 CHANGE ORDER INCREASE IN THE AMOUNT OF \$2,000.00 TO THE CONTRACT AWARDED TO DERSTINE COMPANY, LLC RESULTING IN AN INCREASE IN THE CONTRACT AMOUNT TO \$285,000.00

R2021-171

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE OFFICE OF THE ATTORNEY GENERAL'S DEPARTMENT OF LAW AND PUBLIC SAFETY AWARD FOR THE SFY21 BODY-WORN CAMERA GRANT PROGRAM

R2021-172

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AWARDING AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR CONSULTING SERVICES TO THE RODGERS GROUP, LLC

R2021-173

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

R2021-174

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

R2021-175

RESOLUTION AWARDING BID FOR WASTEWATER TREATMENT PLANT BOILER REPLACEMENT PROJECT TO PENNETTA INDUSTRIAL AUTOMATION

RESOLUTION 2021-176

A RESOLUTION DESIGNATING USW, LLC AS REDEVELOPER AS THE SUCCESSOR ENTITY OF STATELINER LLC FOR THE RIVERFRONT REDEVELOPMENT PLAN

14. NEW BUSINESS

15. PUBLIC PETITIONS

16. DISCUSSION

17. COUNCIL OPEN TIME

18. MOTIONS

Special Event Application – Pork Roll Palooza

19. EXECUTIVE SESSION -

R: 2021-

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

20. ADJOURNMENT

Bill List Summary
REGULAR BILL LIST AS OF JULY 7, 2021

		<u>Check No</u>
1	Current Fund	298,286.35
2	State & Federal Grants	2,320.45
4	Capital Fund	16,030.44
7	Sewage Utility Fund	260,006.81
8	Sewage Capital Fund	153,767.50
12	Planning Board Trust Fund	2,337.00
12	Bridge Development	0.00
13	Dog Trust Fund	105.00
15	Public Defender Trust Fund	0.00
16	Section 8	2,567.31
17	General Trust Fund	16,572.09
17	Commerce Park Redevelopment	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	0.00
21	Revolving Loan Fund	0.00
Total Regular Bill List as JULY 7, 2021		751,992.95

Section 8 Rent Payments for 2021

16	Section 8 Program	0.00
		0.00

CHECK FROM 5/18/21 BILLS LIST

STATWIDE INSURANCE FUND	CHECK 82256	50,000.00
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Pre-Paid Bill List as of JULY 7, 2021

1	Current Fund	0.00
2	State & Federal Grants	43,741.00
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	152,624.10
21	Revolving Loan Fund	0.00
Total Pre-Paid Bill List for JULY 7, 2021		196,365.10

Grand Total All Funds

998,358.05

Approved By:


 Robert J. Merio, CFO


 Toda Tersigni, Mayor

**TOWN OF PHILLIPSBURG
IN THE COUNTY OF WARREN, STATE OF NEW JERSEY**

BOND ORDINANCE NUMBER 2021-16

**BOND ORDINANCE PROVIDING FOR VARIOUS 2021
CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF
PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE
OF NEW JERSEY; APPROPRIATING \$2,886,500
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$2,742,175 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 \$2,886,500, said sum being inclusive of the sum of \$144,325 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 \$2,886,500 appropriation not provided for

by the \$144,325 down payment, negotiable bonds of the Town are hereby authorized to be issued in the aggregate principal amount of \$2,742,175 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 \$2,742,175 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, including, but not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Fire Department: purchase of turnout gear, abatement of Fire Code violations at stations and upgrades to breathing air compressor and fill stations for the Fire Department;	\$62,500	\$59,375	\$3,125	5 years
(ii) Fire Department: replacement of a fire pumper for the Fire Department;	\$150,000	\$142,500	\$7,500	10 years
(iii) Inspections: acquisition of non-passenger inspection vehicles;	\$115,000	\$109,250	\$5,750	5 years
(iv) Public Works: purchase of a garbage truck and related necessary items, street sweeper and a pickup truck for the Department of Public Works;	\$800,000	\$760,000	\$40,000	15 years
(v) Public Works: purchase and installation of street lights for the Department of Public Works;	\$50,000	\$47,500	\$2,500	10 years
(vi) Redevelopment: demolition of buildings as necessary;	\$150,000	\$142,500	\$7,500	20 years

