

R2025-89

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING, PURSUANT TO CHAPTER 27-4 OF THE TOWN CODE, THE PAYMENT OF LEGAL FEES INCURRED IN DEFENDING FRANK MCVEY AGAINST CHARGES BROUGHT BY THE WARREN COUNTY PROSECUTOR'S OFFICE WHICH WERE SUBSEQUENTLY DISMISSED

WHEREAS, Frank McVey was a duly-elected Councilmember for the Town of Phillipsburg, serving under the Administrations of Stephen Ellis and Todd Tersigni; and

WHEREAS, in August 2021, Frank McVey was arrested and charged with misuse of the Emergency 911 system in connection with requesting a welfare check on Mayor Todd Tersigni and Chief Robert Stettner; and

WHEREAS, Frank McVey was subsequently indicted on three of five counts brought by the Warren County Prosecutor's Office, with the Grand Jury returning a "no bill" as to the 911 charges and

WHEREAS, the invoice was submitted to the Town Council for legal fees incurred in his defense, all in accordance with Chapter 27-4 of the Town Code; and

WHEREAS, the Town Council paid said invoice to Lanza & Lanza, LLP; and

WHEREAS, Frank McVey spent the following almost three and a half (3.5) years defending himself against the charges of second-degree official misconduct in connection with a December 29, 2020, email, to Mayor Todd Tersigni; second-degree pattern of official misconduct related to both events charged in counts one and two, and fourth-degree criminal coercion related to the December 29, 2020, email; and

WHEREAS, Frank McVey incurred many hundreds of thousands of dollars in fees defending himself against the charges brought by the Warren County Prosecutor's Office, including fees incurred in successfully having the Prosecutor's Office disqualified from handling his case based upon the relationship between the then-Prosecutor and Mayor Todd Tersigni; and

WHEREAS, when Frank McVey's motion to disqualify the Warren County Prosecutor's Office was successful due to a conflict between the then-Prosecutor and Mayor Todd Tersigni, Frank McVey incurred additional fees in opposing the Warren County Prosecutor's Office appeal of that favorable ruling; and

WHEREAS, the Warren County Prosecutor's Office appeal was dismissed as moot by the Appellate Division due to the fact that the Warren County Prosecutor's Office had, by that time, been superseded by the Attorney General's Office; and

WHEREAS, Frank McVey was offered, but rejected, plea agreements because he knew he was innocent and he trusted that justice would ultimately prevail, notwithstanding the concerted efforts of the Warren County Prosecutor's Office, with others, to convict him; and

WHEREAS, Frank McVey incurred legal fees in attempting to compel the Warren County Prosecutor's Office to produce fact discovery in support of the charges it brought against Frank McVey because it refused to do so; and

WHEREAS, in April 2025, nearly four (4) years since it first brought charges, the Warren County Prosecutor's Office dismissed all charges against Frank McVey; and

WHEREAS, pursuant to Chapter 27-4 of the Town Code, the Town shall be responsible for the payment of fees and costs incurred in the defense of criminal charges if the charges are dismissed or a verdict of Not Guilty rendered by the jury; and

WHEREAS, the total sum of legal fees and costs incurred in the defense of Frank McVey is as follows:

1. Lanza & Lanza, LLP- \$2,533.80
2. Critchley & Luria, LLC- \$485,977.51
3. Apex Investigations- \$2,132.50
4. Burke Court Reporting \$187.20
5. Burke Court Reporting \$262.08
6. Trukmann's American \$226.92; and

WHEREAS, the total for the above is \$491,320.51, exclusive of fees previously paid to Lanza & Lanza as detailed above; and

WHEREAS, Items 3-6 are costs directly incurred by Frank McVey; and

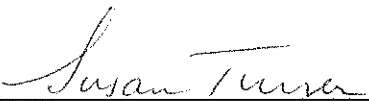
WHEREAS, the Town Council desires to authorize the payment of the foregoing and sufficient funding is available as evidenced by the attached certification of funds.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey that the Town Council does hereby authorize the direct payment to Lanza & Lanza, LLP in the amount of \$2,533.80 and to Critchley and Luria, LLC in the amount of \$485,977.51.

BE IT FURTHER RESOLVED that the Town Council does hereby authorize the reimbursement of costs incurred by Frank McVey in the amount of \$2,808.70 for Items 3-6 above.

CERTIFICATION

I, Susan Turner, 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 May 14, 2025 meeting.



