

TOWN OF PHILLIPSBURG
Council Meeting Minutes
March 15, 2016

The Phillipsburg Town Council conducted its regular meeting on Tuesday, March 15, 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,
Absent: Piazza

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

APPROVAL OF MINUTES Approval of meeting minutes
Were submitted for approval:
Council Meeting 03-01-16
Exc. Session 02-16-16

Motion

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

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

APPROVAL OF BILLS:**SUMMARY**

| | |
|--|-----------------------|
| CURRENT FUND | \$ 1,049,529.05 |
| STATE & FEDERAL GRANTS | 3,188.68 |
| CAPITAL FUND | 41,324.16 |
| SEWAGE UTILITY FUND | 10,961.17 |
| SEWER CAPITAL FUND | 130,340.00 |
| PLANNING BOARD TRUST FUND | 2,957.50 |
| OPUS INVESTMENTS | 7,506.55 |
| SECTION 8 | 359.03 |
| AGENCY FUND | 216.89 |
| Total regular bills list March 15, 2016 | \$1,246,383.03 |
| Section 8 Rent Payments March | \$ 143,038.00 |

PRE- PAID BILL LIST AS OF March 15, 2016

| | | |
|---------------------------------|-----------|-------------------|
| CURRENT FUND | \$ | 75.00 |
| STATE & FEDERAL GRANTS | | 157,560.88 |
| AGENCY FUND | | 154,603.20 |
| GRAND TOTAL OF ALL FUNDS | \$ | 312,239.08 |

Motion

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

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

MAYORS REPORT

Mayor Ellis stated that the budget will be introduced tonight, and the final adoption will be on April 19, 2016. The stipends are in place for the sports teams in the budget as long as they continue to do the proper things they will receive it. Currently the Town Clerk is writing letters to all the sports teams to have an end of the year meeting beginning of the summer season meeting with the he athletic directors.

The Morris Canal Greenway we received a donation from McWane Ductile of \$73,500.00 and Stan Schrek is getting us a grant for \$107, 000.00 that grant will save us a lot of money.

On Thursday we have the flag rising at Shappell Park St. Patrick's Day.

PROCLAMATION – read by the Mayor and Council President Tersigni for the Firthtown Falcons, U15 and U16 boys basketball teams.

Council President Tersigni stated that there is a lot of positive energy here tonight and I am proud to be a part of the Firthtown Falcons Boys Club

Habitability Hearing – Blvd 1301 lot 11 – 286 Hudson Street, (estate of Albert Nunez)

Council President Tersigni mentioned the letter that was received by the Council/Mayor and Attorney Wenner.

Attorney Wenner stated that the letter said that they have been getting their affairs in order and that so far they have had three contractors who all have given them an unfair and high in price. So, it is up to council to decide if you want to proceed with the order and demolish this property. So, I can issue a rider and serve that in 45 days it needs to be removed, if they do not remove it. The Town can demolish it and put a lien on the property.

Councilman Lutz made a motion to send the letter. Councilman Fey seconded the motion.

VOTE: YEAS: Davis, Lutz, Fey, Tersigni

NAYS: NONE

ABSENT: Piazza

Council President Tersigni stated that I had one neighbor come to my house to ask when it is going to be removed.

OLD BUSINESS None

PUBLIC DISCUSSION ON AGENDA ITEMS. None

ORDINANCES

O: 2016 – 02 BOND (Second and Final Reading)

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO WALTER’S PARK POOL, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE TOWN TO

FINANCE PART OF THE COST THEREOF was introduced for a second reading by Councilman Fey and there being no errors corrections or objections, Councilman Fey moved that the ordinance be adopted according to law. The motion was seconded by Councilman Davis.

ROLL CALL

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

 O: 2016 -03 (TABLED)

(First Reading). A motion was made by Councilman Piazza to table this Ordinance. Councilman Davis seconded the motion.

AN ORDINANCE ESTABLISHING SALARIES FOR SOA’S POLICE DEPARTMENT

ROLL CALL

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

 O: 2016-04 (Final and Second Reading). **Did not pass**

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 67-24, SCHEDULE IX, LEFT TURN PROHIBITIONS, OF THE CODE OF THE TOWN OF PHILLIPSBURG was introduced for a second reading by

Councilman Lutz and there being no errors corrections or objections, Councilman Lutz moved that the ordinance be adopted according to law. The motion was seconded by Councilman Fey. This ORDINANCE DID NOT PASS

ROLL CALL

| Councilmen | First | Second | Yea | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Davis | | | X | | | |
| Fey | | X | | X | | |
| Lutz | X | | X | | | |
| Piazza | | | | | | X |
| Tersigni | | | | X | | |

 O: 2016 -05 (Final and Second Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 5, *ADMINISTRATION OF GOVERNMENT*, ARTICLE V, *TOWN ATTORNEY*, IN ORDER TO CORRECT THE TERM OF APPOINTMENT OF TOWN ATTORNEY AND TO PROVIDE FOR THE CREATI ON AND APPOINTMENT OF A DEPUTY TOWN ATTORNEY was introduced for a second reading by Councilman Fey and there being no errors corrections or objections, Councilman Fey moved that the ordinance be adopted according to law. The motion was seconded by Councilman Lutz.

