

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
Monday December 20, 2021 AMENDED AGENDA
7:00 P.M

Join Zoom Meeting

<https://us02web.zoom.us/j/89836492926?pwd=cExOZ05TNEZay9vdVN1a05qQ1RPQT09>

Meeting ID: 898 3649 2926

Passcode: 249821

One tap mobile

+13017158592,,89836492926#,,,,*249821# US (Washington DC)

+13126266799,,89836492926#,,,,*249821# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

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+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

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For questions contact Lorraine Loudenberg at 908.454.5500 x 348

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 December 20, 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

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant						
Councilman Piazza						
Councilwoman DeGerolamo						
Councilman Lutz						
Council Vice President Fulper						

5. APPROVAL OF MINUTES - None

6. BILLS LIST -

7. ANNOUNCEMENTS

8. OLD BUSINESS

9. MAYOR'S AND ADMINISTRATIVE OFFICERS
NONE

10. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCES – SECOND READING

O2021-27

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY
ADOPTING THE DISTRICT 5 (RIVERSIDE INDUSTRIAL) AMENDMENT - RIVERFRONT
REDEVELOPMENT PLAN

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.*

R2021-302

RESOLUTION AMENDING RESOLUTION 2021-69
IN ORDER TO CORRECT THE COMPENSATION GIVEN TO LIEUTENANT RALPH REPERT
UPON RETIREMENT

R2021-303

RESOLUTION AMENDING RESOLUTION 2021-130 IN ORDER TO CORRECT THE
COMPENSATION GIVEN TO LIEUTENANT VINE UPON RETIREMENT

R2021-304

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO REPLACE 60 FEET OF SANITARY SEWER ON AN EMERGENCY BASIS

R2021-305

RESOLUTION AMENDING R2021-291 A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, REGARDING VACATION AND SICK PAY FOR VICTORIA L. KLEINER

R: 2021-306

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING REFUND OF TAX OVER PAYMENT

R2021-307

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH REMINGTON & VERNICK ENGINEERS FOR ENGINEERING SERVICES FOR THE RIVERSIDE WAY PUMP STATION

R2021-308

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE TOWN OF PHILLIPSBURG PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 911 LOT 7 AND 8 (61, 75 & 83 S. MAIN STREET) QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

R2021-309

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

R2021-310

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

R2021-311

RESOLUTION AMENDING RESOLUTION 2021-291 IN ORDER TO CORRECT THE COMPENSATION GIVEN TO VICTORIA L. KLEINER UPON RETIREMENT

R2021-312

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

R2021-313

RESOLUTION AUTHORIZING A POWER PURCHASE AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG AND PHOEBUS FUND, LLC

R2021-314

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant						
Councilman Piazza						
Councilwoman DeGerolamo						
Councilman Lutz						
Council Vice President Fulper						

14. NEW BUSINESS

15. PUBLIC PETITIONS

16. DISCUSSION

17. COUNCIL OPEN TIME

18. MOTIONS

Application received from Jayden M. Gilbert for active fire duty as a Junior Firefighter with the Phillipsburg Fire Department.

Application received from Zachary W. Vine for active fire duty as a Junior Firefighter with the Phillipsburg Fire Department.

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant						
Councilman Piazza						
Councilwoman DeGerolamo						
Councilman Lutz						
Council Vice President Fulper						

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 MATTERS WHICH ARE

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant						
Councilman Piazza						
Councilwoman DeGerolamo						
Council Vice President Fulper						
Council President						

20. ADJOURNMENT

Bill List Summary
REGULAR BILL LIST AS OF December 20, 2021

		<u>Check No</u>
1 Current Fund	106,930.30	_____
2 State & Federal Grants	0.00	_____
4 Capital Fund	0.00	_____
7 Sewage Utility Fund	1,972.50	_____
8 Sewage Capital Fund	0.00	_____
12 Planning Board Trust Fund	3,101.00	_____
12 Bridge Development	2,134.20	_____
13 Dog Trust Fund	0.00	_____
15 Public Defender Trust Fund	0.00	_____
16 Section 8	0.00	_____
17 General Trust Fund	0.00	_____
17 Commerce Park Redevelopment	0.00	_____
18 Bernards Township RCA	0.00	_____
20 Agency Fund	0.00	_____
21 Revolving Loan Fund	60.00	_____
Total Regular Bill List as December 20, 2021	114,198.00	

