

TOWN OF PHILLIPSBURG
Council Meeting Minutes
February 16, 2016

The Phillipsburg Town Council conducted its regular meeting on Tuesday, February 16, 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:

Council Meeting 02-02-16

Motion

Councilman Lutz 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	\$ 93,186.10
SEWAGE UTILITY FUND	11,053.05
SEWAGE CAPITAL FUND	110,982.90
PLANNING BOARD TRUST FUND	652.05
Total regular bills list February 16, 2016	\$326,874.10
Section 8 Rent Payments March 01, 2016	\$134,711.50
PRE- PAID BILL LIST AS OF February 02, 2016	
CURRENT FUND	\$ - 0 -
STATE & FEDERAL GRANTS	\$5,250.00
TOTAL PRE PAID BILL LIST	\$ 5,250.00
GRAND TOTAL OF ALL FUNDS	\$ 355,835.60

Motion

Councilman Fey moved for approval of bills. The motion was seconded by Councilman Lutz.

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

NAYS: None

MAYORS REPORT

Mayor Ellis stated that this week he got to go through the budget with Robert Merlo the CFO. I want to thank him for his work and diligence. Usually the budget gets started in November and with the election and changes we got a late start two weeks before it is due. He did an excellent job. The budget is under a penny and the entire County has recognized him and his efforts, in the Lehigh Valley Live article. Please pass this around for the members and audience to see.

Mayor Ellis stated that it has been released and everything has been addressed; now Council can go through it.

Council President Tersigni questioned if we need a budget meeting – during the work session

Mayor Ellis stated yes that is fine March 8th, work session – budget hearing

Mayor Ellis the citizens of Phillipsburg we have 4,935 structures in Phillipsburg and 5,200 are occupied, they can tell by the water meters, which also includes section 8.

Mayor Ellis would like to table resolution 2016-44 until the next meeting. A motion was made by Councilman Lutz to table R: 2016-44, auditor, until next meeting. Councilman Davis seconded the motion.

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

NAYS: None

Mayor Ellis stated that we started to spruce up the building painting, making it much brighter, cleaning the ducts, and some asbestos removal.

HEARING PHILIP LIMO:

Attorney Wenner stated that Philip Limo is up for renewal March 15th; their livery/taxi license can be revoked or suspended if they are not in compliance. Chief Faulborn is here and has some concerns. Mr. Prieto is also here to address those concerns.

Chief Faulborn stated there are two things I saw in violation. Town Coded 575-11 Phone and Office they have neither, also the driver's license applicants that have been submitted some are invalid and incomplete and also suspended.

Council President Tersigni asked Chief Faulborn what he thought was fair to come into compliance

Councilman Davis questioned how this came to you Chief

Chief Faulborn stated the Clerk, expressed concern, and I checked in detail and they are not in compliance.

Armando Conesco stated on behalf on Mr. Prieto yes we do

Attorney Wenner stated no building office or local phone

Chief Faulborn no office or access to an office

Councilman Lutz no activity for years in that building

Armando Conesco vehicles are out of Newark

Councilman Piazza asked if lease agreement

Attorney Wenner stated do you operate during the day there is no one there to talk to

Armando, no one is there 24/78

Attorney Wenner so you don't have set office hours

Armando, no we are on the road

Attorney Wenner not local for Phillipsburg office

Councilman Davis violation internal

Council President Tersigni police inspect the vehicles, and inspect the licenses

Chief Faulborn the main issue is maintaining an office

Councilman Davis safety cells phones office phone not needed

Chief Faulborn stated it is intent was according to the code

Armando Conesco you saying taxi license we are limo license

Council President Tersigni turnover of drivers – current valid license we need to be kept up to speed.

Councilman Piazza made a motion to give Philip Limo 30 days to comply with the Ordinance. The motion was seconded by Councilman Fey.

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

NAYS: None

Attorney Wenner wanted to be clear. The Concern is that as Councilman Davis stated the driver's licenses being valid as to the base operations – local Phillipsburg exchange.

Councilman Lutz stated questioned the Chief if he thinks it can be done in 30 days; Chief Faulborn stated it is not up to me.

Councilman Lutz stated I think everyone can do everything in 30 days

Councilman Davis stated we should revisit the ordinance to make modifications

OLD BUSINESS none

PUBLIC DISCUSSION ON AGENDA ITEMS

Bill Timmann, 230 S. Main St., R: 2016-41 quarterly 2 payments?

Attorney Wenner stated that physical inspections LSRP report to DEP controls are in good condition, the integrity as long as the Town owns it we check it. Once OPUS owns it they are responsible for it.

Bill Timmann, can we access the reports

Attorney Wenner stated that they are subject through OPRA

Councilman Lutz questioned that I thought Mayor stated last meeting that they purchased it

Attorney Wenner stated the note

Bill Timmann questioned why the Ice House property isn't being discussed tonight

Council President Tersigni stated March 8th.

