

**TOWN OF PHILLIPSBURG**  
**TOWN COUNCIL MEETING**  
**TUESDAY, JULY 20, 2021 AGENDA**  
**PHILLIPSBURG 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 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**

**5. APPROVAL OF MINUTES -      July 07, 2021**

**6. BILLS LIST -**

**7. ANNOUNCEMENTS**

**8. OLD BUSINESS**

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

None received at this time.

**10. PUBLIC DISCUSSION ON AGENDA ITEMS**

To be determined – Peron (Action May Be Taken)

**11. ORDINANCES – SECOND READING -**

Moved O2021-16 & 17 to July 20, 2021 TC Meeting as there was not a Quorum on 07.07.2021

**ORDINANCE NUMBER 2021-16** (1<sup>st</sup> Rdg. 06.15.2021, 2<sup>nd</sup> 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** (1<sup>st</sup> Rdg. 06.15.2021, 2<sup>nd</sup> 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

**ORDINANCE NUMBER 2021-18**

**AN ORDINANCE PROHIBITING THE OPERATION OF CANNABIS BUSINESSES WITHIN THE TOWN OF PHILLIPSBURG**

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**12. ORDINANCES — FIRST READING**

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

R: 2021-178

A RESOLUTION APPROVING 2021-2022 LIQUOR LICENSES  
WITHIN TOWN OF PHILLIPSBURG WITH A SPECIAL RULING 12:39

R2021-179

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE INITIATION OF A HABITABILITY HEARING FOR 293 SOUTH MAIN STREET

R2021-180

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 the like sum of \$61,140.00 under the caption SFY21 Body-Worn Camera Grant Program

R2021-181

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$150.00 TO RYAN LANE

R2021-182

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$250.00 TO NOELLE HRUNKA

R2021-183

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RK OCCUPATIONAL & ENVIRONMENTAL ANALYSIS, INC FOR RIGHT TO KNOW SERVICES

R2021-184

RESOLUTION AMENDING R2021-166 OF THE 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

R2021-185

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO MONTANA CONSTRUCTION CORP., INC. IN THE AMOUNT OF \$31,154.36 AND AUTHORIZING PAYMENT FOR THE CONTRACT FOR THE 2020 ROAD IMPROVEMENT PROJECT PHASE 2 SANITARY AND STORMWATER INSPECTION

**14. NEW BUSINESS**

**15. PUBLIC PETITIONS**

**16. DISCUSSION**

**17. COUNCIL OPEN TIME**

**18. MOTIONS**

Applications for active firefighters – Lukas E. Todd for Lincoln Engine Co. No. 2 and Angelina C. Pabon for Lincoln Engine Co. No. 2

**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  
CDBG Revolving Loan Balances

**20. ADJOURNMENT**





**Bill List Summary**  
**REGULAR BILL LIST AS OF July 20, 2021**

|   |                             | <u>Check No</u>   |
|---|-----------------------------|-------------------|
| 1   | Current Fund                | 114,958.69        |
| 2   | State & Federal Grants      | 310.35            |
| 4   | Capital Fund                | 59.17             |
| 7   | Sewage Utility Fund         | 1,551.44          |
| 8   | Sewage Capital Fund         | 19,600.00         |
| 12  | Planning Board Trust Fund   | 27,511.50         |
| 12  | Bridge Development          | 12,258.25         |
| 13  | Dog Trust Fund              | 0.00              |
| 15  | Public Defender Trust Fund  | 0.00              |
| 16  | Section 8                   | 769.96            |
| 17  | General Trust Fund          | 11,890.00         |
| 17  | Commerce Park Redevelopment | 0.00              |
| 18  | Bernards Township RCA       | 0.00              |
| 20  | Agency Fund                 | 346.91            |
| 21  | Revolving Loan Fund         | 435.00            |
| <b>Total Regular Bill List as July 20, 2021</b> |                             | <b>189,691.27</b> |

**Section 8 Rent Payments for 2021**

|    |                   |                   |
|----|-------------------|-------------------|
| 16 | Section 8 Program | 164,906.00        |
|    |                   | <b>164,906.00</b> |

