

## COUNCIL MEETING MINUTES

March 1, 2005

The Phillipsburg Town Council conducted its regular meeting on Tuesday, March 1, 2005 at 7:00 P.M. in the Council Chambers of the Municipal Building located at 675 Corliss Avenue.

Council President Stettner read the required Open Public Meeting Act Statement.

INVOCATION By Councilwoman Coopersmith

PLEDGE OF ALLEGIANCE By the Assembly

### ROLL CALL

PRESENT: Councilmembers: Coopersmith, Damato, DeGerolamo, Shelly

President: Stettner

ABSENT: None

### TOWN OFFICIALS PRESENT

Mayor Wyant, Clerk/Administrator  
Broubalow and Attorney Vex

### APPROVAL OF MINUTES

The following meeting minutes were submitted for approval:

Regular Meeting – Feb. 15, 2005

### Motion

Councilman Shelly moved for approval of minutes. The motion was seconded by Councilwoman Coopersmith, which carried

by a 4-0-1 vote, Councilman Damato abstaining.

### APPROVAL OF MINUTE CONTENTS

The following Executive Minutes were submitted for content approval:

February 1, 2005  
 February 8, 2005  
 February 8, 2005  
 February 15, 2005

### Motion

Councilman Damato moved for approval of minute contents. The motion was seconded by Councilwoman Coopersmith, which carried by a 5-0 vote, with exception of Councilwoman Coopersmith abstaining on February 1 minutes and Councilman Damato abstaining on February 15 minutes.

### APPROVAL OF BILLS

The following bills were submitted for payment approval:

#### SUMMARY

CURRENT FUND	43,319.03
STATE & FEDERAL GRANTS	21,119.50
SECTION 8	273.18
CAPITAL FUND	3,418.00
SEWAGE UTILITY FUND	4,252.40

**Pre-Paid Bill List as of March 1, 2005**

STATE & FEDERAL GRANTS	125.28
SECTION 8	199.99
SEWER UTILITY FUND	632.19

Motion

Councilman Damato moved for approval of bills. The motion was seconded by Councilman DeGerolamo.

Discussion

Councilwoman Coopersmith addressed \$1,502 payment to ‘Brown & Brown of NJ, Inc.’.

Clerk/Administrator replied payment for previous policy for volunteer fire/squad members.

Councilwoman Coopersmith addressed \$4,582.56 payment to ‘KML Technology, Inc.’.

President Stettner replied service contract for 911 systems.

Councilwoman Coopersmith addressed payment to ‘Courter, Kobert & Cohen’ for condemnation.

Councilman DeGerolamo requested all members received copy of invoice.

Councilwoman Coopersmith addressed \$517.34 payment to ‘Berkeley Industrial’.

Councilwoman Coopersmith addressed \$1,000 payment to ‘COMAC, Inc’.

Clerk/Administrator advised services rendered as telephone consultant.

Councilwoman Coopersmith addressed \$1,500 payment to ‘Antenon’.

Councilwoman Coopersmith addressed \$126 payment to 'Mary J. Horensky'.

Clerk/Administrator replied utility payments for Section 8 tenant.

Councilman Damato addressed \$7,000 payment to 'Phillipsburg UEZ Corporation'. He requested copy of invoice as well, as appraisal.

Councilman Damato addressed \$11,704.65 payment to 'DeCotiis, Fitzpatrick, Cole' and requested copy of invoice.

Motion carried 5-0, with exception of Councilman Damato abstaining on payments to Phillipsburg UEZ Corporation and DeCotiis, Fitzpatrick, Cole.

#### OLD BUSINESS

No Old Business

#### MAYOR'S REPORT

##### Morris Street Fire

Mayor commended firefighters for a job well done Monday afternoon. He noted they were hampered due to the snow and weather conditions.

Councilman DeGerolamo questioned cause of fire.

Mayor replied accidental; cigarette placed in waste container, which was not completely extinguished, they left for doctor appointment and upon returning, the house was on fire.

#### PUBLIC DISCUSSION OF AGENDA ITEMS

No Public Discussion

ORDINANCES (Second Reading)

O: 2005-07

AN ORDINANCE PROVIDING FOR THE RECOVERY OF COSTS FOR THE USE OF POLICE SERVICES TO MAINTAIN ORDER AND PUBLIC PEACE AND TO STOP DISTURBANCES ON PRIVATE PROPERTY was introduced for second reading by Councilman Shelly and there being no errors, corrections or objections, Councilman Shelly moved that the ordinance be adopted according to law. The motion was seconded by Councilwoman Coopersmith.

Discussion

Councilman Damato questioned whether any buildings in the Town are exempt from this ordinance or does it apply to every property.

President Stettner advised Housing Authority is exempt since they are Federal government.