ORDINANCES

O: 2016-01 (First Reading)

AN ORDINANCE CONCERNING SALARIES PHILLIPSBURG was introduced for a first reading by Councilman Fey who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lutz.

Discussion: Councilman Davis questioned the previous salary amounts, and asked that next time we have the old figures with us.

Councilman Fey stated why the crossing guards couldn't get \$1.00/day

Councilman Davis stated do they qualify for unemployment

Attorney Wenner stated yes

ROLL CALL

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Davis			x			
Fey	x		x			
Lutz		x	x			
Piazza			x			
Tersigni			x			

RESOLUTIONS

R: 2016-37

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING A "CHANGE FUND" FOR USE BY THE TAX COLLECTOR'S OFFICE, THE CLERK/VITAL STATISTICS OFFICE, SEWER UTILITY OFFICE, CONSTRUCTION OFFICIAL OFFICE, MUNICIPAL COURT OFFICE MUNICIPAL POOL AND POLICE DEPARTMENT 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: 2016-38

A RESOLUTION AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION TO NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION 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

R: 2016-39

A RESOLUTION PROVIDING FOR EXPENDITURE OF TAXES CERTIFICATION IN REGARDS TO RECYCLING ENHANCEMENT ACT was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

Discussion: Mayor Ellis stated he investigated along with CFO Merlo, since we collected quite a bit of money for recycling. We looked at recycling truck, green energy, propane vehicle, trees, solar panels, new windows; we deserve to use it back for us.

Councilman Lutz separating everything, allow us to only buy the blue cans, how much is there.

Mayor Ellis stated about \$125,000

Councilman Piazza stated a few years ago the cost was \$62.00/ton so it cost \$40,000 a month

Mayor Ellis said he would be happy to address that and loosen the straps we need to be able to use the 125,000

Council President Tersigni stated the recycling process and one can does enhance the quality of life, it gets picked up weekly there is no guessing when they are coming.

Thank you Mayor Ellis

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

NAYS: None

R: 2016-40

A RESOLUTION AWARDDING PURCHASES UNDER NEW JERSEY STATE CONTRACT (Fire Dept. Personal Protective Equipment \$692.00) 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 - 41

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RT ENVIRONMENTAL SERVICES, INC. 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

R-2016-42

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR ENGINEERING SERVICES ASSOCIATED WITH THE CONSTRUCTION OF THE SPLASH POOL AT WALTER'S PARK was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Fey.

Discussion: Council President Tersigni stated Bob Martin at St. Lukes has given us \$80,000 over the past few years, for the Municipal pool. Council President Tersigni questioned Mayor Ellis if he has contacted him this year? Mayor Ellis stated no I haven't. Council President Tersigni asked Mayor Ellis if he should reach out to Bob Martin. Mayor Ellis stated yes please do.

Councilman Lutz questioned is there a pavilion? Mayor Ellis stated not yet but we would like to put one.

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

NAYS: None

R: 2016 - 43

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY CANCELLING TAX OVERPAYMENT DUE TO INCORRECT ADJUSTMENT ON ACCOUNT was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Mayor Ellis stated that the pool in Alpha is a public hazard- it turned a little profit, maybe we will need to go out for an RFP and let someone take it over, I know it was done before with the YMCA

Council Vice President Fey stated that maybe the housing authority – and Paul Rummerfield could make a donation for his residents to use the pool, or get passes for his residents
Mayor Ellis well there is a liability and pool; we need to lower the debt

Council President Tersigni stated Thank you Mayor for not closing it.

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

NAYS: None

~~R: 2016-44 (TABLED)~~

~~A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR PROFESSIONAL SERVICES~~

NEW BUSINESS None

PUBLIC PETITIONS

Harold Baylor, 67 Riverview Road, I am a crossing guard, we were told that if I turned back my time we would get unemployment. Until this Christmas, each day no school, I couldn't collect unemployment.

Mayor Ellis you were forgoing benefits and taking the raise

Councilman Lutz stated if sick day you don't get paid

Mayor Ellis do you have an opinion

Councilman Lutz I would say see what it costs to the tax payers, I know bus drivers get no unemployment

Mayor Ellis if I may, I will contact the department of labor and see what is unemployment considered, it was a decision of the outgoing Mayor, I will check the dept. of labor.

Mr. Baylor they raised the amount needed to earn the unemployment and I have not earned enough

Mayor Ellis stated life guards go for unemployment when they are going back to school, they were summer seasonal workers.

Mr. Baylor I don't know why they increased the unemployment

Mayor Ellis stated I know you are out there working, I know guards carried kids over the snow bank

Councilman Lutz Thank you, I see what you go through it is a dangerous job

Mr. Baylor six (6) times I almost got hit.

