

**R2023-22**

**RESOLUTION GRANTING WAIVER TO OPEN, CUT OR EXCAVATE STREET TO PROVIDE UTILITY SERVICE TO PREEXISTING RESIDENCE PURSUANT TO § 545-39 OF THE CODE OF THE TOWN OF PHILLIPSBURG**

**WHEREAS** § 545-39 of the Code of the Town of Phillipsburg prohibits the issuance of excavation permits for openings, cuts or excavations for a period of five (5) years in streets which have been reconstructed or resurfaced; and

**WHEREAS** Hillcrest Avenue in the Town of Phillipsburg is subject to the provisions of § 545-39 of the Code of the Town of Phillipsburg due to recent resurfacing; and

**WHEREAS** Elizabethtown Gas is requesting relief from § 545-39 on behalf of the property owner at 959 Hill Street; and

**WHEREAS** the Town Engineer has determined that the need for relief has good cause; and

**WHEREAS** Elizabethtown Gas has submitted an Application for Street Opening to the Town of Phillipsburg to install a gas line to service 959 Hill Street; and

**WHEREAS** § 545-39 C. provides that a waiver for the issuance of an excavation permit may be issued during the five-year period “to open, cut or excavate in said street for the purposes of providing utility or other service to a preexisting residence or structure, but only upon application to the Town Council and for good cause shown;” and

**WHEREAS**, § 545-26 A. proscribes a fee schedule commensurate with the scope of work as well as the date of work; and

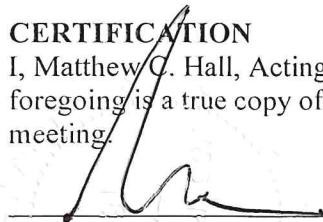
**WHEREAS**, the Town Engineer has conditioned approval of the aforesaid permit upon assurance from Elizabethtown Gas that the asphalt repair be made utilizing infrared technology;

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Town of Phillipsburg, in the County of Warren, in the State of New Jersey hereby grants a waiver to issue a permit to the Elizabethtown Gas to open, cut, or excavate Hill Street for the limited purpose of installing a gas utility line to service 959 Hill Street subject to any and all applicable fees and permits as well as any and all conditions imposed by the Town Engineer.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Town Engineer, the Department of Public Works and the Clerk’s Office.

**CERTIFICATION**

I, Matthew C. Hall, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their January 17<sup>th</sup>, 2023 meeting.

  
Matthew C. Hall, MPA, Acting Municipal Clerk