Section 8 Rent Payments for 2021

16 Section 8 Program	0.00	_____
		0.00

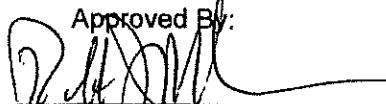
Pre-Paid Bill List as of December 20, 2021

1 Current Fund	0.00
2 State & Federal Grants	35,000.00
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	0.00
21 Revolving Loan Fund	0.00
Total Pre-Paid Bill List for December 20, 2021	35,000.00

Grand Total All Funds

149,198.00

Approved By:


 Robert J. Merlo, CFO


 Todd Tersigni, Mayor

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY ADOPTING THE DISTRICT 5 (RIVERSIDE INDUSTRIAL) AMENDMENT - RIVERFRONT REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on September 20, 2004 the Planning Board of the Town of Phillipsburg (the “**Town**”) adopted a Master Plan Update (the “**2004 Master Plan**”) which was designed to give guidance and aid in the process of redefining the direction of development in the Town; and

WHEREAS, the 2004 Master Plan set forth certain specified objectives, including, but not limited to, (1) preserving the remaining natural features [of Phillipsburg]; and (2) increasing public access and use of the Delaware River; and

WHEREAS, one of the recommendations of the 2004 Master Plan was to create a Riverfront Development Plan for the entire length of river frontage, providing for river related businesses, activities and housing and including access plans for trails, view areas and such; and

WHEREAS, one component of the 2004 Master Plan was a Land Use Plan that set forth various land use objectives for the Town, including, but not limited to (1) reducing conflicts between residential and non-residential uses; (2) encouraging the development and expansion of businesses and industries that will generate jobs and provide services for local residents; (3) providing functional, accessible, and cost effective locations within the Town for industrial uses that enhance the economics for the individual uses and the Town as a whole; and (4) encouraging and aiding incompatible non-residential uses whose current location is or will negatively impact the future development/redevelopment of that area to find alternate, more appropriate and functional locations within the Town; and

WHEREAS, another recommendation of the 2004 Master Plan was that the Town should develop a program to encourage poorly located industries to relocate to more favorable locations within the Town; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, the municipal council (“**Town Council**”) of the Town previously determined that the properties identified as Block 2102, Lots 2.01, and 2.02 on the official tax maps of the Town constituted an area in need of redevelopment (the “**Riverfront Redevelopment Area**”) in accordance with the requirements of the Redevelopment Law; and

WHEREAS, in order to effectuate the redevelopment of the Riverfront Redevelopment Area and establish the riverfront districts, including District 5, the Town has previously adopted a redevelopment plan entitled “**Revised Riverfront Redevelopment Plan**” dated November 4, 2013 by Ordinance 2013-19 (the “**Revised RRP**”), pursuant to the authority granted under the Redevelopment Law; and

WHEREAS, the Revised RRP designated Block 2102, Lots 2.01 and 2.02 (the “**Property**”) in District 5 as "Riverside Residential," which was to consist primarily of residential buildings, and retail, museum, cultural and office use on the ground floors, and parks and recreational facilities; and

WHEREAS, Peron Construction, LLC (the “**Developer**”) was previously designated by the Town as the Redeveloper for the District 5 portion of the Revised RRP and intends to enter a Second Amendment to the Redeveloper Agreement between the Redeveloper and the Town dated May 15, 2014 for the development of one “industrial building” of approximately 400,000 square feet, associated parking, supporting infrastructure and improvements on the property identified on the tax maps of the Town as Block 2102 Lots 1, 2.01, and 2.02; and