Discussion: Council President Tersigni stated that this administration can work together – it is a good compromise and we can work together now and in the future

ROLL CALL

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

O: 2016 – 06 (First Reading)

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) 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 Fey stated that some local municipalities not having a cap bank have suffered its vitally important.

ROLL CALL

| Councilmen | First | Second | Yea | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Davis | | | X | | | |
| Fey | X | | X | | | |
| Lutz | | X | X | | | |
| Piazza | | | | | | X |
| Tersigni | | | X | | | |

O: 2016-07 (First Reading)

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

Discussion: Councilman Davis questioned if this includes the \$1.50 a day? Council President Tersigni stated he thought it was totally justified. Councilman Fey stated yes and thank you. Mayor Ellis stated that the guards are concerned about training – the Chief and the Captain are getting a grant from the transportations- dealing with pedestrian crossing, all the pedestrian car accidents happen around 3-4 o'clock. Council President Tersigni stated he thought that was a terrific idea Mayor

ROLL CALL

| Councilmen | First | Second | Yea | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Davis | | | X | | | |
| Fey | | X | X | | | |
| Lutz | X | | X | | | |
| Piazza | | | | | | X |
| Tersigni | | | X | | | |

RESOLUTIONS

R: 2016-44 (**Tabled 02-16-2016**)

Motion to remove from the table was made by Councilman Fey. The Motion was seconded by Councilman Davis.

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES (Auditors Nisivoccia, LLP) was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Davis stated that next year we will negotiate the contract, and for best practices its best to change the auditor every 5 years, and they have been the auditor for 10 years. I believe in 2017 we need a new auditor. Councilman Fey stated the other auditor didn't

ROLL CALL

| Councilmen | First | Second | Yea | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Davis | | | X | | | |
| Fey | | X | X | | | |
| Lutz | X | | X | | | |
| Piazza | | | | | | X |
| Tersigni | | | X | | | |

R: 2016-52

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

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

R: 2016-53

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF LITIGATION CAPTIONED "POLICEMENS BENEVOLENT ASSOCIATION PHILLIPSBURG LOCAL 56, INDIVIDUALLY AND ON BEHALF OF ITS MEMBERS, BRIAN BERRIGAN AND RICHARD HALLEY, PLAINTIFFS, v. TOWNSHIP [sic] OF PHILLIPSBURG, AND THE PHILLIPSBURG POLICE DEPARTMENT," DOCKET NO. WRN-L-361-12 was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

R: 2016-54

RESOLUTION ADOPTING ADMINISTRATIVE PLAN FOR THE PHILLIPSBURG DCD HOUSING AUTHORITY was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

R: 2016-55

RESOLUTION AUTHORIZING DISCHARGE OF A MORTGAGE was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

R: 2016-56

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2016 IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20 was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

R: 2016-57

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR 2016 IN ACCORDANCE WITH PROVISIONS OF N.J.S.A. 40A:4-20 was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

INTRODUCTION OF THE BUDGET

R: 2016-58

A RESOLUTION ENTITLED MUNICIPAL BUDGET NOTICE was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lutz.

ROLL CALL

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

NEW BUSINESS

Councilman Davis said this is quite a task with this Ordinance – is there an alternate situation

Council President Tersigni stated that he was one of the first people to go to that school in 1973 all three grades and I don't feel that it needs to change.

Councilman Davis stated that there are many more cars on the road now and more kids

Councilman Fey stated there is three (3) months left of school now I think it should be addressed in the beginning of the year for all the schools not just this one when all the schools are changing, we should address it then

Councilman Lutz I am for the left turn it takes me 15 minutes to get to school, maybe they can do something temporary to get the cars pour f there it's terrible. You need to see the traffic yourself especially on a rainy day.

Councilman Fey stated that how many of you have kids that go there, I do and I am there and I voted against it.

Mayor Ellis stated is it waiting or dangerous Mark? Councilman Lutz stated he has witness two accidents there so far there is a need for it, safety or to get home quicker.

PUBLIC PETITIONS. None

OPENTIME

Councilman Fey stated Congratulations to the young men here this evening and good luck continuing on your career

Councilman Davis stated Mayor and CFO - kept to the Mayor's plan and had only a one cent increase.