(vii) <u>Infrastructure and Road Improvements:</u> various infrastructure and road improvements to various Town roads, as referenced on a list on file with the Town Clerk's office, which list is hereby approved and incorporated herein;	<u>\$1,559,000</u>	<u>\$1,481,050</u>	<u>\$77,950</u>	20 years
TOTALS	<u>\$2,886,500</u>	<u>\$2,742,175</u>	<u>\$144,325</u>	14.22 years

(b) The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, demolition and excavation, paving, resurfacing and reconstruction of the roadways, roadway painting and striping, replacing the castings on catch basins and manholes, the repairing and/or removal and installation of sidewalks, driveway aprons, curbing, retaining walls and curb ramps, guardrails, and concrete improvements, and all other related improvements, surveying, design work, preparation of plans and specifications, permits, bid documents, contract inspection and contract administration, environmental testing and remediation 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 \$2,742,175.

(d) The aggregate estimated cost of said improvements or purposes is \$2,886,500, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payments for said improvements or purposes in the aggregate amount of \$144,325.

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. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Town as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

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 Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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 16.99 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 \$2,742,175 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 \$300,000 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 \$2,742,175. 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. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town, which are authorized herein, and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. 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: June 15, 2021

VICTORIA L. KLEINER,
Clerk of the Town of Phillipsburg

ADOPTED ON SECOND READING
DATED: July 7, 2021

VICTORIA L. KLEINER,
Clerk of the Town of Phillipsburg

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

ORDINANCE NUMBER 2021-17

**BOND ORDINANCE PROVIDING FOR VARIOUS
IMPROVEMENTS AT THE SEWAGE TREATMENT PLANT
OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF
WARREN, STATE OF NEW JERSEY; APPROPRIATING
\$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$600,000 BONDS OR NOTES TO FINANCE 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 members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$600,000. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required as the Sewer Utility is self-liquidating.

SECTION 2. For the financing of said improvements described in Section 3 hereof, negotiable bonds of the Town are hereby authorized to be issued in the aggregate principal amount of \$600,000 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 \$600,000

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 the purposes for the financing of which said obligations are to be issued are for various improvements at the Sewage Treatment Plant, including, but not limited to, replacement of the boiler and sanitary lines inspection and repairs. Such improvements or purposes shall also include, but are not limited to, as required, removal and replacement of, as applicable, sidewalks, concrete curbing, curb ramps, driveway aprons, regrading, landscaping, excavation, pavement striping, installation of traffic calming devices, resetting manholes and inlets, and various other curb, sidewalk and parking lot maintenance.

(b) The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$600,000.

(d) The estimated cost of said improvements or purposes is \$600,000.

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 in Section 3 hereof, 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 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, 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 of the Town 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 the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a 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, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget of the Town, as applicable. 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. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Town, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The 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 30 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 in the 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 \$600,000, but such amount shall constitute a deduction from gross debt to the extent

permitted by law, 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 \$45,000 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 purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 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 \$600,000. 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.

SECTION 10. The Chief Financial Officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town, which are authorized herein, and to execute such disclosure document on behalf of the Town. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town, which are authorized herein, and to amend such

undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Town covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: June 15, 2021**

**VICTORIA L. KLEINER,
Clerk of the Town of Phillipsburg**

**ADOPTED ON SECOND READING
DATED: July 7, 2021**

**VICTORIA L. KLEINER,
Clerk of the Town of Phillipsburg**

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2021

TODD M. TERSIGNI, Mayor

R2021-166

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF LIQUOR LICENSE FOR PLENARY RETAIL CONSUMPTION

LICENSE NUMBER 2119-33-021-008 FROM ALBOC CORP. TO ROSENDO GROUP, LLC

WHEREAS, an application has been filed for a person to person and place to place transfer of ALBOC Corp. Plenary Retail Consumption License 2119-33-021-008 heretofore issued to Rosendo Group, LLC, for premises located at 665 Columbus Avenue; and,

WHEREAS, the submitted application form is complete in all respects, transfer fees have been paid, and the license has been properly renewed for the current license term; and,

WHEREAS, the New Jersey State Police Alcohol Beverage Control investigation clearance is complete, and the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and,

WHEREAS, the applicant has agreed to disclose to the issuing authority the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business and provided an affidavit of qualification for ownership interest in a New Jersey alcoholic beverage license;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey hereby approves the transfer of the aforesaid ALBOC Corp. to Rosendo Group, LLC. for operation under the license.