WHEREAS, the Town wishes to amend the Revised RRP to change District 5 from Riverside Residential to Riverside Industrial, to permit industrial uses and allow the related amendments to accommodate the aforementioned purposes as specifically set forth in the attached **EXHIBIT A** (the “**District 5 Amendment – RRP**”); and

WHEREAS, the Town has referred the District 5 Amendment – RRP to the Phillipsburg Land Use Board (the “**Land Use Board**”) for its review, report and recommendation in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Land Use Board, at a duly noticed and constituted public meeting, has reviewed the District 5 Amendment – RRP; and

WHEREAS, following such review the Land Use Board has rendered its report and recommendations to the Borough and recommended the adoption of the District 5 Amendment – RRP pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Town Council previously adopted Ordinance 2021-14 which adopted the **District 5 Amendment – RRP** that is attached hereto (“**Original Adoption**”); and

WHEREAS, there was a lawsuit filed which challenged the validity of the Ordinance 2021-14 and the **District 5 Amendment – RRP** adoption based, among other things, allegations of conflict among the governing body which acted upon Ordinance 2021-14 and inconsistencies between Ordinance 2021-14 and the 2004 Master Plan; and

WHEREAS, the Town desires to rectify any perceived issues with the Original Adoption by introducing an amended **District 5 Amendment – RRP** adoption ordinance and acting upon same; and

WHEREAS, the Town acknowledges that the District 5 Amendment – RRP presents some inconsistencies, and many consistencies, with the 2004 Master Plan; and

WHEREAS, specifically, the Town acknowledges that the designation of the Property as Light Industrial does not provide for "river related businesses, activities and housing" along the entire length of the Delaware River and does not "increase public access and use of the Delaware River;" and

WHEREAS, despite these inconsistencies, an amendment to the Revised RRP is advisable, and permissible pursuant to N.J.S.A. 40A:12A-7d and well-established case law in the State of New Jersey, given significant changed circumstances since the adoption of the 2004 Master Plan and subsequent Revised RRP and that the original intent of the Town was to permit industrial activities in this area; and

WHEREAS, in accordance with the "Consistency Review Report: Proposed Amendment to the Riverfront Redevelopment Plan" by Van Cleef Engineering Associates, Inc. dated February 25, 2021, the amendment is consistent with many goals and recommendations in the 2004 Master Plan in that more suitable riverfront locations are being prioritized for residential development, and the character of the area surrounding the Property is most suitable for industrial uses; and

WHEREAS, since the adoption of the Town's Revised RRP, the Town has struggled to attract the desired residential development that would be appropriate for Block 2101, Lots 2.01 and 2.02 and, consistent with the 2004 Master Plan, the amendment proposes to locate industrial uses in a more favorable location in Town: adjacent to an existing industrial zone and out of sight from residential and downtown uses; and

WHEREAS, originally, zoning for the Property was "Manufacturing" in the 1988 Master Plan and that Plan recommended changing the existing zoning from a Manufacturing Zone to Light Industrial, which was thereafter codified on the zoning map as Light Industrial and remained so designated for many years; and

WHEREAS, for the foregoing reasons, the Property is most suited for a Light Industrial designation, which conforms to the general character of the surrounding properties, and residential development is most suitable along other areas of the Riverfront; and

WHEREAS, the Town wishes to adopt the District 5 Amendment – RRP as recommended by the Land Use Board, attached hereto as **EXHIBIT B** (the "Board Recommendation"); however, the this Ordinance shall nonetheless be referred to the Land Use Board for review anew pursuant to N.J.S.A.40A:12A-7(e).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF PHILLIPSBURG, IN THE COUNTY OF WARREN, AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The District 5 Amendment – Riverfront Redevelopment Plan is hereby adopted pursuant to the terms of the Redevelopment Law.
3. The zoning district map included in the zoning ordinance of the Town is hereby amended to reference and delineate the District 5 Amendment – Riverfront Redevelopment Plan. The District 5 Amendment – Riverfront Redevelopment Plan shall supersede the applicable development regulations of the Town's municipal code, as and where indicated.
4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of the Ordinance.
5. A copy of the Ordinance and the District 5 Amendment – Riverfront Redevelopment Plan shall be available for public inspection at the office of the Town Clerk during regular business hours.
6. This Ordinance shall take effect in accordance with all applicable laws.
7. Upon this Ordinance becoming final, Ordinance 2021-14 shall be rescinded in its entirety.

