

TOWN OF PHILLIPSBURG
Council Meeting Minutes
January 19, 2016

The Phillipsburg Town Council conducted its regular meeting on Tuesday, January 19, 2016 at 7:00 pm in the Council Chambers of the Municipal Building located at 675 Corliss Avenue.

The required Open Public Meeting Act Statement was read by Councilman Fey.

INVOCATION by Councilman Fey

PLEDGE by the Assembly

ROLL CALL

PRESENT: Council President Tersigni
Council Members: Davis, Fey, Lutz, Piazza,

TOWN OFFICIALS PRESENT: Mayor Ellis, Clerk Kleiner,
Attorney Wenner

APPROVAL OF MINUTES Approval of meeting minutes
Were submitted for approval:

Special Meeting 12-29-2015

Motion

Councilman Fey moved for approval of minutes. The motion was seconded by Councilman Piazza.

VOTE: YEAS: Fey, Tersigni, Piazza
NAYS: None

Approval of meeting minutes were submitted for approval:

Council Meeting 01-05-2016
Work Session 01-12-2016

Motion

Councilman Fey moved for approval of minutes. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni
NAYS: None

APPROVAL OF BILLS

SUMMARY

CURRENT FUND	\$ 1,050,597.94
STATE & FEDERAL GRANTS	463,248.39
CAPITAL FUND	90,908.93
SEWAGE UTILITY FUND	222,707.47
SECTION 8	119.03
AGENCY FUND	\$ 483.00
Total regular bills list January 19, 2016	\$1,828,064.76
Section 8 Rent Payments Feb 01, 2016	\$ 132,902.00
PRE- PAID BILL LIST AS OF January 19, 2016	
CURRENT FUND	\$ 5,379.00
SEWER UTILITY FUND	2,538.20
AGENCY FUND-PENSION PAYMENTS	69,746.24
TOTAL PRE PAID BILL LIST	\$ 77,663.44
GRAND TOTAL OF ALL FUNDS	\$ 2,038,630.20

MAYORS REPORT

Mayor Ellis spoke about the Town Attorney- stating that DeCotiis Law group does general counsel, redevelopment and was the cornerstone of the IR property. Arlene Quinones Perez special with PBA contracts coming up, J. William school board Attorney, Barone - Corporate, Rubinstein- Municipal, Carrington – Redevelopment, the depth of the company and the expertise is great. Gino George – Labor, D. Doyle – Municipal, Redevelopment, C. Cohen – Utility Authority, B. Boccher worked here before.

I would like to have an executive session to discuss the attorney contract, and the sewer litigation. We must get past this.

I was out with Chief Hay – house on dishwater hill with squatters, a chimney imploded inside the building, Chief Hay will follow up with Chief Faulborn. Ron Perio is back with the Gold Cup at 120 South Main Street and Scia Scia. We had called Kevin Duddy to come out and Service Pro the building needs roof work.

I have a letter that I gave to Council for a change order that exceeds the 20% of the contract price. It is asbestos remediation in the basement it is a health risk they will monitor and removal it is a health and safety concern.

Attorney Wenner stated that it is with the Chiller and they uncovered the asbestos it was encapsulated and not visibly identifiable. R: 2016-29 shows the criteria, certification of Worth and a certification of the Engineer – Stan Schrek.

Council Vice President Fey questioned if the building be asbestos free now? Mayor Ellis stated not free just the area of work. Mayor Ellis also stated that he meant no disrespect to Attorney Wenner.

Mayor Ellis swears in Officer Timothy Burger

CHIEFS REPORT

Chief Faulborn hands out his stats to the Councilmembers; 168 hours of Community Policing, zone 1 – speeding on John Mitchell Avenue; zone 2- speeding on Morris and Hudson, and parking problems; zone 3 – no new complaints; zone 4 no new issues or complaints.

Mayor Ellis asked to Chief to talk a little about the new high school and the intersection. Chief Faulborn stated that Capt. Stettner and Lopatcong met together to discuss the Belvidere Rd and Roseberry Street intersection and it is moving forward it goes to bid next month.

Mayor Ellis stated February 11th.

Councilman Lutz wanted to thank the Officers for a swift capture last week. Can we do something about the people who are fixing their cars on the roads that we fix, the oil slicks and fluids eat up the roadway the Town Code 597-4 states we can.