Susan Turner
Acting Municipal Clerk

AVAILABILITY OF FUNDS CERTIFICATION

I, **Robert J. Merlo**, Chief Financial Officer of the Town of Phillipsburg do hereby certify as follows:

1. I have examined the accounts of the Town to determine if sufficient funds are available to award a contract for the following:

A.	<input type="checkbox"/>	Professional Services	State Contract #	<input type="text"/>
	<input type="checkbox"/>	Bid Award	Co-op Name	<input type="text"/>
	<input type="checkbox"/>	Contract	Co-op Number	<input type="text"/>
	<input checked="" type="checkbox"/>	Emergency		

B. Resolution # **R2025-89**

Change Order _____

Resolution # _____

Change Order _____

Resolution # _____

Description **Legal Fees for Frank McVey**

C. Vendor: **Critchley & Luria, LLC** Vendor # **1682**

D. Vendor Address: _____

E. Amount: \$ **485,977.51** **2025 Not to exceed**

\$ **485,977.51**

F. Project # _____

G. Purchase Order #: _____

H. Drawdown:

2. I have determined that funds are available as follows:

A.	Account Numbers	Account Titles	2025 Cert of Funds
(1)	01-400-65-000	Fund Balance	\$ 485,977.51
(2)			\$ -
(3)			\$ -
(4)			\$ -
(5)			\$ -
			\$ 485,977.51

B.

3. Only amounts for the 2025 Budget Year have been certified.

Amounts for future years are contingent upon sufficient funds being appropriated.

Robert J Merlo

May 12, 2025

Robert J. Merto, Chief Financial Officer

Date

AVAILABILITY OF FUNDS CERTIFICATION

I, **Robert J. Merlo**, Chief Financial Officer of the Town of Phillipsburg do hereby certify as follows:

1. I have examined the accounts of the Town to determine if sufficient funds are available to award a contract for the following:

A.	<input type="checkbox"/>	Professional Services	State Contract #	<input type="text"/>
	<input type="checkbox"/>	Bid Award	Co-op Name	<input type="text"/>
	<input type="checkbox"/>	Contract	Co-op Number	<input type="text"/>
	<input checked="" type="checkbox"/>	Emergency		

B. Resolution # **R2025-89**

Change Order _____

Resolution # _____

Change Order _____

Resolution # _____

Description **Legal Fees for Frank McVey**

C. Vendor: **Lanza & Lanza, LLP** Vendor # **1344**

D. Vendor Address: _____

E. Amount: \$ **2,533.80** **2025 Not to exceed**

\$ 2,533.80

F. Project # _____

G. Purchase Order #: _____

H. Drawdown:

2. I have determined that funds are available as follows:

A.	Account Numbers	Account Titles	2025 Cert of Funds
(1)	01-201-20-155-209	Legal Services	\$ 2,533.80
(2)			\$ -
(3)			\$ -
(4)			\$ -
(5)			\$ -
			\$ 2,533.80

B.

3. Only amounts for the 2025 Budget Year have been certified.

Amounts for future years are contingent upon sufficient funds being appropriated.

Robert J. Merlo

May 12, 2025

Robert J. Merlo, Chief Financial Officer

Date

AVAILABILITY OF FUNDS CERTIFICATION

I, **Robert J. Merlo**, Chief Financial Officer of the Town of Phillipsburg do hereby certify as follows:

1. I have examined the accounts of the Town to determine if sufficient funds are available to award a contract for the following:

A.	<input type="checkbox"/>	Professional Services	State Contract #	<input type="text"/>
	<input type="checkbox"/>	Bid Award	Co-op Name	<input type="text"/>
	<input type="checkbox"/>	Contract	Co-op Number	<input type="text"/>
	<input checked="" type="checkbox"/>	Emergency		

B. Resolution # **R2025-89**
 Change Order _____
 Resolution # _____
 Change Order _____
 Resolution # _____
 Description **Legal Fees for Frank McVey**

C. Vendor: **Frank McVey** Vendor # **970**

D. Vendor Address: _____

E. Amount: \$ **2,808.70** **2025 Not to exceed**

 \$ **2,808.70**

F. Project # _____

G. Purchase Order #: _____

H. Drawdown:

2. I have determined that funds are available as follows:

A.	Account Numbers	Account Titles	2025 Cert of Funds	
(1)	01-201-20-155-209	Legal Services	\$	2,132.50
(2)	01-201-20-155-209	Legal Services	\$	187.20
(3)	01-201-20-155-209	Legal Services	\$	262.08
(4)	01-201-20-155-209	Legal Services	\$	226.92
(5)			\$	-
			\$	2,808.70

B.

3. Only amounts for the 2025 Budget Year have been certified.

Amounts for future years are contingent upon sufficient funds being appropriated.

Robert J Merlo

May 12, 2025

Robert J. Merlo, Chief Financial Officer

Date