

TOWN OF PHILLIPSBURG

2023 REORGANIZATION MEETING MINUTES

JANUARY 03, 2023 — 7:00 P.M.

1. OPEN PUBLIC MEETING ACT STATEMENT – Read by Attorney Wenner

2. SELECTION OF CHAIRPERSON-PRO-TEMPORE

Attorney Wenner stated, this is the 2023 Re-Organization Meeting of the Town Council of the Town of Phillipsburg. Noted for Public, person selected the Pro-Tempore runs the meeting until a Council President is elected. He asked for nominations for Pro-Tempore.

Councilman Clark moved to select Attorney Wenner as Chairperson-Pro-Tempore. The motion was seconded by Councilman Wyant. He asked for any other nominations and there being none, asked for roll call vote.

AYES: Clark, Kennedy, Marino, Piazza, Wyant

NAYS: None

3. PLEDGE OF ALLEGIANCE - By All

4. INVOCATION - Led by Cnclman Piazza

5. SELECTION OF COUNCIL PRESIDENT

Attorney Wenner stated taking nominations for Council President.

Cnclman Marino nominated Cnclman Piazza for Council President. Nomination was seconded by Councilman Piazza. RW noted Cnclman Piazza on the floor for Council President for January 2023 term.

AYES: Marino, Piazza

NAYS: Clark, Kennedy, Wyant Fails 3-2

Cnclman Clark nominated Cnclman Wyant for Council President. Councilman Kennedy seconded the nomination.

AYES: Clark, Kennedy, Wyant

NAYS: Marino, Piazza

Attorney Wenner noted Motion carries and offered his congratulations. Continued will now swear you in and administer the Oath. Council President Wyant took the Oath and Attrny Wenner handed over the gavel.

6. SELECTION OF VICE PRESIDENT

CP Wyant asked for nominations for Vice President.

Cnclman Marino nominated Cnclman Piazza for Vice President. The nomination was seconded by Cnclman Piazza.

CP Wyant asked for any other nominations.

Cnclman Kennedy nominated Cnclman Lee Clark for Vice President. Cnclman Clark seconded the nomination.

Roll Call for Cnclman Piazza as Vice President

AYES: Marino, Piazza

NAYS: Clark, Kennedy, Wyant

Roll Call for Cnclman Clark as Vice President

AYES: Clark, Kennedy, Wyant

NAYS: Marino, Piazza

Motion carries for Councilman Clark as Vice President

7. ROLL CALL – Wyant, Clark, Kennedy, Marino, Piazza

8. BILLS LIST – Cnclman Clark moved to accept bills list. The motion was seconded by Councilman Kennedy.

AYES: Wyant, Clark, Kennedy, Marino, Piazza

NAYS: None

9. PUBLIC DISCUSSION ON AGENDA ITEMS

Seeing none closed to Public.

10. CONFIRMATION OF MAYORAL APPOINTMENTS

I. Attorney: Rich Wenner, Esq., Lavery, Selvaggi, Abromitis & Cohen

II. Auditor: Heidi Wohlleb, Nisivoccia & Company, LLP

III. Bond Counsel: Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer

IV. Municipal Engineer: Stanley Schrek, PE, Van Cleef Engineering

V. Wastewater Engineer: Dennis Yoder, PE, Remington and Vernick

VI. Municipal Prosecutor: Steven Siegel, Esq.

- VII. Public Defender: Jennifer Toth, Esq.
- VIII. Risk Manager: Acrisure and Fairview Associates
- IX. Insurance Consultant: Acrisure
- X. Municipal Planner: Van Cleef Engineering
- XI. Municipal Judge: The Honorable Gerard Shamey

VP Clark moved to accept confirmation of Mayoral Appointments. The motion was seconded by Cnclman Marino.

AYES: Wyant, Clark, Kennedy, Marino, Piazza

NAYS: None

CP Wyant asked if any Councilmember wished to pull anything off the Consent Agenda.

Vice President Clark noted R2023 and Councilman Piazza noted R2023-13.

11. RESOLUTIONS ** CONSENT AGENDA **

Matters listed on the Consent Agenda Resolutions 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

R2023-01

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF THE TEMPORARY BUDGET FOR 2023 IN ACCORDANCE WITH THE LOCAL BUDGET ACT

R2023-02

A RESOLUTION TO PROVIDE FOR AN ADOPTION OF A TEMPORARY BUDGET FOR DEBT SERVICE FOR THE YEAR 2023 IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL BUDGET ACT

R2023-03

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF A TEMPORARY BUDGET FOR THE SEWER UTILITY FUND FOR 2023 IN ACCORDANCE WITH THE LOCAL BUDGET ACT

R2023-04

A RESOLUTION TO PROVIDE FOR AN ADOPTION OF A TEMPORARY BUDGET FOR DEBT SERVICE FOR THE YEAR 2023 IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL BUDGET ACT

