

TOWN OF PHILLIPSBURG
Council Meeting Minutes
MARCH 19, 2013

The Phillipsburg Town Council conducted its regular meeting on Tuesday, March 19, 2013 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 Tersigni.

INVOCATION by Councilman Tersigni

PLEDGE Lead by Boy Scout Troop # 51
And the Assembly

ROLL CALL

PRESENT: Councilmembers: Stettner, Piazza, Tersigni

President: Fey

Absent: Lynn

TOWN OFFICIALS PRESENT: Mayor Wyant, Acting Clerk
Kleiner, Attorney Wenner

APPROVAL OF MINUTES

Approval of meeting minutes
were submitted for approval:

Regular Meeting-03-05-13
Executive Session – 03-05-13
Executive Session -03-05-13

The Minutes were approved as a group

Motion

Councilman Tersigni moved for approval of minutes. The motion was seconded by Councilman Stettner.

VOTE: YEAS: Fey, Stettner, Tersigni, Piazza

NAYS: None

ABSENT: Lynn

APPROVAL OF BILLS:

SUMMARY

CURRENT FUND	\$ 106,192.11
STATE & FEDERAL GRANTS	6365.70
DOG FUND TRUST	616.40
SECTION 8	508.43
CAPITAL FUND	1008.88
SEWAGE UTILITY FUND	3,487.12
SEWER CAPITAL FUND	1,205.28

SECTION 8 PROGRAMS

\$ 138,827.00

PRE-PAID BILL LIST AS OF MARCH 05, 2013

STATE & FEDERAL GRANTS

\$ 40,000.00

Grand total of all FUNDS is

\$ 298,210.93

Motion

Councilman Stettner moved for approval of bills. The motion was seconded by Councilman Tersigni.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

OLD BUSINESS Dave Maski – here we would like to give him the go ahead to start.

Mayor Wyant's – redevelopment pan has been in effect for several years that plan is now stale, if we make modifications now to that plan we can move forward and give more flexibility that's basically what the planning board asked us to do. Relax some of the more stringent guidelines. The redeveloper must still appear in front of Council.

Dave Maski stated that he would have to draft the appropriate language.

Council President Fey said we are giving the go ahead

Carrie Scott and Inspector Kevin Duddy regarding the Ice House Property 1116 South Main Street.

Attorney Wenner stated to Carrie Scott and to Kevin Duddy to remember that you are both previously sworn in.

Carrie Scott has gotten estimates to take down some areas of the property. Not the mill, that has some historical reference, we are going to get the roof repaired.

Council President Fey, the Mill is in the front of the building?

Carrie Scott stated that C1 class – due to the Lopatcong Creek to keep the building itself.

Councilman Piazza remembered last meeting concerns of the water tower to be torn down.

Councilman Stettner the structure is deficient and a safety hazard

Councilman Piazza temporary stabilize till taken down

Councilman Tersigni How long to secure finance to be demolished?

Carrie Scott the process just began

Councilman Tersigni asked if 90-120 days would be enough time to secure the financing and sign some contracts.

Carrie Scott said she didn't know

Council President Fey stated Inspector Duddy knows the in/outs of property what's your opinion?

Inspector Duddy it is feasible – old structures we would like to keep. The decay well does it pay to I think so.

Council President Fey obviously you are working on it, historically it is a landmark at the same time safety and security of the property are a concern.

Stay in contact with is or with Harry we will give you thirty (30) days to get some contracts written.

Attorney Wenner stated that financing do the small stuff the tower has scrap metal value, maybe you can do work in phases.

Councilman Stettner said you need to prioritize and do the tower first.

Carrie Scott asked if anyone wanted to buy the ice house

Attorney Wenner have you thought about each part separately

Council President Fey we will bring you back in 30 days to see what the status is and to bring your contacts up to date.

Attorney Wenner relisting of hearing signed contracts

April 16th property hearing ICE HOUSE property (116 South Main Street)

EXECUTIVE MEETING

R: 2012- 55

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF contract matters relative to Sewer plant—no action to be taken.

Councilman Stettner moved for executive session. The motion was seconded by Councilman Tersigni.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

NAYS: None

ABSENT: Lynn

Councilman Tersigni made a motion to reconvene. The Motion was seconded by Councilman Stettner.

MAYOR'S REPORT

I would like to mention the dog park and the \$10,000.00 grant from Petco; we would like to get a small committee together, Mayor, Councilmen, Engineer to get permission from Green Acres. We would like Council to appoint someone to be on the committee to work with Officer Deluca.

Council President Fey stated that Councilman Tersigni did some clean ups down there at that park, and asked if this is that something that you would like to be do?

Councilman Tersigni agreed to be on that committee.

I am also asking Council to Oppose R: 2013-56 voting S 2364/A3553 to support this resolution.

We would also like to award a contract for design and specification for a new admin building not to exceed \$12,400.00 to monitor construction of facility and foundation. Professional Services Contract R: 2013-57.