Chief Faulborn stated we just towed a car that was leaking, I agree.

Councilman Lutz questioned the Resolution or Ordinance on noise and complaints, is there any way to know how many calls, and fines that have been given out.

Chief Faulborn we record the calls
Councilman Lutz nuisance ordinance after three (3) calls in a calendar year
Chief Faulborn stated he sends a letter to the landlord, must be nuisance calls, not
if crime victim, I can get you them.
Councilman Lutz stated he appreciated it.
Councilman Piazza stated can you put the nuisance calls in your stats
Chief Faulborn stated that is hard because they are so variable; in February or
March we will have a new system installed for records management
Councilman Lutz Thanked the Chief

OLD BUSINESS NONE

PUBLIC DISCUSSION ON AGENDA ITEMS

Bill Timmann, 230 South Main Street, regarding resolution 2016-23 the liens, can
we get a list of what was done.

Dennis Skulkin, 235 South Main Street, I live in the Sr. Building I moved here I
May...

Council President Tersigni stated sir you must speak of what is on the agenda now,
public comments comes later in the meeting.

Dennis Skulkin, you won't let me speak now

Councilman Davis stated can we move the Public Comments now
Councilman Lutz stated it has been done this way for years.

Joe Meyner 392 South Main Street, I want to know what this grant is for, R 2016-
26.

Mayor Ellis stated it is a grant for the youth center – DJ Kophazy using it for drug
and alcohol prevention

ORDINANCES NONE

RESOLUTIONS

R: 2016-23

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES
was introduced by Councilman Fey who moved for its
adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-24

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL PERMIT FOR A SOCIAL AFFAIR TO SAINTS PHILIP AND JAMES SCHOOL was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-25

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, STATE OF NEW JERSEY, COUNTY OF WARREN, APPROVING CHANGE ORDER FOR RIVERSIDE WY PUMP STATION ELECTRICAL AND MECHANICAL UPGRADES was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-26

A RESOLUTION AUTHORIZAING THE SUBMISSION OF MUNICIPAL ALLIANCE GRANT APPLICATION was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-27

A RESOLUTION PROVIDING FOR INTERFUND 2016 RESERVE APPROPRIATIONS was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-28

A RESOLUTION PROVIDING FOR CANCELLATION OF TAXES was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-29

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CHANGE ORDER IN EXCESS OF TWENTY PERCENT (20%) OF THE CONTRACT PRICE AND AUTHORIZING A WRITTEN AMENDATORY CONTRACT TO BE ENTERED INTO WITH WORTH AND COMPANY, INC., RELATIVE TO THE AIR CONDITIONER REPLACEMENT PROJECT was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Fey.

Discussion: Councilman Lutz asked to receive a copy of the parts and labor

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

R: 2016-30

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING PAYMENT FOR ACCRUED TIME TO LOUIS DELUCA OF THE PHILLIPSBURG POLICE DEPARTMENT was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni

NAYS: None

NEW BUSINESS

Councilman Davis stated that based on the comments he would like to have a resolution to appoint DeCotiis Law firm back. He said that no one should deface personal property, but there have been several handouts and mail that has gone out. By the Leadership Pac for a Better Government, who is based in Lopatcong they have put out nasty grams about Mayor McKay, this is not good.

Council President Tersigni stated not tolerable

Councilman Davis stated that the Leadership Pac for a Better Government and their activities are bad, and that I have three reports of who donated to them, the second hand out is the Lavery Law firm was funding Pac, the Republican Party and County Committee

Council President Tersigni stated to Councilman Davis I don't understand this firm has gotten us where we are today, worked before in the past. This firm is done

Councilman Davis in the same report OPUS/Lavery between face book and interventions

Council President Tersigni stated I was there

Councilman Davis all the attorneys

Mayor Ellis multi terms

Councilman Piazza all other attorneys you interviewed did you ever interview Rich Wenner

Councilman Davis stated no – actions taken and the confidence that the Mayor needs to take legal advice, this is no personal attack on Mr. Wenner, the small shots after the loss and attorney Wenner allowed it to continue. The delivery of the commerce park was because of DeCotiis firm. Mayor Wyant frequently combatted the tax abatement and got rid of the buffer, your about to cash a 2.5 million dollar check vs the one million.