Attorney advised the Town is legally not permitted to regulate Housing Authority.

Councilman Damato questioned hospitals.

Councilman Damato questioned School District.

Councilman Shelly replied they could apply.

Councilman Damato questioned whether the Attorney has reviewed ordinance and whether it meets his approval.

Attorney replied he has reviewed ordinance and noted it would apply to every property within the Town except HUD properties.

Councilman Damato noted he would like a ruling from the Attorney General.

Councilman Shelly questioned his objection.

Councilman Damato noted there is too much exclusion.

Councilman Shelly noted purpose of ordinance is to improve the quality of life for residents of Phillipsburg. He noted many residents have appeared before Council complaining about their neighborhoods and to question what Council can do to assist them.

Councilman Shelly noted there are properties in the Town that are creating a nuisance on a regular basis.

Pam Backes, 55 Mercer Street, stated she understands reason for ordinance but noted there must be a better way. She noted residents will not report problems in fear of being fined. In addition, she noted a woman would not report a domestic violence in fear of being fined. She requested ordinance be deferred until public discussion is heard.

President Stettner noted ordinance has nothing to do with domestic violence or any other legitimate call. He noted ordinance only addresses nuisance calls.

Mrs. Backes noted ordinance is giving too much power to administration.

Mrs. Backes noted project housing is not included and questioned how much of the police services are required there for nuisances.

Dawn Paulus, Mill Street, questioned what about residents with scanners. She noted they will know that the police are on their way and issue would be resolved prior to their arrival.

Eligio Materan, owner of 297 Mercer Street, questioned whether he, as a property owner, would become responsible for the behavior of his adult tenants.

Matthew Backes, 57 Mercer Street, questioned who determines the reasonable administrative cost and cost for vehicle maintenance.

Mr. Backes noted most of the nuisance calls in his neighborhood are a result of HUD tenants.

Councilman Shelly replied administration would prepare cost for Council's review and approval.

Councilman Shelly noted there are no HUD properties on Mercer Street. Further, he advised there are 2 housing complexes.

Councilman Shelly noted there are Section 8 properties throughout the Town, which would fall under this ordinance.

Calvin Griffin stated half of the people in this Town are getting away with everything while the other half is being punished.

Councilman DeGerolamo noted ordinance is for all residential properties and not just rental properties.

Mr. Griffin noted they are on thin ice once again. He noted they are making more problems; more government. Further, he stated a tenant can not be removed as a result of police calls therefore; he does not believe this is the answer to the problems.

Councilwoman Coopersmith questioned whatever happened to someone being arrested for disturbing the peace. She noted the Police Department operates 24/7 therefore; they should be at their disposal without restriction. Further, she expressed whoever is creating the disturbance should receive fine.

Councilman Damato questioned whether Section 8 properties would be subject to ordinance.

Councilman DeGerolamo replied yes.

VOTE: YEAS: DeGerolamo, Shelly, Stettner

NAYS: Coopersmith, Damato

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O: 2005- 09

ORDINANCE AMENDING CHAPTER 35 OF THE CODE OF THE TOWN OF PHILLIPSBURG ENTITLED "LICENSING OF BUSINESS AND ACTIVITIES" TO INCLUDE TATTOOING, BODY ART AND BODY PIERCING ESTABLISHMENTS AND PRACTITIONERS was introduced for second reading by Councilman Shelly and there being no errors, corrections or objections, Councilman Shelly moved that the ordinance be adopted according to law. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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O: 2005-10

AN ORDINANCE RE-NAMING AN ORDAINED ALLEY WITHIN THE TOWN OF PHILLIPSBURG was introduced for second reading by Councilman Shelly and there Being no errors, corrections or objections, Councilman Shelly moved that the ordinance be adopted according to law. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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O: 2005-11

AN ORDINANCE RESCINDING ORDINANCE O:2000-11 ADOPTED BY THE TOWN COUNCIL ON MARCH 21, 2000 was introduced for second reading by Councilman Shelly and there being no errors, corrections or objections, Councilman Shelly moved that the ordinance be adopted according to law. The motion was seconded by Councilwoman Coopersmith.

Discussion

Councilman Damato questioned reason.

Councilman DeGerolamo noted ordinance would allow the Mayor to grant an increase to the Police Chief based upon merit and his ability to perform job duties. He noted currently, the Police Chief is tied to the Superior Officers' Contract.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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ORDINANCES (First Reading)

O: 2005-08

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, ESTABLISHING RENTAL PROPERTY REGISTRATION AND LICENSING REQUIREMENTS was introduced for first reading by Councilman DeGerolamo who moved that the ordinance be properly advertised. The motion was seconded by Councilman Shelly.

Discussion

Councilwoman Coopersmith questioned whether ordinance includes owner-occupied properties. She noted some landlords have difficult tenants.

