

TOWN OF PHILLIPSBURG
COUNCIL MEETING MINUTES
MARCH 21ST, 2023 — 7:00 P.M.

1. **CALL TO ORDER** - **7:03 PM**
2. **OPEN PUBLIC MEETING ACT STATEMENT** - **Read by VP Clark**
3. **PLEDGE OF ALLEGIANCE** - **All**
4. **INVOCATION** - **Led by Cnclman Piazza**
5. **ROLL CALL – Wyant, Clark, Kennedy, Marino, Piazza – All Present**
6. **APPROVAL OF MINUTES**

March 14th, 2023 Work Session

Councilman Piazza moved to accept the Work Session minutes. The motion was seconded by Council VP Clark.

AYES: Wyant, Clark, Kennedy, Marino, Piazza
NAYS: None

7. **BILLS LIST**

Councilman Piazza moved to accept the Bills List. The motion was seconded by Council VP Clark.

AYES: Wyant, Clark, Kennedy, Marino, Piazza
NAYS: None

8. **ANNOUNCEMENTS/PRESENTATIONS - None**

9. **MAYOR’S REPORT/ADMINISTRATIVE OFFICERS/PROCLAMATION**

Proclamation given to Library Director, David Krolak recognizing/celebrating 100 years of PFPL. Then Mayor Tersigni gave his report.

10. **PUBLIC DISCUSSION ON AGENDA ITEMS**

Meliss Paulus – 26A Glen Avenue

Noted R2023-57 & 58 did not have salaries stated for the Positions. Asked what they were?

CP Wyant stated Council voting on the Positions. Continued has not been presented to us yet.

Attny Wenner stated salaries are within a Range, Council sets it.

BA Hall noted the Range to be 50k-120k within the Salary Ordinance.

MP asked if in the Budget? Adding Website difficult to navigate to retrieve information. Feels Council not prepared to answer questions.

Attny Wenner noted, did not say look-up, but said Council sets Salary within Range – when it comes up for discussion. Continued, salary will be part of final Resolution – Salary by part of Ordinance set tonight. Stated must discuss as a Body.

MP spoke to raising the cap – usually 2% - 3.5% tonight. VP Clark noted 3 minutes.

Dan Boyce – 1526 Warren St., Alpha

Spoke to promotion of Pat Kays; which he will oversee departments. Thought Mayor oversees all departments – wondered if not redundant.

Attny Wenner noted Town Code – Department Heads head that department. The Management Position oversees all other departments, Mayor is the ultimate decision maker.

Joe Meyner – 392 South Main Street

Voiced concern over % on Bonds & Notes, our borrowing rate. Continued we have increased our debt massively – threat to our rating. Noted Bond rate 150k – 700k in % paid on borrowing. He stated some is Pool, he is sure.

Closed to the Public

11. ORDINANCES FOR 1ST READING

ORDINANCE 2023-04

CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

**** Second reading and public hearing will occur on April 4TH, 2023 ****

ROLL CALL

Motion Carries

4-1

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

12. 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.

R2023-28 ** Tabled from February 7th, 2023 **

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HAWKINS, DELAFIELD & WOOD, LLP FOR SERVICES RELATED TO THE NEW JERSEY WATER INFRASTRUCTURE PROTECTION ACT N.J.S.A. 58:30-1

R2023-50

RESOLUTION AUTHORIZING A CHANGE ORDER REDUCING THE CONTRACT WITH SPECTRASERV FOR THE PURPOSES OF CLEANING THE WEST DIGESTER TANK IN THE AMOUNT OF \$15,000.00

R2023-51

RESOLUTION OF THE TOWN OF PHILLIPSBURG, APPROVING A PAYMENT IN THE AMOUNT OF \$622,000 TO ALL STATE TECHNOLOGY, INC FOR THE WALTERS PARK POOL PROJECT

R2023-52

RESOLUTION APPOINTING STATEWIDE INSURANCE FUND COMMISSIONERS FOR 2023 FUND YEAR

R2023-53

A RESOLUTION TO PROVIDE FOR INTERFUND TRANSFERS

R2023-54

RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2023 CURRENT FUND IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

R2023-55

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2023 SEWER UTILITY IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

R2023-56

RESOLUTION AUTHORIZING THE TOWN OF PHILLIPSBURG UEZ CAMERA PROJECT

R2023-59

RESOLUTION AUTHORIZING GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025

CP Wyant stated would be holding R2023-49, 57, 58 from the Consent Agenda.