R2023-05

A RESOLUTION ESTABLISHING COUNCIL MEETING DATES FOR 2023

R2023-06

A RESOLUTION ESTABLISHING SEWER COMMITTEE MEETING DATES FOR 2023

R2023-08

A RESOLUTION AUTHORIZING A CASH MANAGEMENT PLAN FOR THE TOWN OF PHILLIPSBURG

R2023-09

A RESOLUTION AUTHORIZING TOWN ATTORNEY AND/OR SPECIAL TAX COUNSEL TO EXECUTE STIPULATIONS, CORRECT ASSESSMENTS IN TAX COURT, FILE ADDED, OMITTED, OMITTED/ADDED ASSESSMENTS, ROLL-BACK TAX COMPLAINTS AND TAX APPEALS

R2023-10

A RESOLUTION AUTHORIZING PETTY CASH FUNDS FOR 2023

R2023-11

A RESOLUTION AUTHORIZING CHANGE FUNDS FOR VARIOUS MUNICIPAL OFFICES AND DEPARTMENTS

R2023-12

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

R2023-14

RESOLUTION AUTHORIZING PAYOUT OF ACCRUED SICK, VACATION AND COMPENSATORY LEAVE TO CAPTAIN MICHAEL SWICK

ROLL CALL

Consent Agenda less R2023-07 & 13

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

R2023-07

A RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS OF THE TOWN OF PHILLIPSBURG

CP Wyant addressed R2023-07 with VP Clark.

VP Clark motioned to amend to include TapInto Pburg as digital newspaper of record, noting Tap Into microtargets the readers in Phillipsburg, would like to add to official record. Amend as “in addition to”

ROLL CALL

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza				X		
Councilman Marino				X		
Councilman Kennedy		X	X			
Council VP Clark	X		X			
Council President Wyant			X			

Discussion

Cnclman Piazza inquired why would we choose TapInto over digital content of Lehigh Valley Live, noting we already have newspaper in print with digital presence in LVL. Adding have had trouble in past getting Agenda, Ordinances on line – one more publication muddys the waters for our Clerk’s Office; which is already understaffed.

VP Clark notes cannot see argument to not include TapInto, adding it is a local newspaper.

Cnclman Marino asked Counsel to weigh in on legality.

Attorney Wenner stated law governing Publishing of Notices requires paper published and circulated within the County in which the municipality is located. Adding Warren County has not had such newspaper for about 12 years.

ROLL CALL

Amend “In Additon To”

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza				X		
Councilman Marino				X		
Councilman Kennedy		X	X			
Council VP Clark	X		X			
Council President Wyant			X			

VP Clark voted yes for Public Transparency. Cnclman Marino noted legality not clear voting no.

R2023-13

A RESOLUTION APPROVING LIST FOR TOWING SERVICES WITHIN THE TOWN OF PHILLIPSBURG FOR 2023

ROLL CALL

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino		X	X			
Councilman Kennedy			X			
Council VP Clark			X			
Council President Wyant			X			

Discussion

Cnclman Piazza asked how long until towed – timeframe?

CP Wyant stated his understanding, when accident occurs, must have a Tow Service sanctioned by the TOP to clear accident, adding the services rotate.

Cnclman Piazza asked if had to do at all with unregistered vehicles on the street.

CP Wyant stated if PPD finds an unregistered vehicle, they call the tow servie on duty that week.

Cnclman Piazza noted there are other municipalities using tow truck service; which charges violator fee and re-imburses portion to the Town. Asked if we have flat rate?

CP Wyant stated we do not pay for the Tow Service and do not get anything back.

Cnclman Piazza asked if this could be discussed going forward to cover cost of officer going out if passed tonight, could be amended.

CP Wyant stated amendment can occur at anytime.

Attrny Wenner stated would need to establish rates.

Cnclman Piazza noted needs to be fleshed out a little more – feels better system than what we are currently using.

12. NEW BUSINESS

VP Clark stated many 2023 New Joys, one of which is the 100 years of the PFPL having served our Community. Motioned for Library Referendum fee to fully Fund the Library be discussed at next meeting. The motion was seconded by Councilman Piazza.

Discussion – None

AYES: Wyant, Clark, Kennedy, Marino, Piazza

NAYS: None

Cnclman Piazza spoke to bills list transparency. Asked if separate lines for sources of revenue from Parking Meters, Parking Lots, tickets, contractors, dates of Events effecting parking revenue. Also would like to include towing, marijuana tax collection for medicinal/recreational on separate line items. Noted would allow for a more informed Public/Council.

CP Wyant noted, does not disagree, but would not go on bills list. Adding ask from BA monthly basis – where income/revenue source.

BA Hall stated bills list is funds going out – where this would be funds coming in. Asked if RP meant revenue report.

RP stated, he means our expenses.

BA Hall stated that you're talking expenses of parking. Adding don't know how itemized currently, but can speak to CFO making more apparent.

RP continued that's all I had. Also, update of Apothecarium revenue on quarterly basis if not, possible for every meeting basis.

CP Wyant asked anymore New Business and seeing none moves on.

