

**RESOLUTION 2021-42**  
**SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF ALPHA AND**  
**TOWN OF PHILLIPSBURG FOR CONTINUED TEMPORARY USE OF FACILITIES**

**WHEREAS**, the Borough of Alpha previously entered into a multi-year shared services agreement with the Town of Phillipsburg in 2014, where it was agreed that Phillipsburg would provide the use of its courtroom, court staff and Municipal Court Judge for the provision of the hearing and adjudication of municipal court matters related to the Borough of Alpha; and

**WHEREAS**, in early 2017, certain conditions arose which adversely affected the habitability of the Phillipsburg courtroom and which necessitated the emergent relocation of the Phillipsburg and Alpha court services until such time as the aforementioned conditions may be alleviated and which continue to the present day; and

**WHEREAS**, under a separate annual shared services agreement, Alpha has agreed to extend the use of its courtroom facilities to the Town of Phillipsburg for the purposes of hearing and adjudicating both Phillipsburg and Alpha municipal court matters, subject to the terms and restrictions set forth in an Agreement delineating such terms; and

**WHEREAS**, said annual shared services agreement for the use of Alpha's court facilities by Phillipsburg was renewed in December 2017 for the 2018 calendar year, and again renewed in May 2019 and May 2020 for the 2019 and 2020 calendar years, respectively, and;

**WHEREAS**, the multi-year shared services agreement (2018 Shared Services Agreement) whereby Phillipsburg would provide the use of its court staff and Municipal Court Judge for the provision of the hearing and adjudication of municipal court matters related to the Borough of Alpha was renewed in December 2017 for a (5) five year term expiring on December 31, 2022; and

**WHEREAS**, the aforementioned habitability issues related to the Phillipsburg Courtroom have yet to be remedied; and

**WHEREAS**, the Administrative Office of the Courts (hereinafter, "the AOC") and the Assignment Judge of Vicinage XIII (hereinafter, "the Assignment Judge"), having previously approved the relocation of the Shared Municipal Court on an interim basis; and

**WHEREAS**, the Governing Bodies of both Alpha and Phillipsburg find that it would be in the best interest of both parties for Phillipsburg to temporarily utilize the facilities located in Alpha for the provision of shared municipal court services under the same terms and conditions of the 2018 Shared Services Agreement, except as modified in the Agreement recently negotiated between the parties.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Alpha, County of Warren, State of New Jersey that Alpha agrees to the continued abidance of the proposed terms set forth in the Shared Services Agreement between the Borough of Alpha and the Town of Phillipsburg dated December 8, 2017 permitting temporary use of the courtroom

facilities in Alpha pursuant to its terms, including the terms as set forth by any subsequent successor Agreement and as amended herein and;

**BE IT FURTHER RESOLVED**, that during Phillipsburg's utilization of the Alpha facilities for calendar year 2021 only, Phillipsburg will now remit the sum of \$6,875 in quarterly payments to Alpha.

**BE IT FURTHER RESOLVED**, that the Mayor, Borough Clerk, and/or Borough Labor Counsel are authorized to execute all necessary documents to effectuate the terms of the above-referenced Shared Services Agreement.

### **CERTIFICATION**

*I, Donna L. Messina, Acting Municipal Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on January 26<sup>th</sup>, 2021 and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*

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*Donna L. Messina, Acting Municipal Borough Clerk  
Witness my hand and seal of the Borough of Alpha  
this 26<sup>th</sup> day of January, 2021.*