ROLL CALL **Consent Agenda Motion Carries** **5-0**

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

R2023-57

RESOLUTION APPOINTING MATTHEW D. NOEL AS RECREATION DIRECTOR FOR THE TOWN OF PHILLIPSBURG

ROLL CALL **Motion Carries** **5-0**

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

CP Wyant spoke to R2023-57 Recreation Director, noted comparable to previous full-time director. Salary proposed – BA Hall noted 62k.

R2023-58

**RESOLUTION APPOINTING PATRICK KAYS AS DIRECTOR OF MUNICIPAL SERVICES
ROLL CALL**

Motion Carries 5-0

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			

VP Clark stated this is a positive restructuring of the Code Department and will be beneficial to our residents.

BA Hall noted salary of 110k of which 70k already exists and 25k is grant funded.

CP Wyant asked if Council had further questions.

Cnclman Piazza stated some redundancy – DPW, Inspections – purview of Mayor previously.

R2023-49

A RESOLUTION INTRODUCING THE 2023 MUNICIPAL BUDGET AND AUTHORIZING PUBLICATION OF NOTICE THEREOF

ROLL CALL

Motion Carries 3-2

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			

Discussion

Cnclman Marino stated would like to see Mayor – promote more cuts and revamp Budget.

Cnclman Piazza noted Budget should be looked into more in depth. Feels it is an artificially reduced tax rate. Concerned about Bond ratings – 2 million short fall expected next year. Stated Cannabis Tax has done very well, but more competition on the 22 corridor and if PA enacts legalizing recreational use, TOP will see the 600k revenue fall sharply and we will be sunk. Covid relief fund,, Berks, PA use of that money banking issues – borrowing is pushed back. Need to secure revenues for our future.

Cnclman Kennedy spoke to use of surplus as nothing new. Adding, of course prefer not to touch surplus, but cannot burden taxpayers any further. Continued more revenue streams are expected.

2017 – 1.1 million

2018 – 1.3 million

2019 – 1.6 million

2020 – 1.485

2021 – 1.7

2022 – 1.975

VP Clark stated he supports this Budget – adding no one wants to dip into surplus, but Parking revenue has gone up from 82k to 120 k. Repeated what CFO Merlo stated, budget good for residents. Flat this year without losing services.

CP Wyant stated he has never been in favor of flat Budget – should be raised at least inflation costs. Continued this cannot continue each year, just kicking the can down the road. Feels should be raised a couple cents/year and we would not be in this situation. Adding there is not a lot of fat in this Budget. Noted receiving a (5) page letter today from CFO and felt should have received the letter by first meeting on Budget. He continued by saying don't like using surplus. Stated (2) options – 1. Pass this Budget or 2. Increase taxes knowing it is tough for many of our residents, but cannot have it both ways. He ended by saying several years of keeping the Budget flat has caused where we are not. Feels not prudent and will be worse next year.

13. OLD BUSINESS

CORLISS AVENUE UPDATE - Notice to Bidders

Tim O'Brien, Engineer – Van Cleef

Stated working toward Bid Opening, walkthrough and buffer time for adjustments to the former Municipal Bldg. – removal of environmental contaminants.

14. MOTIONS

FIREFIGHTER – DANTE J. BABBAGE-MATOS

Council VP Clark moved to accept the application for firefighter. The motion was seconded by Councilman Kennedy.

AYES: Wyant, Clark, Kennedy, Marino, Piazza

NAYS: None

15. PUBLIC PETITIONS

Joe Meyner 392 South Main Street

Noted if promoting Pat Kays from inspector to admin, then losing an inspector. Stated there is a need for more inspectors – compounding problem.