(Attestation)

Lorraine Loudenberry,
Acting Municipal Clerk

R2021-302
RESOLUTION AMENDING RESOLUTION 2021-69
IN ORDER TO CORRECT THE COMPENSATION GIVEN TO LIEUTENANT
RALPH REPPERT UPON RETIREMENT

WHEREAS, Resolution 2021-69 was adopted on March 2, 2021, by the Town Council whereby the Town Council approved the payout of accrued sick, vacation and compensatory leave for Lieutenant Ralph Reppert; and

WHEREAS, upon an audit conducted an overpayment of \$13,086.56 was made to Lieutenant Reppert, see attached sheets; and

WHEREAS, the Town Council desires to amend Resolution 2021-69 in order to have said Resolution properly reflect the payout of accrued sick, vacation and compensatory leave for Lieutenant Reppert.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren and State of New Jersey that Resolution 2021-69 is hereby amended by replacing the payout amount of \$179,143.43 with the payout amount of \$166,056.87 throughout said Resolution.

CERTIFICATION

I, Lorraine Loudenberg, 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 December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 10 hrs</u>	<u>Total # of sick Days</u>	<u>sick days @ 55%</u>	<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	652.814	306.250	168.4375	109,958.35	200.00	\$ 110,158.35	\$ 55,079.17	\$ 55,079.18
<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 12 hrs</u>	<u>vacation days @ 12 hrs</u>		<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	806.879	36.84		29,725.40	0.00	\$ 29,725.40	\$ 14,862.70	\$ 14,862.70
<u>biweekly</u>	<u>Hourly Rate</u>	<u>Overtime Rate</u>	<u>Comp Time</u>		<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	67.2399	100.8598	389.25		39,259.68	0.00	\$ 39,259.68	\$ 19,629.84	\$ 19,629.84
							\$ 179,143.43	\$ 89,571.71	\$ 89,571.72

Ralph Reppert - Corrected Comp Time Amount

<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 10 hrs</u>	<u>Total # of sick Days</u>	<u>sick days @ 55%</u>	<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	652.814	306.250	168.4375	109,958.35	200.00	\$ 110,158.35	\$ 55,079.17	\$ 55,079.18
<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 12 hrs</u>	<u>vacation days @ 12 hrs</u>		<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	806.879	36.84		29,725.40	0.00	\$ 29,725.40	\$ 14,862.70	\$ 14,862.70
<u>biweekly</u>	<u>Hourly Rate</u>	<u>Overtime Rate</u>	<u>Comp Time</u>		<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	67.2399	100.8598	389.25		26,173.12	0.00	\$ 26,173.12	\$ 19,629.84	\$ 6,543.28
							\$ 166,056.87	\$ 89,571.71	\$ 76,485.16

R2021-303
RESOLUTION AMENDING RESOLUTION 2021-130
IN ORDER TO CORRECT THE COMPENSATION GIVEN TO LIEUTENANT VINE
UPON RETIREMENT

WHEREAS, Resolution 2021-130 was adopted on May 4, 2021 by the Town Council whereby the Town Council approved the payout of accrued sick, vacation and compensatory leave for Lieutenant William Vine; and

WHEREAS, upon an audit conducted an overpayment of \$11,010.53 was made to Lieutenant Vine, see attached sheets; and

WHEREAS, the Town Council desires to amend Resolution 2021-130 in order to have said Resolution properly reflect the payout of accrued sick, vacation and compensatory leave for Lieutenant Vine.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren and State of New Jersey that Resolution 2021-130 is hereby amended by replacing the payout amount of \$121,064.28 with the payout amount of \$110,053.75 throughout said Resolution.