BE IT FURTHER RESOLVED that approval is subject to completion of all State of New Jersey, Division of Alcoholic Beverage Control regulations.

CERTIFICATION

I, Lorraine Loudenberg, Deputy Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 7, 2021 meeting.

Lorraine Loudenberg, Deputy Clerk

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the *Municipal Clerk*, pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Town Council* of the *Town of Phillipsburg*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON July 07, 2021.

Lorraine Loudenberry, Deputy Clerk

STATE OF NEW JERSEY
COUNTY OF *Warren*

We, members of the governing body of the *Town of Phillipsburg*, in the County of *Warren*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected Council members of the Town Council of the *Town of Phillipsburg*, in the county of *Warren*,
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year *2020*.
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____

Deputy Clerk

Sworn to and subscribed before me this
_____ Day of _____

Notary Public of New Jersey

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN

WHEREAS, the Division of Local Government Services has promulgated a regulation that each municipality shall prepare and submit a Corrective Action Plan that “shall cover all findings and recommendations in the audit report, including state, federal, and general findings, as well as the status of all prior year findings and recommendations” and that the governing body shall approve the Corrective Action Plan, and

WHEREAS, the members of the governing body have reviewed the Corrective Action Plan submitted by the Chief Financial Officer, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have approved the Corrective Action Plan submitted by the Chief Financial Officer, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 - “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provision of the Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Phillipsburg, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, Lorraine Loudenberg Deputy Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 7, 2021 meeting.

Lorraine Loudenberg, Deputy Clerk

R: 2021-169

A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER
2021 COUNTY TAX AND OPEN SPACE TAX, DUE
AUGUST 15, 2021

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

The payment of County Taxes in the amount of \$1,201,295.99 is
hereby approved,

This payment represents SECOND QUARTER 2021 COUNTY TAX
and SECOND QUARTER 2021 OPEN SPACE TAX due MAY 15, 2021:

SECOND QUARTER 2021 TAXES -- \$1,242,422.60

SECOND QUARTER 2021 OPEN SPACE TAX -- \$38,016.63

AMOUNT DUE: \$1,280,439.23

CERTIFICATION

I, Lorraine Loudenberry, Deputy Clerk for the Town of Phillipsburg,
do hereby certify that the foregoing is a true copy of a resolution duly
adopted by the Town Council at their July 07, 2021 meeting.

Lorraine Loudenberry, Deputy Clerk

Resolution No. 2021-170

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY, AUTHORIZING CERTIFICATE NO. 4 CHANGE ORDER
INCREASE IN THE AMOUNT OF \$2,000.00 TO THE CONTRACT AWARDED TO
DERSTINE COMPANY, LLC RESULTING IN AN INCREASE IN THE CONTRACT
AMOUNT TO \$285,000.00**

WHEREAS, the Town previously awarded a contract to Derstine Company, LLC in the amount not to exceed \$283,000.00 for the installation of digester tank covers at the Town's Wastewater Treatment Plant (the "Project"); and

WHEREAS, Derstine Company, LLC has submitted a Change Order Certificate No. 4 ("Change Order") increasing the amount of the contract by \$2,000.00; and

WHEREAS, the Change Order has been reviewed by the Town's Sewer Engineer and certified to as accurate; and

WHEREAS, the Town desires to approve the Change Order increasing the contract price by \$2,000.00 with a contract price of \$285,000.00 and to authorize payment to Derstine Company, LLC in the amount of \$19,600.00 for payment in connection with Certificate #4; and

WHEREAS, sufficient funds are 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 does approve Change Order No. 4 resulting in an increase of the contract price by \$2,000.00 with a final contract price of \$285,000.00 and authorizes payment to Derstine Company, LLC in the amount of \$19,600.00 for payment in connection with Certificate #4.

CERTIFICATION

I, Lorraine Loudenberry, Deputy Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 7, 2021 meeting.