**Pre-Paid Bill List as of July 20, 2021**

|   |                           |                   |
|---|---------------------------|-------------------|
| 1   | Current Fund              | 5,901.00          |
| 2   | State & Federal Grants    | 0.00              |
| 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               | 154,207.85        |
| 21  | Revolving Loan Fund       | 0.00              |
| <b>Total Pre-Paid Bill List for July 20, 2021</b> |                           | <b>160,108.85</b> |

Grand Total All Funds

514,706.12

Approved By:

  
Robert J. Merlo, CFO

  
Todd 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<br/>Authorization</u> | <u>Down<br/>Payment</u> | <u>Useful<br/>Life</u> |
|---|----------------------|-------------------------------|-------------------------|------------------------|
| (i) <b><u>Fire Department</u></b> : 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) <b><u>Fire Department</u></b> : replacement of a fire pumper for the Fire Department;  | \$150,000            | \$142,500                     | \$7,500                 | 10 years               |
| (iii) <b><u>Inspections</u></b> : acquisition of non-passenger inspection vehicles;   | \$115,000            | \$109,250                     | \$5,750                 | 5 years                |
| (iv) <b><u>Public Works</u></b> : 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) <b><u>Public Works</u></b> : purchase and installation of street lights for the Department of Public Works;   | \$50,000             | \$47,500                      | \$2,500                 | 10 years               |
| (vi) <b><u>Redevelopment</u></b> : demolition of buildings as necessary;  | \$150,000            | \$142,500                     | \$7,500                 | 20 years               |



|  |                    |                    |                  |             |
|--|--------------------|--------------------|------------------|-------------|
| (vii) <b><u>Infrastructure and Road</u></b>  | <u>\$1,559,000</u> | <u>\$1,481,050</u> | <u>\$77,950</u>  | 20 years    |
| <b><u>Improvements:</u></b> 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; |                    |                    |                  |             |
| <b>TOTALS</b>  | <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**

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

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

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**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**

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

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

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

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021**

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**TODD M. TERSIGNI, Mayor**



**O2021-18**

**AN ORDINANCE PROHIBITING THE OPERATION OF CANNABIS BUSINESSES  
WITHIN THE TOWN OF PHILLIPSBURG**

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

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

**Section 1** Chapter 625, ZONING, Article XXII “CANNABIS RELATED BUSINESSES”:

**§625-110 Definitions.**

**ACT**

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

**ADULT USE CANNABIS BUSINESS**

Encompasses all components of the cannabis industry. Accordingly, it shall mean any business involved in cultivating, manufacturing, distribution, sales, or testing of marijuana. While it may have a component that administers Medical Cannabis to qualifying patients, it is open to adult use of cannabis for person 21 years and older.

**ADULT USE CANNABIS DISPENSARY or DISPENSARY**

An ATC facility that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides cannabis to person 21 years and older. While it may administer medical cannabis to qualifying patients, it is open to Adult Use.

**ALTERNATIVE TREATMENT CENTER (ATC) or MEDICAL CANNABIS ALTERNATIVE TREATMENT CENTER**

An organization issued a permit, conditional permit, and/or a vertically integrated permit pursuant to the “Jake Honing Compassionate Use Medical Cannabis Act,” P.L. 2009, C. 307 (C. 24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary or clinical registrant prior to February 22, 2021; and includes any alternative treatment center deemed pursuant to section 7 of the “Jake Honing Compassionate Use Medical Cannabis Act” (C. 24:26I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit and/or any alternative treatment center deemed to concurrently hold any one or more class(es) of Cannabis Licensed Marketplace license(s) pursuant to P.L. 2021, c. 16 §33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 §34, amending N.J.S.A. 24:6I-7. For the purposes of zoning, the ATC within Phillipsburg serves as the interface between provider and patient and operates as a medical cannabis dispensary. Cultivation and manufacturing activities within the Town of Phillipsburg, unless within the same structure or property as a Medical or Adult Use Dispensary, shall be treated as a separate use category though it may be part of the license issued by the state for a single entity.

**CANNABIS**

The definition given to “marijuana,” as provided in section 2 of the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (effective January 17, 1971), codified at N.J.S.A. 24:21-1 et seq.

**CANNABIS BUSINESS**

An organization issued a permit by the Commission to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler or cannabis dispensary.