13. OLD BUSINESS - NONE

14. PUBLIC PETITIONS

Rob Case 383 Thomas Street

Thanked Councilman Piazza for speaking to Cub Scout Pack 51, Grace Lutheran Church. Continued Cnclman Piazza spoke to Citizenship, Council duties and Community, he continued RP asked scouts what they would like to see in their Town. Receiving many interesting responses such as Arcade, Skate Park, but also end to all wars. Making point children should have voice too.

David Morrisette 5 Fairview Hghts.

Happy New Year and congratulated governing body on meetings of 2022, refreshing. Added, thrilled to see TapInto – Notices hopefully held longer on line that currently with LVL. Thanked Council/Admin for listening to residents on Center Street regarding signs that were contrary to Code having been replaced. Noted that signs don't reflect completely what they're looking for, want signs to be similar to those in Hillcrest neighborhood, deserve same as Hillcrest Residents. Noted concerned of lack of transparency, Ordinances and Resolutions on line from 2015-2021, but not online for 2022 adding needs to be rectified. As well as attachments/exhibits should be online as well. Looking forward to 2023.

Joe Meyner 392 South Main Street

Noted used to go to the Library and look up stuff Mr. Morrisette had spoken to. Adding Librarians need to direct more readily.

Stacy Evans 973 Wilbur Ave.

Stated before holiday, December 19, received violation notice from Andrew Melendez, Inspectors Department. Posted displeasure of receiving notice on FB. Stated in correspondence with Mayor, who asked she take down post. Felt compelled to come tonight to voice her upset over situation.

CP Wyant spoke to Ms. Evans explaining Council is a Legislative body. Adding anything employees do, is solely the Mayor's responsibility and her contacting the Mayor was the absolutely right thing to do. Noted, we cannot interact as far as Council on day to day basis.

SE thanked for opportunity to voice opinion.

Dan Seyler 22 North Main Street

Noted one good thing that happened in 2022 was the large grant for the Sewer Funding. Thanked parking situation resolved as handicap parking sign and now does not need to walk 400 feet to park. Also asked where to get Petitions to run for Mayor.

CP Wyant stated speak to Acting Clerk – Matthew Hall.

Joan Pierce – Prospect Street

Asked for update regarding former Municipal Bldg. at 675 Corliss Avenue.

CP Wyant referred to BA Matthew Hall.

MH spoke to municipal buldg needing 800k to 1 million for remediation to remove asbestos and mold from bldg.. regardless if reoccupy or sell. Towns best interest to move forward with remediation and see what it reveals and go from there. He continued, we have purchased Freeman School bldg.. from PSD. – we now own, but don't intend to occupy long term. Engineers now working on specs.

JP asked how long for specs – timeline.

MH answered don't have timeline, but will have answers by next meeting.

15. COUNCIL OPEN TIME

Cnclman Piazza noted concern over Mayor reaching out and criticize complaint on Social Media. Continued, would like to see more happen in 2023, noting majority of 2022 were Projects started in the previous 2 years. FOG ordinance, WPP still moving along, but was from 2020 with amendment 2021, a lot of Sewer Projects, but Parking was new. Ballfiend coming along – great new Project. Noted we whould work harder, has greater expectations for 2023. Hope TOP reaps benefits of Council's hard work.

Cnclman Marino gave shout out PPD – last year spoke to Chief Stettner about coming up alleys with lights – and they did. Deters crime, lights up area. Current complaints, catalytic convertors being stolen and vandalism, on the hill, where I live. Still drug problem – need more cops, special cops for parking. Have 3 years left no more then done. Drugs bring gangs. Men in blue – great job.

Cnclman Kennedy – hope everyone had Merry Christmas, wished Happy New Year. Noted Joan Pierce beat him to subject of former Municipal Bldg.; which is a concern of his. Agrees with Cnclman Marino regarding need for canine unit, but also feels more lighting, not just So. Main Street, but throughout TOP. Also, need improved camera surveillance. Great deterrent.

VP Clark – Thanked Council Body for reelection as VP, noting 2022 had its ups/downs, but many positive milestones and historical initiatives. Hoping can continue to create more positives together. Adding when serving on Council not politicians, but government officials serving the TOP. Looking forward to 2023, work together diligently. Happy to see Harry Wyant as Council President again.

CP Wyant wished could express self-regarding second year as Council President. Continued last year, was first year as Council President. Noting in all years on Council was only VP once. Stated will do everything he can to run good meeting. Trying to keep Politics out of meeting – will be difficult noting this is an Election year. Determined to keep Politics out of Council Chamber and conduct business at hand. Feels is we can leave here and still be friends, that is how it should be. He wished all a good new year, prosperous and healthy.

16. EXECUTIVE SESSION (IF REQUIRED) - None

17. ADJOURNMENT

Councilman Piazza moved to adjourn. The time was 7:46 PM.