Lorraine Loudenberry, Deputy Clerk

Resolution No. 2021-171

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE OFFICE OF THE ATTORNEY GENERAL'S DEPARTMENT OF LAW AND PUBLIC SAFETY AWARD FOR THE SFY21 BODY-WORN CAMERA GRANT PROGRAM

WHEREAS, an application for assistance for the Phillipsburg Police Department's Body-Worn Camera Grant Program was made to the Department of Law and Public Safety of the Office of the Attorney General of the State of New Jersey; and

WHEREAS, on June 22, 2021, the Attorney General's Department of Law and Public Safety notified the Town of Phillipsburg that it had approved an award in the amount of \$61,140.00 to the Phillipsburg Police Department (Award Number 21-BWC-352); and

WHEREAS, all costs incurred with the use of the State's awarded funds must be made between January 1, 2021 – December 31, 2025; and

WHEREAS, the Town Council believes it be in the best interest of the Town of Phillipsburg to authorize the acceptance of the award for the SFY21 Body-Worn Camera Grant Program.

WHEREAS, the Grantee, Phillipsburg Police Department, will ensure that grant funds are used for the purposes described in the application.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Mayor is hereby authorized to accept the award in the amount of \$61,140.00 to the Phillipsburg Police Department's SFY21 Body-Worn Camera Grant Program.

CERTIFICATION

I, Lorraine Loudenberg, Deputy Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 7, 2021 meeting.

Lorraine Loudenberg, Deputy Clerk

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY AWARDING AND AUTHORIZING THE EXECUTION
OF A CONTRACT FOR CONSULTING SERVICES TO
THE RODGERS GROUP, LLC**

WHEREAS, the Town of Phillipsburg has a need to engage professional services for the Phillipsburg Police Department – Policies and Procedures Update and Accreditation by N.J. State Association of Chiefs of Police (“Project”) for the purposes of developing updated policies and procedures for the Town’s Police Department; and

WHEREAS, the Town issued a Request for Proposals (“RFP”) seeking Consulting Services; and

WHEREAS, one proposal was received on June 30, 2021 as follows:

1. The Rodgers Group, LLC, P.O. Box 831, Island Heights, New Jersey 08732

WHEREAS, the Town desires to designate The Rodgers Group, LLC as the Consultant for the Phillipsburg Police Department – Policies and Procedures Update and Accreditation by N.J. State Association of Chiefs of Police Project; and

WHEREAS, sufficient funding is available 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, as follows:

The Town Council does hereby approve and award a contract with The Rodgers Group, LLC. And same is hereby designated as the Consultant for the Phillipsburg Police Department – Policies and Procedures Update and Accreditation by N.J. State Association of Chiefs of Police Project in accordance with the proposal submitted by The Rodgers Group, LLC in response to the Town Council’s Request for Proposals.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Town of Phillipsburg are hereby authorized and directed to execute said Contract for Consulting Services on behalf of the Town of Phillipsburg.

CERTIFICATION

I, Lorraine Loudenberry, Deputy Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 7, 2021 meeting.

Lorraine Loudenberry, Deputy Clerk

R2021-173

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION NJS 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Phillipsburg in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$110,900.00, which is now available from Elizabethtown Gas Road Improvements in the amount of \$110,900.00.

BE IT FURTHER RESOLVED, that the like sum of \$110,900.00 is hereby appropriated under the caption Elizabethtown Gas Road Improvements; and

BE IT FURTHER RESOLVED that the above is the result of funds from Elizabethtown Gas Road Improvements in the amount of \$110,900.00.

CERTIFICATION

I, Lorraine Loudenberg, Deputy Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on July 7, 2021.

Lorraine Loudenberg, Deputy Clerk

R2021-174

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION NJS 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Phillipsburg in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$13,654.16, which is now available from DDEF EY2020 Grant (July 1, 2015- June 30, 2020) in the amount of \$13,654.16.

BE IT FURTHER RESOLVED, that the like sum of \$13,654.16 is hereby appropriated under the caption DDEF EY2020 Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from DDEF EY2020 Grant (July 1, 2015- June 30, 2020) in the amount of \$13,654.16.

CERTIFICATION

I, Lorraine Loudenberg, Deputy Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on July 7, 2021.