Councilwoman Coopersmith stated she is not totally against ordinance but does have a problem charging a fee to ascertain required information. Further, she indicated ordinance is making the landlord a victim.

Councilwoman Coopersmith stated property owners have endured 5 years of tax increases. In addition, she stated this ordinance would require an annual inspection in lieu of an inspection every 2 years.

Councilman DeGerolamo referred to Section 32-62, which states owner-occupied is exempt.

Councilwoman Coopersmith stated she does not support continual fines.

Councilman Shelly stated fines are only imposed if code violations are not addressed.

Councilman Damato stated he would also be voting against ordinance.

VOTE: YEAS: DeGerolamo, Shelly, Stettner

NAYS: Coopersmith, Damato

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O: 2005-12

AN ORDINANCE RE-NAMING AN ORDAINED ALLEY WITHIN THE TOWN OF PHILLIPSBURG was introduced for first reading by Councilman Shelly who moved that the ordinance be properly advertised. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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O: 2005-13

AN ORDINANCE PROVIDING FOR AMENDMENT TO CHAPTER 67 OF THE TOWN CODE ENTITLED "VEHICLES AND TRAFFIC" was introduced for first reading by Councilman Shelly who moved that the ordinance be properly advertised. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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O: 2005-14

AN ORDINANCE APPROVING THE REDEVELOPMENT PLAN FOR PROPERTY COMMONLY REFERRED TO AS BLOCK 3301, LOTS 1, 2 AND 4; BLOCK 3201, LOTS 7.01, 7.02, 7.03, 7.04 AND 7.05 – ROUTE 22, ROSEBERRY, CENTER AND GREEN STREETS was introduced for first reading by Councilman Shelly who moved that the ordinance be properly advertised. The motion was seconded by Councilwoman Coopersmith.

Discussion

Councilman Shelly stated the Redevelopment Plan is property formerly owned by Ingersoll, which is now Preferred Realty and Phillipsburg Commerce Park. He stated the Planning Board held a Special Meeting, which was dedicated to this issue and expressed his appreciation to those members for all their hard work.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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O: 2005-15

AN ORDINANCE PROVIDING FOR 2005 SALARY FOR PBA SUPERIOR OFFICERS was introduced for first reading

by Councilwoman Coopersmith who moved that the ordinance be properly advertised. The motion was seconded by Councilman DeGerolamo.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo

NAYS: Shelly

ABSTAIN: Stettner

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O: 2005-16

AN ORDINANCE PROVIDNG FOR 2005 SALARY FOR POLICE CHIEF was introduced for first reading by Councilman Damato who moved that the ordinance be properly advertised. The motion was seconded by Councilman DeGerolamo.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly

NAYS: None

ABSTAIN: Stettner

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O: 2005-17

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A:4-45.14 was introduced for first reading by Councilman Damato who moved that the ordinance be properly advertised. The motion was seconded by Councilman DeGerolamo.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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NEW BUSINESSTEA-21 Reauthorization

Councilman DeGerolamo requested Council to adopt resolution, which requests Federal Government to reauthorize.

President Stettner directed resolution appear on March 15 agenda.

RESOLUTIONS

R: 2005-37

A RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG was introduced by Councilman Damato who moved for its adoption. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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R: 2005-38

A RESOLUTION AUTHORIZING TOWN ATTORNEY TO PROCEED WITH PUBLIC HEARING NOTIFICATIONS was introduced by Councilman Damato who moved for its adoption. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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R: 2005-39

A RESOLUTION AUTHORIZING EXECUTION OF AN EASEMENT AGREEMENT BETWEEN TOWN OF PHILLIPSBURG AND SMB DEVELOPMENT, LLC was introduced by Councilman Damato who moved for its adoption. The motion was seconded by Councilman DeGerolamo.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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R: 2005-40

A RESOLUTION AUTHORIZING CONTRACT FOR SANITARY SEWER REPLACEMENT PROJECT was introduced by Councilman Damato who moved for its adoption. The motion was seconded by Councilman Shelly.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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R: 2005-41

A RESOLUTION AWARDDING CONTRACT FOR STORM SEWER LINE REPLACEMENT PROJECT was introduced by Councilman Damato who moved for its adoption. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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R: 2005-42

A RESOLUTION AWARDDING CONTRACT FOR LOCK STREET SIDEWALK IMPROVEMENTS was introduced by Councilman Damato who moved for its adoption. The motion was seconded by Councilwoman Coopersmith.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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### PUBLIC PETITIONS

Michael DeMonti, 563 Elder Avenue, stated he is appealing to the good people of the Council, as a rental property owner in Phillipsburg, to alter the proposed rental property registration ordinance to retain for inspection and payment of fees every 2 years but leave open that annual inspections and payment of fees might be required if there are problems with the property.