Matt Scerbo – 1073 Pearl street

Stated CP Wyant addressing employee in the audience to admonish – not ethical. Questioned if Open Space had any meetings last year? And if Advisory Committee – Recreation/Open Space did not meet – having passed the Open Space Tax on ballot – not transparent and a failure. Concerned about oversite on the monies – stating residents deserve to see where funds go. Cnclman Kennedy interjected – he is on as Council representative on Open Space/Recreation committee.

Meliss Paulus – 26A Glen Avenue

Stated lack of transparency. Asked about letter from CFO Merlo – again noting should not have spoken out to CFO as he did.

CP Wyant stated he did not have the letter with him. Continued, would get letter to Ms Paulus, but not tonight.

MP inquired if search had begun to replace Tax Collector, Sandy Callery, who's collection rate of 96% cannot be matched?

CP Wyant stated either we raise taxes or pass Budget presented.

Annette Alexander – 23 Fox Street

Spoke to fact she submitted Petition to run for Town Council. She continued, survived Domestic Violence, Homelessness and is a survivor. Wants to help the Community – asking for Council's help to run the race. Feels jobs is first priority so people can feed their families. Stated PA is taking people away from TOP. She stated need help to fight – wants to have rally at Shappell Park.

Josh Wanisko – 185 Lewis Street

Spoke to Mayor Tersigni giving Proclamation to Library – celebrating their 100 years – through storytime at PFPL met other parents – creates connections – Community needs the Library.

David Morrisette – 5 Fairview Hghts.

Thanked CP Wyant for leading productive Council meetings. Continued, glad to hear Center Street is not Truck Route – would still like to see additional signs – 4 ton gross vehicle weight. Thanked Mayor Tersigni – Proclamation recognizing Library – valuable resource. Referred to litigation regarding Howard Street warehouse. Asked Attorney Wenner, if lawsuit – how does TOP decide – push/spend money – no case -can't win – who decides?

Attorney Wenner noted in general – Council – regarding action – continued usually Insurance – decides underwritten even if not monetary – assigned out.

Dan Boyce – 1526 Warren Street, Alpha

Referred to numbers regarding revenue – stating Parking – at least 10k came from construction vehicles needing to park in Riverside Lot due to construction on Free Bridge; which will not be available next year – Project will be complete soon.

Dan Seyler 22 North Main Street

Spoke to a rodent problem on north Main Street – contacted County Health Department – nothing resulted from that contact. Still a problem.

CP Wyant noted in the past DPW has baited Sewer lines; which is often where they come in from.

DS – stated 12-20 North Main Street and near Rt22. Never noticed problem to this extent before. Parties at 25 Morris Street and 26 N. Main Street also seeing problem.

Matthew Hall, BA noted, will make DPW aware. Added could be related to repairs at Union at Square.

DS noted, baited them last year. Seem to be back. Bait boxes 12, 14, 16 North Main Street – called Health Department – coming out of concrete wall in backyard.

BA Hall stated will follow up with you after meeting.

Closed to Public

16. Open Time

Councilman Marino stated need Police on the hill – meaning Hudson Street hill. Continued large group of young people hanging by Cathers Market – being disrespectful, badgering store owner – need additional Police presence.

Councilman Piazza

Spoke to passing flat Budgets in the past – Council members had cut their own salaries. Engineers, professionals – had to use general fund and did fight to generate revenue. Continued this is a different time – feels going to be a problem. Congratulated his daughter coming in second in State of NJ in her age group for archery. He continued, the team is going to Nationals in Kentucky.

Councilman Kennedy

Congratulated Matthew Noel and Patrick Kays for their hiring, promotion respectively. Noted raising of Irish flag in Shappell Park with the Ancient Order of the Hibernians, on St. Patrick's Day is an annual event. Invited all to attend next year always on St. Patrick's Day at 10AM.

VP Clark noted, second day of Spring, dress for weather and have a Good Night.

CP Wyant stated, bringing Council's attention to Property at 77-79 Glen Avenue suffered a fire well over a year ago. Property sold. Thinks buyer is local, began to gut – dumpsters. Secured a portion of the roof. Need to bring in owner – explain intentions. Total disgrace, perhaps more than buyer bargained for.

Mayor Tersigni spoke to Property and Fire. Feels beyond repair even before fire. Agreed, Habitability Hearing needed.