**COMMISSION**

See Permitting Authority

**MEDICAL CANNABIS DISPENSARY or DISPENSARY**

An organization issued a permit by the Permitting Authority that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or



institutional caregiver consistent with the requirements of the Act; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. For the purposes of zoning, this shall include the building, structure, or premises used for the dispensing of medical cannabis.

#### **PERMIT**

The documents issued by the Permitting Authority pursuant to the Act granting the legal right to operate as a cannabis business.

#### **PERMITTING AUTHORITY**

The entity responsible for the regulation and enforcement of activities associated with the medical use of cannabis. This shall include the New Jersey Department of Health and the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c. 153 (C.24:6I-24), which shall assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c. 307 (C.24:6I-1 et al.).

#### **USABLE CANNABIS**

The dried leaves and flowers of cannabis, and any mixture or preparation thereof, but does not include the seed, stems, stalks, or roots of the plant.

**VERTICALLY INTEGRATED FACILITIES.** Vertically integrated operations proposing to have cultivation, manufacturing, and dispensing within the same facility. For the purpose of zoning, Vertically Integrated facilities shall be considered dispensaries.

#### **§625-111 Permitted Cannabis Businesses, location.**

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), the following cannabis classes be and hereby are prohibited from operating anywhere in the Town of Phillipsburg:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers, except that the pre-existing Alternative Treatment Center, which is the holder of a valid pre-existing alternative treatment center permit first issued by the

State of New Jersey, Department of Health, Division of Medicinal Marijuana in accordance with the provisions of the “Jake Honing Compassionate Use Medical Cannabis Act” (P.L. 2009, c. 307, N.J.S.A.24:6I-1 et seq., and P.L. 2015, c. 158, N.J.S.A. 18A:40-12.22 et seq.) prior to February 22, 2021, is approved by the Town of Phillipsburg to operate as both a Medical Cannabis Dispensary and a Class 5 Cannabis Retailer within the geographic boundaries of the Town of Phillipsburg, and therefore may operate a cannabis retail establishment that functions as either or both a Medical Cannabis Dispensary and an Adult Use Cannabis Dispensary in order to carry on the retail sale of cannabis, cannabis items and related supplies to consumers for medical purposes and adult-use consumption, in accordance with the provisions hereinafter and at P.L. 2021, c. 16 § 33, N.J.S.A. 24:6I-46, and P.L. 2021, c.16 § 34, (amending N.J.S.A. 24:6I-7) of the Act. For zoning purposes, the Alternative Treatment Center shall be permitted within all zones of the town, including B-1 Office Zones, B-2 Business District (Highway Zone) and the B-4 Central Business District Zone; and

- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**Section 2.** Chapter 625-98, *Prohibited Uses*, of the Code of the Town of Phillipsburg is hereby amended to add a new Subsection A(4). entitled, “Cannabis Uses,” as follows:

625-98(A)(4). Cannabis uses.

All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, excepting the delivery of cannabis items and related supplies by a delivery service, and the operation of the pre-existing Alternative Treatment Center as both a Medical Cannabis Dispensary and an Adult Use Cannabis Dispensary, shall be and hereby are prohibited in all Districts.

**Section 2** Chapter 570 TAXATION, is hereby amended by creating Article III, ADULT USE CANNABIS TRANSFER TAX, to read as follows:

**§ 570-11 Purpose.**

It is the purpose of this article to implement the provision of New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, (signed into law February 22, 2021), which authorizes the governing body of a municipality to adopt an ordinance imposing a transfer tax at a uniform percentage rate not to exceed two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer located in the Town, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the dispensary.

**§ 570-12 Adult Use Cannabis Transfer Tax.**



The tax rate for each category of permitted license shall be as follows:

- a. Cannabis Retailer: Two percent of the receipts from each sale by a cannabis retailers.

**§ 570-13 Remission of Taxes.**

Every cannabis business and/or licensee shall remit taxes collected and due and owing on a quarterly basis to the municipal chief financial officer, along with certified copies of sales receipts and product transfer ledgers or documentation. The dates of tax remission shall be on or before January 2, April 1, July 1 and October 1, or as established by the chief financial officer. Each licensee shall certify to the truth and accuracy of the receipts and product transfer ledgers or documentation, and shall remit a return in a form determined by the chief financial officer.