Council President Tersigni stated it is a good budget and I look forward to passing this in April. The Exchange club is having the Easter Egg Hunt Saturday the 19th at the High School. I want to Comment the Firthtown Falcons great night for the boys club.

Councilman Fey stated the age groups for the Easter egg Hunt are Pre k – 2nd grades.

PUBLIC PETITIONS: was missed by the public, Council allowing them to speak now...

Pete Pisello, 212 Hudson Street, thank you for going back and allowing us to speak. You speak about taking care of the youth and the safety of the children at the middle school. But the Mayor's past and present are ignoring the offense. Why is it taking as long, why was PAL shut down so quick and Steele Hill gets a two year pass, because of Stettner's. 22C:23 not enforcing background checks, I know my face book posts are strong and I tagged you all purposely. Bernie Fey stated your telling lies.

Council and Mayor, Capt. Stettner ignored requests his actions. The Board and Capt. Stettner, also ignored requests

Councilman Davis you seem that you don't mind asking questions we want you to head up this

Attorney Wenner stated that prior administration was notified November of 2015, the cause of matter and the prosecutor's office was notified. The Town stepped back and let the prosecutors hand it. Your information is not accurate, they are investigating as you keep calling, ties with the Mayor not council, following with process to figure if the ordinance is violated. PAL refused multiple times we can withhold uses of facilities and equipment till they comply. Use of facilities, money and equipment.

Pete Pisello I fully understand – but if it was your daughter that let it slide a convicted sex offender, tell Jim Faulborn the law was broken the board also knows.

Attorney Wenner stated the Prosecutor is looking into it to see if Capt. Stettner and the failure to do background check. Let me make it clear that the administration is doing what it needs to do.

Pete Pisello it is not unfounded he coached my sons team

Attorney Wenner stated it is referred to the prosecutor, we all met yesterday to prevent this in the future, and I caution you on your allegations, and caution you about Capt. Stutter

Pete Pisello I know that's where it fell short

Mayor Ellis stated all the sports teams are coming in and all the questions with regard to the Ordinance. Section 140-9 town code after consult with attorney – sometimes the allegations are worse than the crime itself to a public gathering, if

we find that the Ordinance is violated we will take steps, no assumptions. We are putting steps in place with a system of ID's a private company through the Clerk's office.

Pete Pisello it is two and a half years and going...
Thank you.

Robert Fulper, 17 Marshall Street. Thank you Mayor go and remove the things that were missed, the fights not over and I appreciate you taking a second look at it.

Bill Mandry, Lopatcong Township, I want to discuss the use of lights at Walters park; I am the president of SYB, including All Saints. I am going to maintain my composure about the safety. In 2011 all coaches were going to be background checked some ran, we lost a lot of coaches. We take this seriously – passed background to insinuate that a parent of a boy has been disparaging. When I received a phone call two years ago I saw him there he told me he was a score keeper. I told him then he is not to coach. I am clear and serious when it comes to children's safety and I am policing it. Anyone with a child has a badge. There have been suspended coaches from PAL that were giving signed at the field we are not fools.

As for the lights we have games on Friday nights and if there was the concession it would be a nice night, the all start festivity was moved to Lopatcong. It would be nice to have it back here.

Council President Tersigni stated that Mr. Fulper and other organizations requested that previously from Dawn Slifer and she did provide it, I see no reason why she wouldn't do it in the future

Councilman Fey stated that I spoke to Mayor Wyant about the memories I had Friday nights going to Walter's Park and getting a hot dog and watching the baseball games. Walters Park is getting lost.

Bill Mandry stated needs some TLC

Councilman Fey stated something to do on a Friday night, I'll give you 100% support that with local clubs sharing the opportunity under the lights.

Mayor Ellis stated that Mayor Wyant left him the key for the lights I think it will add to the excitement playing under the lights.

Bill Mandry Lopatcong kids get excited in 7th grade I hit a home run there is was a great memory. Lacrosse is beating us up the conclusion the Stateliners YBO.

I don't want to play cop, all the coaches, score keepers have tags, and there is no way to counterfeit them. Mayor Ellis stated thank you Bill Mandry for being so passionate.

Thank you

Doris Stinson, 112 Bennet St., I want to talk about oil city PA., and making a special concession to live and rent a store front and show what you're doing they did this in Buffalo NY, young people with new incentives. Do you plan on opening these store fronts?

Councilman Lutz thinking that we entertain the purchase of the Riverview arts building with the Parking lot, the baker chemical offices and also a bank at one time.