CERTIFICATION

I, Lorraine Loudenberg, 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 December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

Vine - original R:2021-130

<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 10 hrs</u>	<u>Total # of sick Days</u>	<u>sick days @ 55%</u>	<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	652.814	157.500	86.6250	56,550.01	200.00	\$ 56,750.01	\$ 28,375.00	\$ 28,375.00
<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 12 hrs</u>	<u>vacation days @ 12 hrs</u>		<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	806.879	38.77		31,282.68	0.00	\$ 31,282.68	\$ 15,641.34	\$ 15,641.34
<u>biweekly</u>	<u>Hourly Rate</u>	<u>Overtime Rate</u>	<u>Comp Time</u>		<u>Total</u>	<u>additional</u>	<u>Total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	67.2399	100.8598	327.50		33,031.59	0.00	\$ 33,031.59	\$ 16,515.79	\$ 16,515.79
							\$ 121,064.28	\$ 60,532.14	\$ 60,532.14

William Vine - Corrected Comp Time Amount

<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 10 hrs</u>	<u>Total # of sick Days</u>	<u>sick days @ 55%</u>	<u>Total</u>	<u>additional</u>	<u>total payment</u>	<u>2021 Payment 50%</u>	<u>2022 Payment 50%</u>
5,379.19	537.919	652.814	157.500	86.6250	56,550.01	200.00	\$ 56,750.01	\$ 28,375.00	\$ 28,375.01
<u>biweekly</u>	<u>daily pay</u>	<u>Computed at 12 hrs</u>		<u>vacation days @ 12 hrs</u>					
5,379.19	537.919	806.879		38.77	31,282.68	0.00	\$ 31,282.68	\$ 15,641.34	\$ 15,641.34
<u>biweekly</u>	<u>Hourly Rate</u>	<u>Overtime Rate</u>		<u>Comp Time</u>					
5,379.19	67.2399	100.8598		327.50	22,021.06	0.00	\$ 22,021.06	\$ 16,515.79	\$ 5,505.27
							\$ 110,053.75	\$ 60,532.13	\$ 49,521.62

Resolution No. 2021-304

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY, AWARDING A CONTRACT TO REPLACE 60 FEET OF
SANITARY SEWER ON AN EMERGENCY BASIS**

WHEREAS, the Town of Phillipsburg of Phillipsburg Department of Public Works was notified by a resident along Morris Street that water and sewage was coming out of a manhole in the area of Block 303, Lot 2 on December 14, 2021;

WHEREAS, the Town of Phillipsburg of Phillipsburg Department of Public Works on December 14, 2021 investigated the cause and found the liquid material was sewage pushing up through the pavement of Morris Street as result of blockage in coordination with Town of Phillipsburg Sanitary Sewer Operator, Van Cleef Engineering and Remington & Vernick Engineers (RVE);

WHEREAS, the Town of Phillipsburg of Phillipsburg Department of Public Works on December 14, 2021 under the direction of the Town of Phillipsburg Sanitary Sewer Operator and Engineering and Remington & Vernick Engineers (RVE) cleared the blockage and flow was reestablished.

WHEREAS, the Town of Phillipsburg of Phillipsburg Department of Public Works on December 15, 2021 under the direction of the Town of Phillipsburg Sanitary Sewer Operator and Remington & Vernick Engineers (RVE) video inspected the sewer line in the area of the blockage and found 60 linear feet of sewer pipe was compromised and required replacement to ensure a blockage did not reoccur.

WHEREAS, the Town of Phillipsburg of Phillipsburg Department of Public Works on December 16, 2021 determined the repairs required exceeded their in house ability and request Town Engineer Van Cleef Engineering to coordinate obtaining an outside contractor.