Councilman Davis wants to introduce a Resolution to appoint Arlene Quinones Perez as the Attorney.

Mayor Ellis stated that 61% of the citizens voted for me by not honoring my request you are telling me you don't value my choices. The Facebook post was beyond my expectations and the social medial policy was for my staff. The citizens need us; we have no time to waste.

Council President Tersigni stated defacing public property

Mayor Ellis stated I went to Bernie Fey's home to see the sticker on the sign, and I feel I have a right we don't want him to leave its baffling and your obsession, I understand that Rich stood up for me, I don't know why you can't give me the respect I want to keep who I want to work with.

Councilman Davis asked that Councilman Fey, and Councilman Piazza recluse themselves from the vote, to appoint counsel of DeCotiis firm.

Councilman Davis made a motion to appoint Arlene Quinones Perez as the Town Counsel. The Motion was seconded by Councilman Lutz.

Roll Call Vote:

YEAS:	Lutz, Davis
NAYS:	Piazza, Fey, Tersigni

PUBLIC PETITIONS

Alan Amy, 71 Lewis Street, I am a school board member. I think that there should be a compromise here, close the deal with IR, and let Ellis have his firm.

Council President Tersigni stated he did try to compromise and DeCotiis firm declined.

Mayor Ellis stated not a year

Dennis, no address stated, one year compromise all social media people are laughing at us, you'll run for re-election soon and we will remember you.

Pete Marino, 31 Lewis Street, Todd you're a laughing stock, Todd your wrong

Deb Meir's, 353 North Main Street, I am concerned on January 8, 2016 there was a lock down and we couldn't hear the speaker it is antiquated, I wasn't aware until I heard the helicopters

Chief Faulborn stated what speaker?

Councilman Lutz stated Baker Chemical had a speaker but that's not part of the Town

Deb Meir's stated she is the last block and Johnson Motor Freight someone is jockeys around the trailers they start at 6:20 am and isn't there a noise ordinance. The backup beeper on the trailer in the middle of the nights and Sundays, it is almost every morning I have photos if you want to see them.

Chief Faulborn stated that he would speak to her about this.

Deb Meir's also stated that the social media policy is good, I am proud of this Town, if the OPUS agreement is met, or if it fails what happens

Attorney Wenner questioned which agreement – termination – PILOT payments, will become a municipal lien in standard tax sale

Vince no last name or address, the outside influence and ethics who accepted bribes

Bill Timmann, 230 South Main Street, I think we need to play nice, we are doing the same things that Lopatcong did with McKay, now they are trying to recall him, You need to do for the Town, at the debate, you wanted the boards to have changes Council President Tersigni I approved that the new auditors, the salary, the planning board appointments, I am working with that.

Bill Timmann stated but Brian Otto and the term limits, the Mayor was voted in and wants to make changes, we voted for his ideas and it is a shame that this has gone on.

Jeff Lutz, 359 Firth Street, votes from the Democrats for Ellis, Davis and Lutz why do you betray us. Voters put their confidence in the new Mayor, why don't you have confidence in them. Todd you're a Democrat and yet you had signs in your lawn for Republicans

Sandra Morrissett, 5 Fairview Heights, I see the topic in the news is the Facebook post actions of Council, the stickers and vandalism acquainted with Palmeri and Tersigni. My husband has written letters for Tersigni & Palmeri, they are very passionate and both spirited discussions in the democratic process that have revolved around the legal counsel. Tersigni chooses the Republican Counsel, is surprising to me. Rich Wenner was not going to be change, the Warren County Democratic Committee job to promote the Democratic Party; people follow the

Dems in line. The Facebook post future business into our town is bad business decisions hurts Phillipsburg downtown. Vibrant downtown urge council members to be responsible for their thoughts, and during the recent emergency we were unable to hear the speaker.

Dave Morrisett, 5 Fairview Heights, I was stunned hearing information. I couldn't make the last meeting because of the school board. I did hear Bernie Fey say DeCotiis was let go, by Council and Harry Wyant do you stand by that?

Can you publically disclose that?

Dave Morrisett questioned to Attorney Wenner were you aware you firm was Contributing to candidates was childish and beneath Council.

Attorney Wenner I won't speak to it.