**§ 570-14 Delinquent taxes.**

All unpaid taxes as required under this Article shall be subject to the accrual of interest and penalties at rates and penalties set forth and established for delinquent ad valorem taxes within the Town of Phillipsburg.

**§ 570-15. Liability for taxes owed.**

Each cannabis establishment owner and/or licensee shall be personally liable for any and all taxes imposed under this Article and any interest and penalty accruing thereon. In addition, any unpaid balance and interest and penalties accruing thereon shall constitute a lien on the real property in which the cannabis establishment is located and such liens shall be enforced in the same manner as municipal tax liens.

**§ 570-16. Audit.**

Every cannabis establishment and/or licensee within the Town of Phillipsburg is subject to audit, no greater than once per annum, of the establishment's or licensee's business records, receipts and accounting books, such audit to be performed at the chief financial officer's discretion, by a certified public accountant. Every cannabis establishment and licensee shall be obligated to fully comply with the requirements of an auditor. Failure to cooperate with the audit, or any misrepresentation or fraud committed by the establishment or licensee, shall result in the immediate suspension of the license.

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 5. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 6. Effective Date.** This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law and filing with the Warren County Planning Board.



R: 2021-178

A RESOLUTION APPROVING 2021-2022 LIQUOR LICENSES  
WITHIN TOWN OF PHILLIPSBURG WITH A SPECIAL RULING 12:39

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

WHEREAS, application for renewal of license in accordance with the provisions of law has been received and no remonstrance's, protests or complaints having been filed by any person with the Council on below listed licensee, and the said Council having investigated the applicant and premises, and

WHEREAS, the 12:39 ruling has been met for the 2021-2022 license year, and

WHEREAS, Tax Clearance Certificate for below listed establishment have been received from Division of Taxation,

NOW, THEREFORE, BE IT RESOLVED that the following license be renewed: (Attached hereto and made a part hereof);

PLENARY RETAIL CONSUMPTION EFFECTIVE: July 1, 2021 FEE: \$1400.00

|                 |   |                |
|-----------------|---|----------------|
| 2119-33-011-006 | Claudio's Italian Café Inc.<br>T/A Italy's Restaurant | Pocket License |
|-----------------|---|----------------|

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 20, 2021 meeting.

\_\_\_\_\_  
Lorraine Loudenberg, Deputy Clerk

R2021-179

**RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE  
OF NEW JERSEY, AUTHORIZING THE INITIATION OF A HABITABILITY  
HEARING FOR 293 SOUTH MAIN STREET**

**BE IT RESOLVED**, by the Town Council, the Town of Phillipsburg, County of Warren, State of New Jersey, the habitability hearing and complaint for fitness is hereby authorized to be had for 293 South Main Street, Phillipsburg, New Jersey and the Town Attorney is hereby authorized and directed to initiate a complaint for same.

**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 20, 2021 meeting.

\_\_\_\_\_  
Lorraine Loudenberg,  
Deputy Clerk

**R2021-180**

**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 \$61,140.00, which is now available from the New Jersey Department of Law & Public Safety for an award in the amount of \$61,140.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$61,140.00 is hereby appropriated under the caption SFY21 Body-Worn Camera Grant Program, and

**BE IT FURTHER RESOLVED** that the above is the result of funds from New Jersey Department of Law & Public Safety in the amount of \$61,140.00.

**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 20, 2021.

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Lorraine Loudenberg, Deputy Clerk



**R2021-181**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG,  
COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN  
THE AMOUNT OF \$150.00 TO RYAN LANE**

**WHEREAS**, Ryan Lane previously paid to the Town \$150.00 for registration to the 25+ Adult Kickball League (Resident);

**WHEREAS**, the Town subsequently cancelled the program due to lack of enrollment;

**WHEREAS**, the Town Council desires to reimburse Ryan Lane monies paid by him in the amount of \$150.00.

**NOW, THEREFORE, BE IT RESOLVED** by Town Council of Phillipsburg, County of Warren, State of New Jersey, refund in the amount of \$150.00 is hereby authorized and directed to be paid to Ryan Lane for the reasons set forth above.