R2023-01
A RESOLUTION TO PROVIDE FOR THE ADOPTION OF THE
TEMPORARY BUDGET FOR 2023 IN ACCORDANCE WITH THE
LOCAL BUDGET ACT

WHEREAS, N.J.S.A. 40A:4-19 requires that (whereas any contract commitments or payments are made prior to the adoption of the budget for the year 2023) temporary appropriations should be made for the purpose and amount required in the manner and time provided; and

WHEREAS, this resolution shall be authorized within the allotted time; and

WHEREAS, 26.25% of the total appropriation in the 2022 budget, exclusive of any appropriations made for Debt Service and Capital Improvement Fund in the said 2022 budget, is the sum of \$5,398,006.00;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Phillipsburg that appropriations per the attached schedule be made as of January 01, 2023 and that a certified copy of this resolution be submitted to the Chief Financial Officer for his records.

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-02
A RESOLUTION TO PROVIDE FOR AN ADOPTION OF A
TEMPORARY BUDGET FOR DEBT SERVICE FOR THE YEAR 2023
IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL
BUDGET ACT

WHEREAS, N.J.S.A 40A:4-19 requires that (whereas any contracts, commitments or payments are made prior to the adoption of the budget for the year 2023) temporary appropriations should be made for the purpose and amount required in the manner and time provided; and

WHEREAS, this resolution shall be authorized within the allotted time;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Phillipsburg that the following appropriations be made for debt service and that a certified copy of this resolution be submitted to the Chief Financial Officer for his records.

DEBT SERVICE

Payment of Bond Principal	\$40,000.00
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Green Trust Loan Program: Loan Repayment for Principal & Interest	\$8,000.00
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Total Municipal Debt Service — Excluded from "Caps"	\$48,000.00
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CERTIFICATION

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Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-03
**A RESOLUTION TO PROVIDE FOR THE ADOPTION OF A TEMPORARY
BUDGET FOR THE SEWER UTILITY FUND FOR
2023 IN ACCORDANCE WITH THE LOCAL BUDGET ACT**

WHEREAS, N.J.S.A. 40A: 4-19 requires that (whereas any contract commitments or payments are made prior to the adoption of the budget for the year 2023) temporary appropriations should be made for the purpose and amount required in the manner and time provided; and

WHEREAS, this resolution shall be authorized the allotted time; and

WHEREAS, the total 2022 operating budget for the Sewer Utility Fund, exclusive of debt service, capital improvement fund and prior year's deficit was \$4,070,000; and

WHEREAS, 26.25% of this amount is \$1,068,375.00;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Phillipsburg that the following temporary appropriations be approved for the Sewer Utility Fund as listed in the following categories which total \$1,068,375.00:

Salaries & Wages:	\$103,000.00
Other Expenses:	\$907,391.00
PERS:	\$47,584.00
Social Security:	\$8,000.00
Unemployment:	\$1,000.00
DCRP:	\$1,400.00

CERTIFICATION

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Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-04
A RESOLUTION TO PROVIDE FOR AN ADOPTION OF A
TEMPORARY BUDGET FOR DEBT SERVICE FOR THE YEAR 2023
IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL

WHEREAS, N.J.S.A. 40A:4-19 requires that (whereas any contracts, commitments or payments are made prior to the adoption of the budget for the year 2023) temporary appropriations should be made for the purpose and amount required in the manner and time provided; and

WHEREAS, this resolution shall be authorized the allotted time;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg that the following appropriations be made for debt service and that a certified copy of this resolution be submitted to the Chief Financial Officer for his records;

DEBT SERVICE

NJ Wastewater Treatment/NJEIB

Loan Repayments Principal & Interest: \$ 200,000.00

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

**R2023-05
A RESOLUTION ESTABLISHING MEETING
DATES FOR YEAR 2023**

WHEREAS, pursuant to the Open Public Meeting Act, Chapter 231, P.L. 1975 a governing body must set forth its planned meeting dates in advance;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg that for the year 2023 meetings of the body shall be held at 7:00 p.m. on the following dates:

REGULAR MEETINGS	
JANUARY	FEBRUARY
1/3/2023	2/7/2023
1/17/2023	2/21/2023
MARCH	APRIL
3/7/2023	4/4/2023
3/21/2023	4/18/2023
MAY	JUNE
5/2/2023	6/6/2023
5/16/2023	6/20/2023
JULY	AUGUST
7/18/2023	8/1/2023
###	8/15/2023
SEPTEMBER	OCTOBER
9/5/2023	10/3/2023
9/19/2023	10/17/2023
NOVEMBER	DECEMBER
11/21/2023	12/5/2023
###	12/19/2023

WORK SESSIONS	
JANUARY	FEBRUARY
1/10/2023	2/14/2023
MARCH	APRIL
3/14/2023	4/11/2023
MAY	JUNE
5/9/2023	6/13/2023
JULY	AUGUST
4/11/2023	8/8/2023
SEPTEMBER	OCTOBER
9/12/2023	10/10/2023
NOVEMBER	DECEMBER
###	12/12/2023

BE IT FURTHER RESOLVED that a copy of this resolution be published in the officially designated newspapers of the Town of Phillipsburg as required by applicable law, transmitted to all members of the news media interested in the affairs of the Town, be posted in a prominent place in the Municipal Building and be filed in the Office of the Town Clerk.