I know few years ago we gave the 10,000 for a furnace I would like to know how it looks inside if we could look out it as a Town and bring the artist.

Mayor Ellis stated that is it for sale

Councilman Lutz stated 275,000

Mayor Ellis stated potions CFO he would love to talk about that. Thank you for thinking of down town

Doris Stinson, because of take over the people are poisoned

Council President Tersigni in 2010

Doris Stinson stated one building artist live and work and bring people up new ideas, that dark red building needs a color change to happy colors.

Council President Tersigni stated we are addressing that building I believe in my heart it took 13 months t building the Empire State Building, is the same owner, downtown in the early 70's same incentives. Mayor Ellis has plans I commend you, Al's liquor store building will get there, there is nothing historical about that building, what he has done in 30-45 days I could have done in two hours.

The Art building is right on target

Mayor Ellis stated on the agenda we need an anchor store, if you come to my office I will share the plans with you.

Doris Stinson store fronts opens to display

Mayor Ellis stated that vacant buildings are demolished buildings, and museums don't last long. The plan I'd like to share with you. Council President Tersigni and

Councilman Lutz this other building I will respect your request and bring them in on April 5th meeting.

Motion was made by Councilman Lutz to rescind the prior auditor – R2016-16 Tom Ferolli group. The motion was seconded by Councilman Fey.

VOTE: YEA: Lutz, Davis, Fey, Tersigni

NAY: none

ABSENT: Piazza

Bill Timmann 230 South Main Street, originally he was going to come to another meeting and he is doing the same thing again, took him two months since he proposed to be here.

Councilman Lutz stated Mr. Guerrero hasn't even been a month yet

Councilman Fey stated the open areas they are gating up

Bill Timmann stated he is putting it off

Council President Tersigni stated that Guerra puts off Hernandez (ice house) has complied. Some good with the water tower he made it safe he needs to manicure it come – we will get him in

Bill Timmann stated it is ongoing process, no windows no roof

Councilman Lutz stated the letter is written – states he has to fix the doors and fence we will have him back in a few weeks

Thanks Mr. Timmann

Chief Faulborn stated February we had 154 hours of Patrol, speeding in Hillcrest area, Firthtown has juveniles walking in the roads, no shoveling of sidewalks in Valley View. I brought John Franceschino with me today to explain why we want to keep the king cab pickup, he can explain all the uses.

Councilman Lutz asked if there is a way to stop cars from parking to the corners the big busses can't make the turns

Chief Faulborn stated 25 ft. from the intersection, 50 ft. from the stop sign we amended the law to be 25 ft. from the sign, since parking is at a premium in Phillipsburg.

Councilman Lutz stated that Wilson, Grant always at the corner it is the city slickers moving in.

Lt. John Franceschino I spoke to the Chief about the PU truck we have 75 kids and 95 % of them have not reoffended, the grants are from the attorney generals they need to keep going we can utilize at the dog park, clean ups, transportation of the kids, shovels and snow clean ups, fall festival, national night out, toy drive. So many events it isn't nice having the kids sitting behind the cage in the police car. 250 cones we use for the driving at the high school, recovery of property, picking up stolen bikes, electric scooters, when the batteries die. This will be a great help to the program.

Councilman Lutz asked if it is a 6.5 ft. bed, crew cab, 4x4.

Lt. J. Franceschino stated yes it is. A 6.5 ft. bed, crew cab, 4x4, f 250 fill light package, ¾ ton

Councilman Lutz stated that he would look into the matter – I think it is a good investment for the Town

Councilman Fey stated is the grant running out? That means you will be committed to keeping the program

Chief Faulborn stated we also have the Chaplin program have a place to go

Council President Tersigni stated I hear what Councilman Mark Lutz says, will it change the budget

CFO Merlo stated it will increase the Capital Budget

Councilman Davis the program has had a lot of success, can you explain the tractor for DPW.

Mayor Ellis stated that they were in need of a good tractor to cut the grass, along the roads; the one they have been using is old and not the right type for inclines, and declines.

Councilman Davis also stated that he agrees with the auditor for this year but it is recommended that the auditor be changed every five (5) years as a good form of checks and balances, and we need to look at a different auditor next year.

Council President. Tersigni stated that is a discussion with the Mayor and Council thank you.

MOTIONS

Approval for Raffle License No. RL: 1237 issued to The Church of St. Philip and St. James School to have games or wheels to be conducted on April 27, 2016 – May 01, 2016 was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSENT: Piazza

EXECUTIVE MEETING

R: 2016 **NONE**

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING

ADJOURNMENT

Councilman Lutz moved to adjourn the meeting. The motion was seconded by Councilman Davis. Motion was carried with 4 – 0 vote, absent Piazza.