WHEREAS, the Town of Phillipsburg’s professionals, Van Cleef Engineering Associates (“Town Professionals”), advised there is a sewer blockage and wastewater pushing up through the pavement on Block 303, Lot 2 and Town of Phillipsburg Department of public works required outside support to make required repairs;

WHEREAS, the Town Professionals opined that Event was one which constituted an emergency affecting the health, safety and public welfare; and

WHEREAS, because of the foregoing, it was necessary to immediately contract for work to be performed to remediate the Event and to eliminate the danger to the health, safety and public welfare; and

WHEREAS, the Town of Phillipsburg has sought replacement equipment and repair work on an emergency basis (the “Emergency Repairs”).

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 does hereby declare an emergency to have existed on December 16, 2021 as described in the December 16, 2021 correspondence of Van Cleef Engineering, that Emergency Repairs were necessary and authorizes the repairs and payment for services rendered therefor.

CERTIFICATION

I, Lorraine Loudenberg, Acting 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 December 20, 2021 meeting.

Lorraine Loudenberg, Acting Municipal Clerk

R2021-305

**RESOLUTION AMENDING RESOLUTION 2021-291
IN ORDER TO CORRECT THE COMPENSATION GIVEN TO VICTORIA L.
KLEINER UPON RETIREMENT**

WHEREAS, Resolution 2021-291 was adopted on December 13, 2021, by the Town Council whereby the Town Council approved the payout of accrued sick, vacation and compensatory leave for Victoria L. Kleiner; and

WHEREAS, upon an audit conducted a payment of \$415.73 is due to Victoria L. Kleiner; and

WHEREAS, Kleiner accumulated a total of 6.1 vacation days totaling \$2,535.96, and a \$200.00 for sick leave per the contract; and

WHEREAS, the Town Council desires to amend Resolution 2021-291 in order to have said Resolution properly reflect the payout of accrued sick, vacation and compensatory leave for Victoria L. Kleiner.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren and State of New Jersey that Resolution 2021-291 is hereby amended by replacing the payout amount of \$2,120.23 for vacation and \$200.00 for sick leave with the payout amount of \$2,535.96 for vacation and \$200.00 for sick leave throughout said Resolution.

CERTIFICATION

I, Lorraine Loudenberg, 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 December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

R: 2021-306

**RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING REFUND OF TAX OVER PAYMENT**

WHEREAS, the Tax Office of the Town of Phillipsburg has certified that the following is a refund overpayment and,

WHEREAS, said payment was due to a tax overpayment refund

ACCT	YEAR	BLOCK	LOT	NAME	AMOUNT
3386	2021	402	04	Corelogic Tax Services Zederbaum, Michael Z	2,119.71
5288	2021	512	03	Corelogic Tax Services William R U Laurie A Bullock	1,352.26
7260	2021	609	02	Corelogic Tax Services Grillo, Patricia	1,629.28
7528	2021	612	05	Corelogic Tax Services Parkway LLC	317.61
53524	2021	802	1.06	Corelogic Tax Services Yearwood, Raymie M	1,521.55
24266	2021	1309	16	Raymond S Gilman Jr	940.87
31023	2021	1418	06	Corelogic Tax Service Tasiopoulos, Christopher T	1,154.25
42628	2021	2410	03	Corelogic Tax Service Faratro, Diane	996.24
46573	2021	2602	02	Wayne Morris	323.42
51622	2021	2906	14	Robert Evans	372.25
50964	2021	2903	14	Corelogic Tax Service Monica Dellisanti	1,224.01

52016	2021	2909	02	Corelogic Tax Service Timothy & Laura Harootunian	2,464.45
37346	2021	2004	19	Queenshade LLC	370.74
29850	2021	1411	76	Robinson, Mason & Marlene	607.39
9451	2021	807	22	Marquiades Castillo	1,445.63

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Phillipsburg, County of Warren, that the following list received tax payments.