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-06
A RESOLUTION ESTABLISHING SEWER COMMITTEE MEETING DATES FOR
2023

WHEREAS, pursuant to the Open Public Meeting Act, Chapter 231, P.L. 1975, a governing body must set forth its planned meeting dates in advance; and

WHEREAS, the Town Council of the Town of Phillipsburg shall set the meetings of the Sewer Committee;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg that for the year 2023 meetings of the Sewer Committee shall be held at 6:00 p.m. on the following dates:

FEBRUARY

2/14/2023

MAY

5/16/2023

AUGUST

8/15/2023

NOVEMBER

11/21/2023

BE IT FURTHER RESOLVED that a copy of this resolution be published in the officially designated newspapers of the Town of Phillipsburg as required by applicable law, transmitted to all members of the news media interested in the affairs of the Town, be posted in a prominent place in the Municipal Building and be filed in the Office of the Town Clerk;

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-07

A RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS OF THE TOWN OF PHILLIPSBURG

WHEREAS, pursuant to the Open Public Meeting Act, Chapter 231, P.L. 1975, certain notice of meetings shall be submitted to at least two (2) newspapers officially designated by the governing body;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Phillipsburg hereby designates The Express-Times and The Star Ledger as the official newspapers of the Town of Phillipsburg and shall receive all notices of meetings as required under the Open Public Meeting Act;

BE IT FURTHER RESOLVED that meeting notices shall also be forwarded to WFMZ and TapIntoPhillipsburg;

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-08
A RESOLUTION AUTHORIZING A CASH MANAGEMENT PLAN FOR THE TOWN
OF PHILLIPSBURG

CASH MANAGEMENT PLAN OF THE TOWN OF PHILLIPSBURG,
IN THE COUNTY OF WARREN, STATE OF NEW JERSEY

I. STATEMENT OF PURPOSE

This Cash Management Plan (the Plan) is prepared pursuant to provisions of N.J.S.A 40A:5-14 in order to set for the basis for the deposits (Deposits) and investments (permitted investments) of certain public funds of the Town of Phillipsburg, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing accounts or otherwise safeguarded, in permitted investments hereinafter referred to. The intent of the Plan is to provide that the decisions made regarding the Deposits and the Permitted Investments will be done to ensure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposits and Permitted Investments matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

The Plan is intended to cover the deposit and/or investments of the following funds and accounts of the Town of Phillipsburg:

- Current Fund
- Municipal Clerk's Account
- Payroll Account
- Tax Collector's Account
- Capital Fund
- Dog Trust Fund
- Section 8 Federal Housing Program
- Sewer Revenue Fund
- Sewer Utility Capital fund
- Sewer Utility Fund
- Trust Fund
- Agency Account
- RCA Funds
- Claims Fund
- Planning Board Trust Fund/Land Use Board

Benefits Account
Revolving Loan Fund
Land Use Board – Bridge Development
Merchant’s Account
Affordable Housing Trust Fund
Phillipsburg Commerce Park/Ingersoll Rand Escrow
Bail Account – Court
Fines Account – Court

III. DESIGNATION OF OFFICIALS OF THE TOWN OF PHILLIPSBURG AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Chief Financial Officer of the Town of Phillipsburg is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. The Chief Financial Officer is hereby authorized to designate in writing an alternate employee to act in his/her capacity during his/her absence.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including certificates of deposit which are not otherwise invested in Permitted Investments as provided by this Plan.

Provident Bank	Fulton Bank
TD Bank	New Jersey Cash Management Fund
Wells Fargo Bank	Unity Bank
Chase Bank	Commerce Bank
PNC Bank	Bank of America
Investors Bank	

V. RECEIPTS AND DISBURSEMENT OF THE FUNDS OF THE TOWN OF PHILLIPSBURG

- A. All warrants or checks for the disbursement of money shall be made by the following officials for the following account types:

Current Fund, Capital Fund, Dog Trust Fund, Section 8 Federal Housing, Sewer Revenue Fund, Sewer Utility Capital Fund, Sewer Utility Fund, General Trust Fund, Agency Fund, RCA Funds, Claims Fund, Planning Board Trust Fund, Benefits Account, Phillipsburg Commerce Park/Ingersoll Rand Escrow, Revolving Loan Fund, Land Use Board – Bridge Escrow, Merchants Account, Affordable Housing Trust Fund

CHIEF FINANCIAL OFFICER
MAYOR

Payroll Account (2 OF 3)