Dave Morrisett stated OPUS also contributed

Attorney Wenner stated again no comment

Dave Morrisett asked if it was true that your law firm also represents Lopatcong and they too are contracting with OPUS, who also contributed to the republican Pac and the law firm represent all of these Phillipsburg, Lopatcong, and OPUS Attorney Wenner stated you're making an insinuation and illegal accusation – it straddles Phillipsburg - Lopatcong and the redeveloper

Dave Morrisett I am not alleging anything going on the conflict

Attorney Wenner I appreciate what you say.

Gary no last name of Highlands way, in Lopatcong, I have read a little bit and know how dependent our mayor is with the Attorney. If not trust or have a good relationship open your eyes look at Lopat.

Juniper Leifler, of Lopatcong, congratulations Mayor, I am part of the Lopatcong Creek initiative, improve water quality, here is a flyer with my name on it, why a developer could influence an election, Josh Davis just brought transparency

Elizabeth Fisher, 752 Columbus Avenue, I am behind Mayor Ellis and the change, The grass roots election to make changes. I hope you did due diligence on the OPUS group.

Attorney Wenner OPUS is a single purpose entity it limits the liability, I can give you that information.

Steve Zarbatany, 317 Irwin Street, I am a lifelong resident I am not here to disrespect anyone sitting here. I expect that you will run the Town to the best of your ability. What is important are those who pay mortgage, those who need to put food on the table, those who need work, those who need health insurance, those who the lawyers don't matter who they are. I care who those is not here tonight people who are working the concerned citizens who need jobs, I believe that if IR gets 50 people jobs with insurance then they can care for their families. Do what's best for the person who needs a job, for the families of Phillipsburg.

Danielle Degerolamo, Hillcrest, thanks for getting that fixed, I want to speak about the recreation programs.

Mayor Ellis questioned what she had in mind.

Danielle Degerolamo stated that her son is a runner and had to go outside of Phillipsburg – the high school has a cross country team, and there is a true interest in non-contact sports a lot we don't offer

Council Vice President Fey added that high school level competitive and no recreation area for those things, we have a good foundation to get this started.

Danielle Degerolamo, regarding the company I work for, we are in need of space, the redevelopment and we need warehouses space in 18-24 month window to move.

Mayor Ellis stated that the community leaders and I am on the board for the Colts want you to join at speaking at a staff meeting; we spoke of a large community center like Chrins, and we need professionals around us. The commission – recreations directors need money and that comes from Trenton and excellent grant writer and volunteer program in charge of overseeing, we have trails coming in Phillipsburg in the future.

Arlene Quinones Perez, 8 Foxwood Lane, I have been working with DeCotiis for 10 months, I have been the municipal Attorney in Perth Amboy. I am proud and stand by that work that DeCotiis has done in the past. It is the Mayors choice.

D. Kiss, 17 , I have known the Mayor for five (5) months and I think he is doing an excellent job

Joe Meyner, 392 South Main Street, I asked a question two weeks ago and I hope I can get an answer tonight, I have sent a legal behavior letter to the editor, I believe that Rich Wenner is an honorable man.

I want to know who the bond buyer is the entity that delivers the bonds, if buyers government entity.

Attorney Wenner stated that they are Redevelopment Area Bonds, issued through Phillipsburg, yes Phillipsburg.

Joe Meyner, does that constitute public financing, and the 1.4 to the Town

Attorney Wenner, stated 1.4 NET to the Town, 2.5 million in bonds,

Joe Meyner on February 9, the Phillipsburg seniors will be discussed. I would like you all to read an excerpt from my web site. I have a marketing plan but my plan is quite different.

Don Dickey, 5 Randall Street, I believe that all politicians are to lead and protect the community and to do what is right, throw the parties aside. I have been a resident in the Town for most of my life, with the exception of the four (4) years in the Navy which I volunteered for. I mention that because I took an oath, that oath included these words. “I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bare true faith and allegiance to the same.” This oath has no expiration date and I will adhere to it to the day I die. I am here because of the policy change to speak freely, if transparent then why spot it now, the first attack on the first amendment rights on censorship. Thomas Jefferson stated to Ed Carrington, “were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate a moment to prefer than latter.” Social Medial is the new newspaper with people the same should be made available, it’s the checks and balances, we shouldn’t limit the ability and have people do due diligence.

In closing I have one more quote form another famous man, George Washington, “if the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter.” Please take this to heart.