CERTIFICATION

I, Lorraine Loudenberg, 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 December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

R2021-307

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH REMINGTON & VERNICK ENGINEERS FOR ENGINEERING SERVICES FOR THE RIVERSIDE WAY PUMP STATION

WHEREAS, the Town of Phillipsburg has a need to acquire professional services relative to engineering services required for the design and construction/administration phases; and

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

WHEREAS, Remington & Vernick Engineers, submitted a proposal dated December 10, 2021, to provide services relative to the Project; and

WHEREAS, the value of these services shall not exceed \$348,735.00; and

WHEREAS, Remington & Vernick Engineers shall provide the following:

- (1.) Site Plan Development, Route Analysis and Constructability Study;
- (2.) Survey and Base Plan Development;
- (3.) Planning and Design, Permitting Phase; and

WHEREAS, the Town Council finds it to be in the best interest of the Town of Phillipsburg to authorize said work, which work is not subject to public bidding.

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Mayor and Acting Municipal Clerk are authorized to enter into a Contract with Remington & Vernick Engineers, NOT TO EXCEED \$348,735.00, as described therein, subject to the certification of funds.

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

CERTIFICATION

I, Lorraine Loudenberry, 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 December 20, 2021.

Lorraine Loudenberry, Acting Municipal Clerk

R2021-308

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE TOWN OF PHILLIPSBURG PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 911 LOT 7 AND 8 (61, 75 & 83 S. MAIN STREET) QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Town to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

WHEREAS, the Town Council desires to commission a study to determine if the Block 911, Lot 7 & 8 satisfies the criteria of an Area in Need of Redevelopment (Non-Condemnation); and

WHEREAS, the Town Council finds it to be in the best interest of the Town and its residents to authorize the Town’s Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties Block 911, Lot 7 & 8 (the “Study Area”);

WHEREAS, the Town of Phillipsburg wishes to direct the Planning Board to undertake a preliminary investigation utilizing Angela Knowles, PP, AICP, of Van Cleef Engineering Associates to prepare the preliminary investigation to determine whether the proposed Study Areas qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Phillipsburg, in the County of Warren, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Angela Knowles, PP, AICP, of Van Cleef Engineering Associates to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Town Council whether the area comprising the study area is an area in need of **Non-Condensation Redevelopment** according to the criteria set forth in N.J.S.A. 4A:12A-5.

BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Town Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution is to be forwarded to the Planning Board of the Town of Phillipsburg.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

CERTIFICATION

I, Lorraine Loudenberg, 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 December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

R2021-309

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

LICENSE NUMBER 2119-33-025-005 FROM BUNCOE, INC. TO G FOUR BAR 1 LLC

WHEREAS, an application has been filed for a person to person transfer of Buncoe, Inc. Plenary Retail Consumption License 2119-33-025-005 heretofore issued to G Four Bar 1 LLC, for premises located at 148 Hudson Street, Phillipsburg, New Jersey 08865; 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 Buncoe, Inc. to G Four Bar 1 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, Acting 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 December 20, 2021 meeting.

Lorraine Loudenberg
Acting Municipal Clerk

R2021-310

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

LICENSE NUMBER 2119-44-005-009 FROM WOLF PACK VENTURES, INC. TO ROCKSKY LLC

WHEREAS, an application has been filed for a person to person transfer of Wolf Pack Ventures, Inc. Plenary Retail Distribution License 2119-44-005-009 heretofore issued to Rocksky LLC, for premises located at 206 Lincoln Street; 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 Wolf Pack Ventures, Inc. to Rocksky, 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 Loudenberry, Acting 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 December 20, 2021 meeting.