CP Wyant asked Attorney Wenner to notice 475 South Main Street and 77-79 Glen Avenue for Habitability Hearing.

NO EXECUTIVE – ADJOURN – 8:10 PM – VP Clark moved to adjourn.

O2023-04
CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Phillipsburg in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$ 156,980.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Phillipsburg, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Town of Phillipsburg shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$549,431.68, and that the CY 2023 municipal budget for the Town of Phillipsburg be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

R2023-28

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HAWKINS, DELAFIELD & WOOD, LLP FOR SERVICES RELATED TO THE NEW JERSEY WATER INFRASTRUCTURE PROTECTION ACT N.J.S.A. 58:30-1

WHEREAS, the Town of Phillipsburg has a need to acquire professional services relative to the New Jersey Water Infrastructure Protection Act N.J.S.A. 58:30-1; 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, the Town of Phillipsburg wishes to retain Hawkins, Delafield & Wood LLP subject to the proposal made a part hereof and attached hereto at a cost NOT TO EXCEED the sum of \$250,000; 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, THIS RETAINER AGREEMENT, made and entered into as of February 7, 2023, by and between the Town of Phillipsburg, New Jersey (the "Municipality") and Hawkins, Delafield & Wood LLP, a limited liability partnership (the "Firm").

WITNESSETH:

WHEREAS, the Municipality intends to sell its wastewater system pursuant to the procurement procedures, and authority set forth in either the New Jersey Water Infrastructure Protection Act (N.J.S.A. 58:30-1 et seq.) or the "Referendum Law" (N.J.S.A. 40:62-3 – 40:62-6); and

WHEREAS, the Firm has a national reputation for expertise in the field of water and wastewater system contract negotiations, procurements and financings; and

WHEREAS, the Municipality is authorized by law to employ attorneys and to fix their compensation, and desires to retain the professional services of the Firm in connection with the sale of its wastewater system; and

WHEREAS, the Firm has determined to accept the retainer and provide to the Municipality the services described herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

Section 1. Retainer. The Municipality hereby retains the Firm to render legal advice and assistance to the Municipality pertaining to the sale of the Municipality's wastewater system on the terms and conditions set forth herein. The Firm hereby accepts the Municipality's retainer and agrees to provide such advice and assistance.

Section 2. Scope of Services. (A) The Firm agrees to provide all legal services requested by the Municipality from time to time under this Agreement in relation to the sale of the wastewater system. Such services may include those services set forth on Attachment A.

(B) Services under this Agreement shall be performed under the direction of the Municipality's Business Administrator. In light of the variability of the time and complexity of the issues involved in transactions of this nature, the Firm and the Municipality agree to consult regularly as to the level of effort which is appropriate to the carrying out of services hereunder and the Firm shall provide a monthly statement to the Municipality with the total amount billed from the inception of the engagement to the current month.

(C) Professional Judgment and Legal Advice. The Firm acknowledges that the Municipality has engaged it to render legal advice at a reasonable price in a manner that is consistent with the Firm's professional responsibilities. The Firm agrees to perform legal services on behalf of the Municipality in accordance with professional standards. The Firm does not make any representations, warranties or guarantees regarding the outcome of any aspect of the proposed transaction. The Firm will be compensated for the time and effort it devotes on the Municipality's behalf and not for any particular result. The Firm's engagement is limited to the workscope set forth in paragraph (A) above and is not engaged to provide advice with respect to other areas of law, or with respect to credit standing, financing statements, price proposals, technical qualifications or merit, or other similar financial, technical or other non-legal matters or conditions pertaining to any proposer, to any proposal, or to the company executing any agreement. The Firm advises the Municipality to seek qualified independent professional advice concerning all such matters.

Section 3. Compensation. (A) The Municipality agrees to pay the Firm for services rendered hereunder at a blended rate of \$450 per hour for each attorney rendering services hereunder. Partners Rick Sapir and Counsel Megan Sartor will be the primary attorneys working on the engagement.

(B) The Municipality further agrees to reimburse the Firm for actual out-of-pocket expenses incurred in rendering services under this Agreement. These include expenses for travel, telephone tolls, postage, messenger, courier and delivery services, document reproduction

(only if an outside service is required), conference call expenses, and similar out-of-pocket items. In any billing for disbursements, the Firm shall provide the Municipality with a statement breaking down the amounts for each category of expense.