Mayor Ellis, I wouldn’t censor or remove the first amendment right, you will delete something so to level the playing field.

Don Dickey, my own words also

Council Vice President Fey well said Don Dickey

Bill Timmann, I would like to speak to the audience not council if I can have a moment. Thanks for being here to contribute. It's nice to see more than the three or four of us here.

Councilman Davis stated limitations on Council outside contractual

Tammy Worman, 74 Lewis Street, who is the attorney for OPUS,
Attorney Wenner stated Joe Bauman, OPUS, in Roseland NJ

Blaine Fehley, 237 Bowhay Ave, Tersigni recall will have your name all over it.

Robert Fulper, 17 Morris Street, First of all I respect you all, I reiterate what Mr. Zarbatany stated I work a lot with people in need. I see kids with no jackets walking to school in the morning. We need to focus on what we can do to make things better, without Phillipsburg no one would be here. What has to happen I have four children I want them to go to college and come back to live here, you need to hash out your differences and move on.

OPENTIME

Councilman Lutz this past Saturday Randy Piazza and I were walking in the flats, we took pictures of properties in bad shape, alleys and south Main is very sad. There are six (6) properties, we worked together, republican/democrat two and a half hours with a pad and a camera, and we asked the guy with the van who was unloading who mumbled.

Councilman Lutz stated that he was bothered by the letter that you (Todd Tersigni) wrote – not Mr. Palmeri, there were 5-6 others agree that I am not mad that I am not president, we had an agreement that I would be president (Lutz) and J. Davis would be Vice President. We shook hands and that is what bothers me, a gentleman's hand shake, and you didn't keep your word.

Council Vice President Fey stated that Mayor Wyant wanted to delete the Capt. Position in the Police Dept. I voted for what is right for the Town, I have no malice for DeCotiis to follow on other people's comments and get this governing body to work together, PHNDC, the Community Center, the old dilapidated houses. Our children and I have four myself, we need to establish what's right and wrong.
Mayor Ellis stated to Council Vice President Fey that was well said

Councilman Piazza stated Councilman Lutz and myself had a nice experience going out, now election time is over and once elected you speak for everyone. When it comes to Mayor, I intend to support you when I think you are right and not when you're wrong.

Councilman Davis I agree with your sentiments, it's the team he wanted and to have a fair shake- childish or not findings of my research. I believe we need to take care of the abandon buildings and there is new legislature on that, fining the landlords. I intend to bring some new ordinances to the table; Since were speaking of transparency, I voted for Scott Ferguson and I used him in a personal matter, just wanted to disclose that.

Mayor Ellis stated he has a meeting with Mayor Panto regarding a grant for the rail road bridge, and for the historic structure's in Phillipsburg, I have a meeting with Mike Margoles at 10, Randy Maybe you can come along. Governor Florio once

built consensus among councilman want to get to these issues, I am flexible I can work with people I want you to know that.

Council President Tersigni stated that he agrees with Council Vice President Fey we need to get through this and work together moving forward. I want to say for the record that I won't be bullied on the phone, not a way to bring someone in he was out of line. I agree we want to be flexible too, I mean that from the bottom of my heart. I have supported everything else, the auditor, Scott Ferguson.

MOTIONS

Approval for Raffle License No. RL: 1232 issued to the Steele Hill Youth Club of Phillipsburg for an on premise Tricky Tray on March 06, 2016 from 10 am- 3pm Councilman Fey moved to adopt the motion. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni
NAYS: None

Approval for Raffle License No. RL 1233 issued to the St. Philip & St. James Church for an On Premise Casino night at Flynn's on February 20, 2016 from 6pm-10pm Councilman Fey moved to adopt the motion. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni
NAYS: None

Approval for Raffle License No. RL 1234 issued to the St. Philip & St. James Church for an On Premise 50/50 raffle at Flynn's on February 20, 2016 from 6pm-10pm Councilman Piazza moved to adopt the motion. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Piazza, Tersigni
NAYS: None

EXECUTIVE MEETING

R: 2016-31

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING litigation with Sewer Utility, no action will be taken; contractual professional services attorney, Councilman Davis moved to adopt the motion. The motion was seconded by Councilman Fey.

ADJOURNMENT

Councilman Piazza moved to adjourn the meeting. The motion was seconded by Councilman Lutz. Motion was carried with a 5 – 0 vote.