MAYOR
CHIEF FINANCIAL OFFICER
MUNICIPAL CLERK

Tax Collector’s Account

TAX COLLECTOR

Municipal Clerk’s Account

MUNICIPAL CLERK

MAYOR

Municipal Court General, Fines and Bail Accounts

COURT ADMINISTRATOR

DEPUTY COURT ADMINISTRATOR

- B. All municipal funds received by any official or employee shall be deposited within 48 hours to an interest-bearing account in the same name of the Town of Phillipsburg. Additionally, funds can be received utilizing methods of electronic and/or automated clearing house.
- C. Payment of all claims. All claims for the payment of money shall be presented, approved and paid in accordance with the following procedure:
 - (1) Manner of presentation. All claims for the payment of money shall be made by the claimant upon the appropriate voucher and shall be approved or disapproved in accordance with the procedures hereinafter set forth. No claim shall be paid unless the claimant shall first present a detailed bill of items or demand, specifying particularly how the bill or demand is made up, with the certification of the claimant that it is correct, said bill or demand and certification to be attached to the voucher. No claim shall be paid unless the voucher has attached to it a certification of a department head or of his duly designated representative having personal knowledge of the facts that the goods have been received by or the services rendered to the Town and that those goods or services are consistent with prior authorization or authorizations. Each voucher shall bear the signature of the Chief Financial Officer, certifying that there exists a line item appropriation against which the claim shall be charged. The Chief Financial Officer shall also certify that there are sufficient funds available for the payment of the voucher. No voucher shall be paid unless the aforementioned certifications are attached to said voucher or vouchers.
 - (2) Manner of payment. All warrants for the disbursement of Town money shall be drawn on the Town Treasury, signed by the Mayor and countersigned by the Chief Financial Officer.
 - (a) Two of the three authorized signatures are necessary to issue a draft from the payroll account. Those persons authorized are Mayor, Chief Financial Officer and Municipal Clerk.
[Added 10-5-1999 by Ord. No. O:19-17]
 - (3) Payment of claims prior to Council approval. In the event of a delay, postponement or cancellation of regularly scheduled meetings of the Town Council, or under circumstances where a delay in the payment of bills until the next scheduled meeting is unreasonable or improper, the Town Chief Financial Officer shall be authorized to make all reasonable and necessary payments of bills prior to Council approval. In such circumstances, the Chief Financial Officer shall ascertain the existence of proper and sufficient appropriations for the payments to be made and determine that there is legal authority for the payments, evidenced by action of the Administrator or purchasing officer in respect to the goods or services ordered and the incurring of the expense therefore. The list of bills shall be reviewed and approved by the Mayor and Administrator and signed off on. The Chief Financial Officer shall present a list of all such

bills so paid to the Town Council for ratification of such payments at the next regularly scheduled meeting.

(4) Exceptions. The Chief Financial Officer, with the approval of the Mayor and without employing the procedure required by Subsection C(3) of this section, but in accordance with established Town procedures, shall be permitted to take the following actions:

(a) Disburse Town funds from trust accounts, except that the Town Council shall approve or disapprove the return of unencumbered cash balances in said accounts to the appropriate entity or entities.

(b) Pay to the appropriate entities the following items:

[1] Salaries.

[2] Federal withholding taxes and social security taxes and other Payroll Taxes as required by law.

[3] School, county and any other taxes which the Town is obligated by law to pay.

[4] Public assistance.

[5] Pension, DCRP and annuity fund deductions from salaries, union dues deductions from salaries and wage attachment and garnishment deductions from salaries, deferred compensation plans deducted from salaries, Flexible Spending Account deductions from salaries, AFLAC and New York Life deductions from salaries.

[6] Postal charges.

[7] Utilities

[8] Lease payments

[9] Recycling Tax

[10] EZPass

Items 1-10 shall be submitted to the Town of Phillipsburg Council for ratification on the bill list presented at the next Council meeting following the payments.

(c) Pay to the appropriate entity or entities regular insurance premiums, provided that the insurance premium rate and the insurer are approved by the Town Council in the regular course of municipal business prior to the first payment of said premium or premiums.

(d) Transfer funds by the use of a payroll transfer check from the current fund account to the payroll account for the purpose of satisfying payroll obligations.

(e) Utilize the Town petty cash funds which are established by resolution of the Town Council.

(F) Pay on a regular basis to the appropriate entities the principal and interest with respect to any notes and other Town financial obligations, provided that the total amount of the principal and interest and the form of the financial obligation are

approved by the Town Council in the regular course of municipal business prior to the first payment of said principal and interest.

- (5) Bills, claims and demands against the Town shall be deemed approved or disapproved by the Council in accordance with the action of the Administrator. A voucher on a form prescribed by the Administrator shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Chief Financial Officer except for payments made pursuant to subsection (c)(3) of this section. Disbursement shall be made by a combination warrant — blank check or draft signed by the Mayor and countersigned by the Chief Financial Officer, except that payroll checks may be signed by two of the three following, the Chief Financial Officer, Mayor or Clerk.
 - (6) The Chief Financial Officer shall prepare for each regular meeting of the Council a list of all current bills, claims and vouchers. Said list shall be made a part of the minutes of the meeting and shall be prepared in sufficient quantity to supply each member of the Council, the Mayor and the Business Administrator with at least one copy. A copy shall then be filed with the Clerk as a public record open to examination in his/her office. The list shall be submitted to the Council for approval before any bill is paid.
- D. It shall be the duty of the Chief Financial Officer to pay all bills, claims and demands against the Town as approved by resolution or motion of the Town Council within 14 calendar days of said approval.
 - E. The Chief Financial Officer is authorized to designate employees who may, from time to time, initiate and confirm wire transfers.
 - F. Electronic Disbursement/Claimant Certification: In accordance with N.J.S.A. 40A: 5-16 (c) and Regulatory N.J.A.C. 5:30 9.6 up to or below \$17,500 of payments to Vendors do not require Claimant Certification unless to satisfy the Town on the integrity of the received goods or services is requires will not be necessary. The following require Claimant Certification:
 - a. Goods and Services over \$17,500.00
 - b. Advanced payments
 - c. Employee Reimbursements for Goods and Services