Council President Tersigni I commend you

Joe Meyner, 392 South Main Street, I want to compliment the new Council it is worth coming to a meeting. My question is regarding the OPUS PILOT, R2015-197 the entities, and borrowed funds, the 2.5 million dollar loan. On January 18, I was told it was under a Government entity, along with the 2.5 million in bonds.

Councilman Lutz stated if we fail on the 2.5 million – it is non-recourse

Attorney Wenner stated 2.5 million

Mayor Ellis stated fail on the bond payment, will foreclose on OPUS

Councilman Davis we are closing in April it is not our land yet, 2.5 million for land

Mr. Meyner stated the bond is from a Government entity

Attorney Wenner stated bonds purchase private equity not purchase by the Town, no liability. The Town is the issuing entity; the redevelopment area bond (RAB) is non-recourse, not a liability.

Mr. Meyner the loser is the bank that bought the bonds

Attorney Wenner stated it is security, the special assessment, the PILOT payment pledge to pay bond.

Mr. Meyner stated corrected on the details, is it publically financed

Mayor Ellis allowing us to use our bonding authority to finance 2.5 million

Councilman Davis it will accrue interest if non payment

Mayor Ellis Mr. Meyner is you asking where we could lose.

Mr. Meyner stated no – and will they have to pay prevailing wage, not municipal land?

Attorney Wenner stated it is a private project

Mr. Meyner stated the bonds are worthless, the bond holders hold on the land that no one wants

Councilman Davis stated no prevailing wage, Phillipsburg gets paid first

Mr. Meyner stated we appreciate the projects benefits

Council President Tersigni we aren't hiding things

Mr. Meyner not true projects benefits, ASC??

Attorney Wenner stated Annual Service Charge

Mr. Meyner total benefit \$244,876 total, land taxes

Attorney Wenner stated net benefit is improvements and land assessed.. Total Municipal as of today only center campus is paying taxes, school, county, \$100,000 a year PILOT improvements, they are conservative phases net \$86,129 on the low end higher on the Town end, 2018 1.4 million at the end of the PILOT full taxes and improvements and land

Mr. Meyner stated that is much clearer thanks for the extension of time.

OPENTIME

Councilman Piazza stated the Trail meeting is 6pm Thursday

Councilman Davis stated he met with the Senior Center; I am the newly appointed trustee. Councilman Lutz we are going to improve the services to the seniors.

Council President Tersigni I was challenged along with Council for the Relay to Life for AFSCAN we each contributed \$10.00 for a good cause and I refused the T shirt I will give to you Mayor Ellis I just need to know your size.

Councilman Davis state you size for the record

Mayor Ellis stated that he has a solar company that rents panels I propose Council solar alternative with our buildings, the armory, library, Town hall we can reduce our electric bill by one third if it works properly. I will gain more information, I can be the test case I added them to my home.

Stan Schrek is doing the master plan and strategic plan so we can get more DOT grants. We are looking for a shared service with the ACO and Alpha

Council President Tersigni stated that we have one with the Court too currently

Mayor Ellis the open space tax we are not getting what we put into it.

Council President Tersigni I was the vice chair and I plan on participating on the Roseberry House filed on time. M. Margolise and get the application

Mayor Ellis stated he met with Randy Piazza and the Gris Mill and Norfolk southern, behind Mark Lutz house

Councilman Lutz stated that he thinks it is the Lehigh Valley Rail road

Mayor Ellis stated it is abandoned

Councilman Lutz stated they are paying their taxes

Mayor Ellis that is valuable, the UEZ needs a wake up, I will look into it.

Mr. Timmann stated there is no Town benefit to the UEZ I was on it for two years and I expanded the building

Councilman Lutz stated State took it C. Christie

Council President Tersigni stated 2010 it was critical opportunity trustee received money then the State took over.

Mayor Ellis we need our own board I am meeting with Allison.

The Ole Town Festival will be Fri or Sat to Sunday only two days, Rich Hay will be doing rain on the Tennis Courts and Mike Swick will be playing thunder music

Councilman Piazza we had grants for the Roseberry homestead and the general public helps to bring support

MOTIONS

Approval for Raffle License No. RL: 1235 issued to the SP&SJ Church of for an off premise 50/50 Raffle on May 01, 2016 at 4:00 PM. Councilman Fey made a motion to approve the license. Councilman Lutz seconded the motion.

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

NAYS: None

Approval for Raffle License No. RL: 1236 issued to the Bernadine May American Legion Post # 457 for an off premise Raffle on April 02, 2016 at 3:00 PM Councilman Fey made a motion to approve the license. Councilman Davis seconded the motion.

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

NAYS: None

EXECUTIVE MEETING

R: 2016- 45

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING ... personnel with no action taken, also property acquisition

ADJOURNMENT

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