Lorraine Loudenberg, Deputy Clerk



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF HIGHWAY TRAFFIC SAFETY
PO Box 048
TRENTON, NJ 08625-0048

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

GURBIR S. GREWAL
Attorney General

ERIC HEITMANN
Director

June 21, 2021

Chief Robert Stettner
Phillipsburg Police Department
712 South Main Street
Phillipsburg, NJ 08865

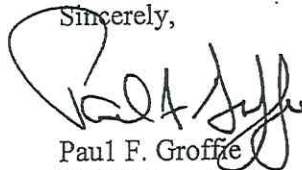
RE: Payment of DDEF FY 2020 Grant (July 1, 2015 – June 30, 2020)

Chief,

Your check for \$13,654.16 for Drunk Driving Enforcement Fund grant periods 125 – 144 was dated 06/17/21. The check number is AD00014105086.

If I may be of further assistance, my telephone # is (609) 376-9707 or you may email me at Paul.Groffie@NJOAG.gov.

Sincerely,



Paul F. Groffie
DDEF Coordinator



TEL: (609) 633-9300 (800) 422-3750 FAX: (609) 633-9020
www.njsaferoads.com



R2021-175

**RESOLUTION AWARDING BID FOR WASTEWATER
TREATMENT PLANT BOILER REPLACEMENT
PROJECT TO PENNETTA INDUSTRIAL AUTOMATION**

WHEREAS, the Town advertised for bids to be submitted for the Wastewater Treatment Plant Boiler Replacement project; and

WHEREAS, bids were received and opened on June 9, 2021; and

WHEREAS, the following bid was received:

1. Pennetta Industrial Automation \$282,000.00

WHEREAS, after a review of the bid submitted, it has been determined that Pennetta Industrial Automation is the lowest conforming bid; and

WHEREAS, award is contingent upon certification of funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg hereby awards the Contract, pending certification of funds, for the Wastewater Treatment Plant Boiler Replacement project to Pennetta Industrial Automation in the amount of \$282,000.00.

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, pending certification of funds, for said Wastewater Treatment Plant Boiler Replacement project in the form provided for in the bid documents.

CERTIFICATION

I, Lorraine Loudenberg, Deputy Clerk, of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on July 7, 2021

Lorraine Loudenberg, Deputy Clerk

TOWN OF PHILLIPSBURG

RESOLUTION 2021-176

**A RESOLUTION DESIGNATING USW, LLC AS REDEVELOPER AS
THE SUCCESSOR ENTITY OF STATELINER LLC FOR THE
RIVERFRONT REDEVELOPMENT PLAN**

WHEREAS, the Town of Phillipsburg has previously adopted the Riverfront Redevelopment Plan (the “Plan”) in accordance with the laws of the State of New Jersey and in particular the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1, *et. seq.* after declaring the area encompassed by the Riverfront Redevelopment Plan an area in need of redevelopment (“Riverfront Redevelopment Area”); and

WHEREAS, the Town Council, as the Redevelopment Entity, issued a Request for Proposals (“RFP”) seeking development proposals for a portion of the land located in the Riverfront Redevelopment Area, and more particularly an area designated as Sub Area – 1 (Waterfront North) in the Riverfront Redevelopment Plan (the “Property”); and

WHEREAS, the Town designated Stateliner LLC as the Redeveloper responsible for effectuating the purposes and intent of the Riverfront Redevelopment Plan, Sub Area 1 (Waterfront North) and constructing the project in accordance with the Riverfront Redevelopment Plan, Sub Area 1 (Waterfront North) and in the spirit of the proposal submitted by Stateliner United in response to the RFP (the “Project”); and

WHEREAS, Stateliner reorganized and formed a joint venture for the Project and is now known as USW, LLC with contact information as follows: c/o Fitzpatrick Lentz & Bubba, 645 Hamilton St Suite 800, Allentown, PA 18101, ATTN: Colin Keefe, Esq.; and

WHEREAS, the Town Council desires to reaffirm that USW, LLC is the designated redeveloper of the Property and that any rights heretofore given to Stateliner United, LLC shall inure to the benefit of USW, LLC

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren State of New Jersey that USW, LLC is designated as the redeveloper of the Property and that any rights heretofore given to Stateliner United, LLC shall inure to the benefit of USW, LLC.

BE IT FURTHER RESOLVED that Todd M. Tersigni, Mayor of the Town of Phillipsburg, County of Warren, State of New Jersey is hereby authorized and directed to negotiate a redevelopment agreement in consultation with Town Counsel and to present same to Town Council for approval.

CERTIFICATION

I, Lorraine Loudenberry, Deputy Clerk, of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on July 7, 2021

Lorraine Loudenberry, Deputy Clerk