VI. AUTHORIZED INVESTMENTS.

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in deposits, in the following permitted investment:

- 1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- 2) Government money market mutual funds;

- 3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- 4) Bond or other obligations of the Local Unit or bonds or other obligations of municipality of which the Local Unit is a part or within which the municipality is located;
- 5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasurer for Investment by Local Units;
- 6) Local government investment pools;
- 7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c. 281 (C.52:18A-90.4);
- 8) Agreement for the repurchase of fully collateralized securities if:
 - (a) The underlying securities are permitted investments pursuant to paragraph (1) and (3) of tis subsection a;
 - (b) The custody of collateral is transferred to a third party;
 - (c) The maturity of the agreement is not more than 30 days;
 - (d) The underlying securities are purchased through a public depository as defined in section I of P.L. 1070. C.236(C.17:9-41); and
 - (e) A master repurchase agreement providing for the custody and security of collateral is executed.
- 9) Obligations issued by the State of New Jersey, its agencies or any other local agencies or authorities which specifically provide in their enabling legislation that their obligations are an authorized investment for other local governments. This is specifically intended to include obligations issued by the State of New Jersey to fund its outstanding pension obligations issued in 1997. Consisting of Series A, B and C, inclusive.

For the purpose of this above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund - An investment company or investment trust:

- a) Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940” 15 U.S.C. sec 80a-1 et seq. and operated in accordance with 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;

- b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270. 2a-7;
- c) Which has:
 - i. attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - ii. retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940" 15 S.S.C. sec 80B-1 et seq., with experience investing in US Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool - An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization;
- c. Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S Government securities;
- d. Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act: P.L. 1968, c.410(c.52:14B-1 et seq.) by the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize and index that does not support a stable net asset value; and
- f. Which purchases and redeems investments directly from the issuer, government money market mutual fund or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in Capital stock (or equivalent capitalization if not a corporation) surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

It is the responsibility of the Chief Financial Officer to analyze the cash flow and to invest funds in legal investments as to maximize interest earnings. The Chief Financial Officer will observe the following guidelines:

1. When investing funds in commercial banks, savings banks and loans and other depository institutions, the Chief Financial Officer shall attempt to obtain a minimum of three quotations and shall invest at the institution offering the highest effective rate. If such investments together with all other deposits of the Town of Phillipsburg in said institution exceeds the Federal Deposit Insurance Corporation limit, then the following criteria must be met:
 - a. The institution must be covered by a current Government Unit Deposit Protection Act Certificate.
2. The Chief Financial Officer shall determine which type of legal investment will best serve the needs of the municipality and is authorized to place funds in any legal investment, unless otherwise restricted by the governing body.
3. The Chief Financial Officer is authorized to contract the services of a Financial Advisor, as needed.
4. The Chief Financial Officer shall develop procedures to ensure internal controls are adequate to safeguard the Town of Phillipsburg funds.

VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Town of Phillipsburg, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Town of Phillipsburg to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Town of Phillipsburg or by third party custodian prior to or upon release of the Town of Phillipsburg Funds.

VIII. REPORTING REQUIREMENTS

On the first day of each month during which this Plan is in effect, the Designated Officials referred to in Section III hereof shall supply to the governing body of the Town of Phillipsburg a written report of any Deposits or Permitted Investment made pursuant to this Plan, which shall include, at a minimum, the following information:

- a. The name of any institution holding funds of the Town of Phillipsburg as Deposit of a Permitted Investment.
- b. The amount of securities purchased or sold during the immediately preceding month.
- c. The class or type of securities purchased, or Deposits made.

- d. The book value of such Deposits or Permitted Investments.
- e. The earned income on such Deposits or Permitted Investments to the extent that such amounts are actually earned at maturity; this report shall provide an accrual of such earnings during the immediately preceding month.
- f. The fees incurred to undertake such Deposits or Permitted Investments.
- g. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- h. All other information which may be deemed reasonable from time to time by the governing body of the Town of Phillipsburg.

IX. TERM OF PLAN

This Plan shall be in effect from January 1, 2023, to December 31, 2023. Attached to this Plan is a resolution of the governing body of the Town of Phillipsburg approving this Plan for such period of time. The Plan may be amended from time to time.