**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 20, 2021 meeting.

\_\_\_\_\_  
Lorraine Loudenberg, Deputy Clerk

**R2021-182**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG,  
COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN  
THE AMOUNT OF \$250.00 TO NOELLE HRUNKA**

**WHEREAS**, Noelle Hrunka previously paid to the Town \$250.00 for registration to the 25+ Adult Kickball League (Non-Resident);

**WHEREAS**, the Town subsequently cancelled the program due to lack of enrollment;

**WHEREAS**, the Town Council desires to reimburse Noelle Hrunka monies paid by her in the amount of \$250.00.

**NOW, THEREFORE, BE IT RESOLVED** by Town Council of Phillipsburg, County of Warren, State of New Jersey, refund in the amount of \$250.00 is hereby authorized and directed to be paid to Noelle Hrunka for the reasons set forth above.

**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 20, 2021 meeting.

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Lorraine Loudenberry, Deputy Clerk

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RK OCCUPATIONAL & ENVIRONMENTAL ANALYSIS, INC FOR RIGHT TO KNOW SERVICES**

**WHEREAS**, the Town of Phillipsburg has a need to acquire professional services relative to the conducting of Right to Know compliance ("Project"); 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**, RK Occupational and Environmental Analysis, Inc., submitted a proposal dated July 12, 2021, to provide services relative to the Project; and

**WHEREAS**, the value of these services is NOT TO EXCEED the sum of \$2,825.00; 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; and

**WHEREAS**, sufficient funds are 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, that the Mayor and Municipal Clerk are authorized to enter into a Contract with RK Occupational and Environmental Analysis, Inc., for an amount NOT TO EXCEED the sum of \$2,825.00.

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



## **CERTIFICATION**

I, 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 20, 2021.

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Lorraine Loudenberry, Deputy Clerk

**R2021-184**

**RESOLUTION AMENDING R2021-166 OF THE 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**, Resolution number 2021-166 granted approval for a person to person and place to place transfer of Liquor License number 2119-33-021-008; and

**WHEREAS**, said Resolution did not adequately specify the reason for the place to place transfer.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey that Resolution 2021-166 is hereby amended by clarification that the place to place transfer approval was for the expansion of the deck on the licensed premises at 665 Columbus Avenue, Phillipsburg, NJ.

**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 20, 2021 meeting.

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Lorraine Loudenberg, Deputy Clerk

**R2021-185**

**RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO MONTANA CONSTRUCTION CORP., INC. IN THE AMOUNT OF \$31,154.36 AND AUTHORIZING PAYMENT FOR THE CONTRACT FOR THE 2020 ROAD IMPROVEMENT PROJECT PHASE 2 SANITARY AND STORMWATER INSPECTION**

**WHEREAS**, the Town of Phillipsburg is under contract with Montana Construction Corp., Inc., for the 2020 Road Improvement Program Phase 2 Sanitary and Stormwater inspection; and

**WHEREAS**, Montana Construction Corp., Inc., submitted Change Order No. 2 (final) requesting a decrease of \$31,154.36 from the approved Change Order No. 1 and results in the value contract value of \$1,704,345.64 which is a 17.85% increase from contract award value; and

**WHEREAS**, the Town's Engineer, Van Cleef Engineering Associates, LLC, submitted correspondence dated June 30, 2021, recommending approval of the Change Order No. 2 (final) as well as recommending authorization of Payment Request No. 6 to Montana Construction Corp., Inc. (the "Van Cleef Letter"); and

**WHEREAS**, the Town Council believes it to be in the best interest of the Town to approve the Change Order No. 2 and authorize Payment Request No. 6 as detailed by the Van Cleef Letter; and

**WHEREAS**, sufficient funding is available as evidenced by the attached certification of funds.

**NOW, THEREFORE, BE IT RESOLVED** by Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Change Order No. 2 (final) for a reduction in the amount of \$31,154.36 is hereby approved and Payment No. 6 in the amount of \$37,124.91 is hereby approved and said amount directed to be paid to Montana Construction Corp., Inc. as final payment for work performed pursuant to the contract for the Project.

**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 20, 2021 meeting.

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Lorraine Loudenberg  
Deputy Clerk