(C) The individual time and disbursement records customarily maintained by the Firm for billing evaluation and review purposes shall be made available to the Municipality in connection with bills rendered by the Firm.

(D) The Firm agrees to forward to the Municipality a statement of account for each one month period of services under this Agreement, and the Municipality agrees to compensate the Firm on this basis.

Section 4. Budget Limit. The initial budget limit for the services of the Firm described in Attachment A is \$250,000. The Firm shall not be compensated for services in excess of the initial budget for such services without the approval of the Municipality. The budget may be increased from time to time in the Municipality's discretion if the Municipality desires to have the Firm undertake services that would exceed the initial budget.

Section 5. Termination. This Agreement may be terminated (i) at any time by mutual consent of both parties, or (ii) by either party in its discretion effective on 30-days written notice to the other.

Section 6. Counterparts. This agreement may be executed in counterparts, which together will constitute the entire agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

THE TOWN OF PHILLIPSBURG, NEW
JERSEY

BY _____
Name:
Title:

HAWKINS DELAFIELD & WOOD LLP

BY _____
Name: Eric J. Sapir
Title: Partner

ATTACHMENT A

WORK SCOPE

- (i) perform all necessary legal research associated with the sale by the Municipality;
- (ii) attend meetings with the Municipality's Town Attorney, business administrator, officials, and board to discuss issues associated with the sale;
- (iii) provide advice with respect to structure of the procurement;
- (iv) prepare certification of Emergent Conditions;
- (v) provide assistance with procurement of Independent Financial Advisor;
- (vi) review and comment upon Independent Financial Advisor report;
- (vii) assist with preparation of notice of public hearing;
- (viii) prepare for and attend public hearing on proposed Emergent Conditions certification;
- (ix) prepare resolution certifying Emergent Conditions;
- (x) submit request for approval of Emergent Conditions certification from DEP, respond to DEP questions and prepare correspondence to BPU and DLGS;
- (xi) assistance with notice of DEP approval;
- (xii) attend to issues necessary to prepare the solicitation documents and the Sales Contract (e.g. identifying all assets, specific Municipality requirements, status of existing related contracts, ongoing and planned capital improvements, permits...);
- (xiii) prepare notice of intent to Office of the State Comptroller ("OSC");
- (xiv) provide assistance with the preparation of Request for Qualifications ("RFQ") and discussions with Municipality Team as necessary to issue final RFQ;
- (xv) submit draft RFQ to OSC for approval, address any issues raised by the OSC and revise draft RFQ as necessary;
- (xvi) prepare resolution authorizing issuance of RFQ and assist with publication of Notice of RFQ availability;
- (xvii) attend to potential respondent questions regarding RFQ and preparation of addenda;
- (xviii) assist with review of Statements of Qualifications and shortlisting process including preparation of clarification questions (if necessary);

(xix) prepare and discuss issues list related to Request for Proposals (“RFP”) and draft Sales Contract;

(xx) prepare draft RFP and Sales Contract and discuss with Municipality Team;

(xxi) revise documents as necessary to issue final RFP and draft Sales Contract;

(xxii) submit draft RFP to Office of State Comptroller for approval, address any issues raised by the OSC and revise draft RFP as necessary;

(xxiii) attend to Proposers’ questions regarding RFP and draft Sales Contract and preparation of addenda;

(xxiv) assist with review of Proposals and selection process;

(xxv) preparation of report supporting selection of the most advantageous proposer;

(xxvi) negotiate and prepare final Sales Contract, assistance with obtaining statutorily required State approvals;

(xxvii) prepare resolution approving submission of contract to BPU and use of proceeds to DLGS; assist Municipality with preparation of submittals, and attend to questions from BPU and DLGS;

(xxviii) prepare resolution authorizing execution of Sales Contract and prepare submission of final Sales Contract to OSC;

(xxix) assistance with real estate related matters; and

(xxx) assistance with Closing.