Mr. DeMonti noted if the purpose of the ordinance is not to collect additional fees then there should be no objection to his suggestion.

President Stettner questioned whether he is suggesting that if a property is in compliance, inspections and payment of fees should be every 2 years but if there are problems with property, it should be annually.

Councilman DeGerolamo stated he appreciates Mr. DeMonti's comments but believes the Town needs to move forward. Further, he stated the property owners of these rental units need to be a better job. In addition, he noted there are problems within this Town therefore; they need to hold landlords to a higher standard since they have an investment in these properties.

Eligio Materan, owner of 297 Mercer Street, questioned what the additional funds would be used for.

President Stettner replied additional Inspectors.

Councilman DeGerolamo stated if your violations are corrected prior to re-inspection, no additional fees would be charged.

Councilwoman Coopersmith stated it is unfair to punish the good with the bad.

Councilman DeGerolamo stated they can not select certain landlords; the ordinance must apply to all landlords.

Calvin Griffin stated he had 5 property inspections last Thursday, which revealed minor violations. He noted this is the first inspections since he purchased them.

Councilman DeGerolamo commended Mr. Griffin for having good rental properties but there are a lot of bad properties. He further noted that there are over 3,000 rental units in this Town.

Councilman Shelly stated they are trying to improve this Town. He noted he has seen a lot of problem properties and a lot of poor kids living in dilapidated properties.

Bob Laurey, Bridgewater, NJ addressed inspections every 2 years vs. every year. He noted every 2 years seem fair and it would not penalize the good landlords.

Michael DeMonti requested Council to defer second reading for 30 days in lieu of March 15 in order to allow him an opportunity to contact property owners for rental units within the Town.

Councilman DeGerolamo requested that the ordinance proceed as scheduled. He noted there have been articles in the newspapers and ordinance has been advertised. He noted public is invited to speak but there have been only 5 landlords addressing ordinance therefore; it leads him to believe that the other landlords are not in objection to this ordinance.

Councilman Shelly announced ordinance will be placed on the website and it has been in the newspaper. He noted if a landlord cares about their property, they would be paying attention.

#### OPEN TIME

Councilwoman Coopersmith stated she will be attempting to have funds necessary for the pool donated by the building trades.

Councilman Shelly thanked Councilwoman Coopersmith for her efforts.

Councilman Shelly noted the Family Y will be requesting Town to increase pool pass rates for the upcoming season.

Councilman Shelly questioned status of habitability hearings.

Mayor advised Council will be conducting a continuation hearing for 77-79 Market Street and a habitability hearing for 33 Brainard Street on March 15.

Attorney advised action is moving forward in regards to 52 Cedar Alley and 5 Front Street.

Councilman Shelly stated he is employed by the DRJTBC on February 25 at 3:15 AM, a person climbed the Northampton Street Bridge. He noted both Easton and Phillipsburg responded but noted he was very impressed with response by the Phillipsburg Police, Fire, Squad and Water Rescue work to make sure this individual did not get hurt. Through efforts of our Police Department, Councilman Shelly continued they were able to talk this individual down.

Councilman Damato questioned whether he could utilize Town Council stationary to request ruling from Attorney General relative to landlord licensing ordinance.

Council expressed no objection.

President Stettner announced he and Mayor would be meeting with representatives from DRJTBC on Wednesday regarding requested funding.

President Stettner addressed scheduling of Budget Meeting.

Council scheduled Budget Meeting for Monday, March 7 at 7:30 PM.

### MOTION

Councilman Damato moved for approval of Raffle License No. RL: 1012 issued to St. Philip & St. James Athletic Organization for Non-Draw Raffles to be conducted April 27; April 28; April 29; April 30

and May 1, 2005 FEE: \$170.00. The motion was seconded by Councilman Shelly, which carried by a 5-0 vote.

EXECUTIVE MEETING

R: 2005-43

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN O PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING CONTRACTUAL MATTERS was introduced by Councilwoman Coopersmith who moved for its adoption. The motion was seconded by Councilman DeGerolamo.

VOTE: YEAS: Coopersmith, Damato, DeGerolamo, Shelly, Stettner

NAYS: None

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President Stettner recessed meeting at 8:25 P.M. for the purpose of conducting Executive Meeting.

Motion

Councilman DeGerolamo moved at 9:10 P.M. that Council return to public session. The motion was seconded by Councilwoman Coopersmith, which carried by a 5-0 vote.

ADJOURNMENT

Councilwoman Coopersmith moved for adjournment at 9:10 P.M.

APPROVED:

SUBMITTED BY:

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JAMES P. STETTNER  
Council President

MICHELE D. BROUBALOW  
Clerk/Administrator