

R: 2022-122

A RESOLUTION OF THE TOWN COUNCIL, TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A PAVING ESCROW AGREEMENT WITH AQUA NEW JERSEY, INC.

WHEREAS, Aqua is a public utility providing water service within the Town and has pipe and main (“Improvements”) located in the streets and right of way located in the Town; and

WHEREAS, Aqua from time to time performs work on the Improvements that requires excavations be made in the streets and right of way located in the Town; and

WHEREAS, Chapter 545, Article VII, of the Code of the Town of Phillipsburg, Street Excavations establishes procedures for street excavation and permanent restoration; and

WHEREAS, *inter alia*, Sections 545-27 requires certain maintenance and guarantees in regard to permanent restorations; and

WHEREAS, the Town wishes to coordinate any permanent restorations so that permanent restorations and paving are coordinated with the Town’s street paving schedule; and

WHEREAS, the Parties have negotiated an Agreement in the form attached hereto that is intended to fully account for and address Aqua’s responsibility regarding permanent restorations for any restoration Aqua may be obligated to perform as of the date of execution of the Agreement as a result of street excavations; and

WHEREAS, the Town Council desires to authorize the execution of the attached Agreement.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Agreement with Aqua for paving escrow in the form attached hereto is hereby authorized and that the Mayor is directed to execute same.

CERTIFICATION

I, Lorraine Loudenberry, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their June 07, 2022 meeting.

Lorraine Loudenberry
Acting Municipal Clerk