R2023-49
A RESOLUTION INTRODUCING THE 2023 MUNICIPAL BUDGET AND
AUTHORIZING PUBLICATION OF NOTICE THEREOF

BE IT RESOLVED that the following statement of revenues and appropriations shall constitute the Municipal Budget for year 2023;

BE IT FURTHER RESOLVED that said budget shall be published in the Express Times in the issue of March 24, 2023 and that the Governing Body of the Town of Phillipsburg does hereby approve the budget as presented to be introduced;

BE IT FURTHER RESOLVED that a public hearing on the budget will be held on Tuesday, April 18TH, 2023 at 7:00 p.m.

R2023-50

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO A CONTRACT IN THE AMOUNT OF \$203,195.00 AWARDED TO SPECTRASERV, INC. FOR THE PURPOSES OF CLEANING THE WEST DIGESTER TANK REDUCING THE AMOUNT OF THE CONTRACT IN THE AMOUNT OF \$15,000.00

WHEREAS, a contract was awarded to Spectraserv for the cleaning of the West Digester Tank, a critical component of the Town of Phillipsburg Wastewater Treatment Plant, which receives waste sludge from the primary clarifiers and from the SBR tanks, has grit and debris accumulation from years of operation; and

WHEREAS, the work has been completed on time and under the project budget and contract amount; and

WHEREAS, Mr. Dennis Yoder, PE, the appointed Wastewater Engineer for the Town of Phillipsburg recommends reducing the amount of the contract from **\$203,195.00** to **\$188,195.00** due to the fact that a \$15,000 allowance for additional removals was not needed;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Phillipsburg that the award of contract be reduced to the amount of **\$188,195.00**;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Mr. Dennis Yoder, PE;

R2023-51

**RESOLUTION OF THE TOWN OF PHILLIPSBURG, APPROVING A PAYMENT IN
THE AMOUNT OF \$622,522.80 TO ALL STATE TECHNOLOGY, INC FOR THE
WALTERS PARK POOL PROJECT**

WHEREAS, the Town of Phillipsburg previously awarded a contract to All State Technology, Inc. for the Walters Park Pool Project (“Project”) in the amount of \$2,406,000.00; and

WHEREAS, All State has submitted Payment Request No. 6 for work performed for the above referenced project which reflects completion of \$622,522.80; and

WHEREAS, this payment would result in a payment of \$622,522.80, which reflects withholding \$69,169.20 for retainage; and

WHEREAS, the Town Engineer certifies the completion of this work and recommends payment for same in the Payment No. 6 certification letter and voucher made a part hereof and attached hereto;

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that Payment Request No. 6 in the amount of \$622,522.80 is hereby approved;

R2023-52
RESOLUTION APPOINTING STATEWIDE INSURANCE FUND COMMISSIONERS
FOR 2023 FUND YEAR

WHEREAS, the Town of Phillipsburg (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in **N.J.S.A. 40A:10-36** et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Phillipsburg that Matthew C. Hall is hereby appointed as the Fund Commissioner for the Local Unit for the Fund Year 2023;

BE IT FURTHER RESOLVED that Robert J. Merlo is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2023;

BE IT FURTHER RESOLVED that the Town of Phillipsburg’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund;

R2023-53

A RESOLUTION TO PROVIDE FOR INTERFUND TRANSFERS

BE IT RESOLVED by the Town Council of the Town of Phillipsburg that pursuant to the provision of N.J.S.A. 40A:5-48, the Chief Financial Officer be and is hereby authorized to make transfers to said accounts in accordance with the attached listing;

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Chief Financial Officer;

R2023-54

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2023 CURRENT FUND IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

WHEREAS, an emergent condition has arisen with respect to delays in budget appropriation for the 2023 Temporary Budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolution adopted in the year 2023 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, PL 1951, as amended) including this resolution total \$7,111,658.00;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20:

1. An Emergency Temporary Appropriation be and the same is hereby made for Temporary Emergency Budget in the total amount of \$1,713,652.85. This resolution combined with the 2023 Temporary Budget Appropriation R2023-01 adopted January 03, 2023 and R2023-54 adopted March 17, 2023 brings the total 2023 Temporary Appropriations to \$7,111,658.00;
2. That said Emergency Temporary Appropriation would be provided for in the 2023 Budget under the total budget - Town of Phillipsburg.