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-09

A RESOLUTION AUTHORIZING TOWN ATTORNEY AND/OR SPECIAL TAX COUNSEL TO EXECUTE STIPULATIONS, CORRECT ASSESSMENTS IN TAX COURT, FILE ADDED, OMITTED, OMITTED/ADDED ASSESSMENTS, ROLL-BACK TAX COMPLAINTS AND TAX APPEALS

WHEREAS, the Town Council of the Town of Phillipsburg, County of Warren and State of New Jersey, has been informed that in certain instances, the Town Attorney and/or Special Tax Counsel may be required to execute, stipulate and make corrections or adjustments resulting from tax appeal complaints filed against the municipality. The Town Attorney and/or Special Tax Counsel will need further approval to file omitted assessments and farmland roll-back tax complaints, all in the name of the Town of Phillipsburg; and

WHEREAS, the Warren County Board of Taxation requires a resolution of the Town Council to authorize such action by the Town Attorney and/or Special Tax Counsel retained by the Town which are authorized to act as agents for the Town Council; and

WHEREAS, the Town Council desires to grant such authority to the Town Attorney and/or Special Tax Counsel;

NOW, THEREFORE BE IT RESOLVED that the aforementioned individuals, individually or collectively, are hereby authorized to file, stipulate, modify, agree upon and otherwise perform the duties which are required of said Town Attorney and/or Special Tax Counsel in the above forenamed circumstances which are within the jurisdiction of the Warren County Board of Taxation and the New Jersey Tax Court.

BE IT FURTHER RESOLVED that the Municipal Clerk be directed to forward a certified copy of the resolution to the Warren County Board of Taxation and the Town Attorney.

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-10
A RESOLUTION AUTHORIZING PETTY CASH FUNDS FOR 2023

WHEREAS, N.J.S.A. 40A:5-21 authorizes the renewal of a petty cash fund in municipalities by application and resolution; and

WHEREAS, it is the desire of the Town of Phillipsburg to renew the following petty cash fund for the calendar year 2022 as follows:

<u>Department</u>	<u>Custodian</u>	<u>Amount Authorized</u>
Clerk's Office	Matthew C. Hall	\$500.00

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 authorize such action.

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-11
A RESOLUTION AUTHORIZING CHANGE FUNDS FOR VARIOUS MUNICIPAL OFFICES AND DEPARTMENTS

WHEREAS, the Chief Financial Officer has advised that a "Change Fund" is necessary for the purpose of making change for cash payments for certain Town offices and departments; and

WHEREAS, the said Change Fund will be used for the sole purpose of making change and not for the purpose of paying bills.

NOW, THFREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that a Change Fund is hereby re-established in the following amounts and for the following departments:

DEPARTMENT	AMOUNT
Tax Collector	\$ 1,299.00
Clerk/Vital Statistics	\$ 50.00
Sewer Utility	\$ 500.00
Construction Official	\$ 50.00
Municipal Court	\$ 170.00
Town Pool/Snack Bar	\$ 25.00
Town Pool/Ticket Gate	\$ 125.00
Police Department/Bail Change	\$ 50.00
Recreation Festivals/Events	\$ 500.00

BE IT FURTHER RESOLVED, that the Change Fund is to be used for the sole purpose of making change and not for the purpose of paying any bills and said Change Funds are to have a constant balance in the amount in which they are established.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall make the appropriate adjustments and notations on his records for the purpose of establishing such Change Funds for the foregoing offices and departments.

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-12

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

WHEREAS, pursuant to N.J.S.A. 43:3C-15 local units participating in the pensions and benefits plans administered by the State of New Jersey must appoint a Certifying Officer and Certifying Officer Supervisor annually, the following appointments are made for the terms to expire December 31, 2023; and

Certifying Officer

Robert J. Merlo

Certifying Supervisor

Matthew C. Hall, MPA

WHEREAS, that Robert J. Merlo, CFO be appointed Certifying Officer (at no additional salary), and Matthew C. Hall, MPA, Clerk/Administrator to be appointed the Certifying Supervisor (at no additional salary); and

WHEREAS, said named individuals have agreed to perform the duties associated with the said positions;

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

CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

R2023-13
A RESOLUTION APPROVING LIST FOR TOWING SERVICES WITHIN THE
TOWN OF PHILLIPSBURG FOR 2023

WHEREAS, applications have been received by the Police Department in regard to towing services within Town of Phillipsburg in accordance with Chapter 584 of the Town Code entitled "Towing" specifically, Section 584-4; and

WHEREAS, the applicants have filed their required annual fees with said application; and

WHEREAS, the Chief of Police has reviewed the applications and provided a recommendation for approval;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the following shall be issued approval to provide towing services to the Town of Phillipsburg during year 2023:

Rosnagles Sales & Service (Light Duty)	\$100.00
Phillipsburg, NJ	

H&K Auto Body Repairs, Inc. (Light Duty)	\$100.00
Stewartsville, NJ	

Washington Collision Center LLP (Heavy Duty)	\$100.00
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CERTIFICATION

I, Matthew C, Hall, 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 January 3rd, 2023

Matthew C. Hall, MPA, Acting Municipal Clerk

Apprvd. 02.07.2023