Lorraine Loudenberry
Acting Municipal Clerk

R2021-311

RESOLUTION TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, CANCELLING APPROPRIATIONS FROM 2021 CURRENT FUND BALANCE TO FUND BALANCE

WHEREAS, the Town Council of the Town of Phillipsburg wishes to cancel the unexpended balances of certain appropriations in the 2021 budget and transfer said fund to current fund balance; and

WHEREAS, N.J.S.A. 40A:4-60 requires that such cancellations be made by resolution prior to the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey that the balance entered next to such appropriations listed below be and hereby are cancelled and transferred to the current fund balance:

Account #	Description	Debits	Credits	
01-201-23-220-200	Health Insurance	\$ 35,000.00		FROM
01-201-20-135-231	Audit Report		\$ 29,000.00	TO
01-201-20-135-232	Auditors - Other		\$ 6,000.00	TO
01-201-23-220-200	Health Insurance	\$ 5,000.00		FROM
01-201-20-145-001	Revenue S&W		\$ 5,000.00	TO
01-201-23-220-200	Health Insurance	\$ 15,000.00		FROM
01-201-20-130-001	Finance S&W		\$ 5,000.00	TO
01-201-20-130-108	Finance OE		\$ 10,000.00	TO
01-201-26-290-221	Streets & Roads OE	\$ 5,000.00		FROM
01-201-26-290-251	Streets & Roads OE	\$ 10,000.00		FROM
01-201-26-290-292	Streets & Roads OE	\$ 5,000.00		FROM
01-201-26-290-299	Streets & Roads OE	\$ 5,000.00		FROM
01-201-26-315-252	Vehicle Maintenance OE		\$ 25,000.00	TO
01-201-23-220-200	Health Insurance	\$ 15,000.00		FROM
01-201-36-472-209	Social Security Contributions		\$ 15,000.00	TO
		\$ -		FROM
			\$ -	TO
				FROM
				TO
				FROM
				TO
		\$ 95,000.00	\$ 95,000.00	

BE IT FURTHER RESOLVED that a copy of the Resolution be filed with the Chief Financial Officer and Town Administrator.

CERTIFICATION

I, Lorraine Loudenberg, 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 Dec. 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

R2021-312

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

LICENSE NUMBER 2119-33-041-001 FROM WARREN COCKTAIL LOUNGE TO REESE BOWLING CENTERS, INC

WHEREAS, an application has been filed for a person to person transfer of Warren Cocktail Lounge Plenary Retail Consumption License 2119-33-025-005 heretofore issued to Reese Bowling Center, Inc. for premises located at 671 Memorial Parkway, Phillipsburg, New Jersey 08865; 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 Buncoe, Inc. to G Four Bar 1 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, Acting 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 December 20, 2021 meeting.

Lorraine Loudenberg
Acting Municipal Clerk

Town of Phillipsburg

Resolution 2021-313

**RESOLUTION AUTHORIZING A POWER PURCHASE AGREEMENT BETWEEN
THE TOWN OF PHILLIPSBURG AND PHOEBUS FUND, LLC**

WHEREAS Phoebus Fund, LLC (“Phoebus”) has obtained the approvals necessary to design, configure, construct, install, own, operate and maintain a solar photovoltaic electric generating facility (“Facility”); and

WHEREAS, the Town of Phillipsburg is a public corporate instrumentality of the State of New Jersey; and

WHEREAS, the Town of Phillipsburg desires to purchase the energy output from the Facility; and

WHEREAS, Phoebus desires to sell to the Town of Phillipsburg the energy output of the Facility and to deliver such energy output to the Town of Phillipsburg; and

WHEREAS, the Town of Phillipsburg has determined that is in the best interests of the Township to enter into a power purchase agreement between the Town of Phillipsburg and Phoebus, which agreement shall govern the Town of Phillipsburg’s purchase of energy output from Phoebus and Phoebus’s delivery of energy output to the Town of Phillipsburg.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg that the Mayor is authorized to execute a power purchase agreement with Phoebus Fund, LLC subject to review and approval by the Township Attorney.

CERTIFICATION

I , Lorraine Loudenberg, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at a regular meeting of December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk

R2021-314
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, Lorraine Loudenberg, 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 December 20, 2021.

Lorraine Loudenberg, Acting Municipal Clerk