That a certified copy of this resolution be filed with the Director of Local Government Services.

R2023-55

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2023 SEWER UTILITY IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20

WHEREAS, an emergent condition has arisen with respect to delays in budget appropriation and the 2023 Sewer Utility Temporary Budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolution adopted in the year 2023 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, PL 1951, as amended) including this resolution total \$1,407,541.00;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20:

1. An Emergency Temporary Appropriation be and the same is hereby made for Temporary Emergency Budget in the total amount of \$339,166.67. This resolution combined with the 2023 Temporary Budget Appropriation R2023-03 adopted January 03, 2023 brings the total 2023 Temporary Appropriations to \$1,407,541.00;
2. That said Emergency Temporary Appropriation would be provided for in the 2023 Budget under the total budget - Town of Phillipsburg.
3. That a certified copy of this resolution be filed with the Director of Local Government Services.

R2023-56

**RESOLUTION AUTHORIZING THE TOWN OF PHILLIPSBURG UEZ PROJECTS FOR
2023**

WHEREAS, pursuant to **N.J.S.A. 52:27H-60** Town of Phillipsburg projects shall be adopted by the UEZ Board and subsequently approved by Town Council; and

WHEREAS, the following project has been adopted by the UEZ Board and presented to Town Council with a copy attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED by and between the Town of Phillipsburg, County of Warren, State of New Jersey that the 2023 Town of Phillipsburg UEZ project be approved as presented.

R2023-57

**RESOLUTION APPOINTING MATTHEW D. NOEL AS RECREATION DIRECTOR FOR
THE TOWN OF PHILLIPSBURG**

WHEREAS, the position of Recreation Director for the Town of Phillipsburg is vacant;

WHEREAS, the Mayor and Council have determined that Matthew D. Noel is an experienced recreation professional with over 30 years of experience in public and private youth sports and recreation; and

WHEREAS, Matthew D. Noel is willing to assume the position of Recreation Director for the Town of Phillipsburg subject to the certain terms and conditions of employment set forth in the employment agreement on file in the Town Clerk's office; and

WHEREAS, Mayor Todd M. Tersigni proffered the appointment of Matthew D. Noel as Recreation Director to fill the vacancy subject to the advice and consent of the Town Council and subject to the terms and conditions of an employment agreement between Mr. Noel and the Town of Phillipsburg;

NOW, THEREFORE, be it agreed between the Mayor and Council of the Town of Phillipsburg and Matthew D. Noel that Matthew D. Noel is hereby appointed as the Recreation Director of the Town of Phillipsburg effective April 10TH, 2023;

R2023-58

**RESOLUTION APPOINTING PATRICK KAYS DIRECTOR OF MUNICIPAL SERVICES
AND COMMUNITY DEVELOPMENT**

WHEREAS, the positions of Director of Municipal Services and Director of Community Development for the Town of Phillipsburg are vacant;

WHEREAS, there is exists a need to restructure the Division of Inspections and Division of Community Development in a manner which is consistent with the goals of Town of Phillipsburg with regard to development, redevelopment and revitalization of residential, commercial and industrial properties; and

WHEREAS, the Mayor and Council desire to promote Patrick Kays, an experienced professional with nearly 25 years of experience in the building trades and code enforcement with five years of experience with the Town of Phillipsburg from Housing Inspector to a dual role of Director of Municipal Services and Community Development; and

WHEREAS, Patrick Kays is willing to assume the position of Director of Municipal Services and Community Development for the Town of Phillipsburg subject to the certain terms and conditions of employment set forth in the employment agreement on file in the Town Clerk's office; and

WHEREAS, Mayor Todd M. Tersigni proffered the appointment of Patrick Kays as Director of Municipal Services and Community Development to fill the vacancy subject to the advice and consent of the Town Council and subject to the terms and conditions of an employment agreement between Mr. Kays and the Town of Phillipsburg; and

NOW, THEREFORE, be it agreed between the Mayor and Council of the Town of Phillipsburg and Patrick Kays that Patrick Kays is hereby appointed as the Director of Municipal Services and Community Development for the Town of Phillipsburg effective March 22ND, 2023;