PUBLIC DISCUSSION ON AGENDA ITEMS

No Discussion

NEW BUSINESS:

None

ORDINANCES

O: 2013-05 (Second Reading & Final Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY ESTABLISHING SEWER RATES FOR THE YEAR 2013 was introduced for a second reading by Councilman Tersigni and there being no errors corrections or objections, Councilman Tersigni moved that the ordinance be adopted according to law. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni
NAYS: None
ABSENT: Lynn

O: 2013-06 (First Reading)

AN ORDINANCE AMENDING ORDINANCE O: 2011-20 ADOPTED DECEMBER 06, 2011 was introduced for a first reading by Councilman Stettner who moved that the ordinance be properly advertised. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni
NAYS: None
ABSENT: Lynn

O: 2013-07 (First Reading)

AN 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 Tersigni who moved that the ordinance be properly advertised. The motion was seconded by Councilman Piazza.

Discussion: Councilman Stettner questioned the cap bank; Mayor Wyant stated that the cap bank is allowed.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

NAYS: None

ABSENT: Lynn

RESOLUTIONS

R: 2013-40

RESOLUTION AUTHORIZING PAYMENT OF A REVIEW FEE RELATIVE TO THE WASTEWATER TREATMENT PLANT UPGRADES AND OUTFALL RELOCATION was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

NAYS: None

ABSENT: Lynn

R: 2013-41

RESOLUTION AUTHORIZING EXECUTION OF FLOOD HAZARD AREA PERMIT APPLICATION was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-42

A RESOLUTION AWARDDING PURCHASES UNDER NEW JERSEY STATE CONTRACT was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-43

A RESOLUTION DESIGNATING HANDICAP PARKING SPACE WITHIN THE TOWN OF PHILLIPSBURG was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-44

A RESOLUTION TO PROVIDE FOR RENEWAL OF TAXI OPERATOR'S LICENSE FOR AKAB, INC. was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Tersigni.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-45

A RESOLUTION TO PROVIDE FOR RENEWAL OF LIMOUSINE OPERATOR'S LICENSE FOR AKAB, INC was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-46

A RESOLUTION TO PROVIDE FOR RENEWAL OF LIMOUSINE OPERATOR'S LICENSE FOR PHILLIP LIMO SERVICE was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-47

RESOLUTION AUTHORIZING PAYMENT OF A REVIEW FEE IN CONNECTION WITH DELAWARE RIVER BASIN COMMISSION was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Tersigni.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-48

RESOLUTION AUTHORIZING THE SUBMISSION OF A NJDEP NJPDES PERMIT APPLICATION was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-49

RESOLUTION AWARDING CONTRACT PURSUANT TO N.J.S.A. 40A:11-4.1 was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Piazza.

Discussion: Councilman Tersigni stated that since it was clear from the sewer engineer that this was comparing Apples to Apples I think they will be better fit for Phillipsburg.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

2013-50

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RICHARD GRUB & ASSOCIATES, INC. FOR SERVICES TO THE TOWN OF PHILLIPSBURG was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-51

A RESOLUTION TO PROVIDE FOR RENEWAL OF LIMOUSINE OPERATOR'S LICENSE FOR VITAL SPIRIT LLC was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Tersigni.

Discussion: Mayor Wyant questioned if there is still a check on the list of drivers that gets checked.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-52

A RESOLUTION TO PROVIDE FOR RENEWAL OF TAXI OPERATOR'S LICENSE FOR VITAL SPIRIT LLC was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-53

A RESOLUTION PROVIDING FOR A REFUND PLANNING & ZONING BOARD OF ADJUSTMENTS/ESCROWS was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-54

A RESOLUTION ENTITLED MUNICIPAL BUDGET NOTICE was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner. (Roll call vote below)

A RESOLUTION ENTITLED MUNICIPAL BUDGET NOTICE

BE IT RESOLVED that the following statement of revenues and appropriations shall constitute the Municipal Budget for year 2013,

BE IT RESOLVED that said budget shall be published in the Star Gazette in the issue of April 05, 2013,

The Governing Body of the Town of Phillipsburg does hereby approve the following as the Budget for Year 2013,

A public hearing on the budget and tax resolution will be held at the Municipal Building on Tuesday, April 16, 2013 at 7:00 O'Clock PM at which time and place objections to said budget and tax resolution for the Year 2013 may be presented by taxpayers or other interested parties.

Roll Call Vote:

Last Name	YEA	NAY	ABSENT	ABSTAIN
Tersigni	x			
Stettner	x			
Piazza	x			
Lynn			x	
Fey	x			

EXECUTIVE MEETING

R: 2012- 55

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF contractual matters relative to Sewer Plant– no action to be taken the Resolution was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Piazza.

R: 2013-56

A RESOLUTION OPPOSING S2364/A3553 was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

R: 2013-57

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Stettner.

VOTE: YAYS: Fey, Piazza, Stettner, Tersigni

 NAYS: None

 ABSENT: Lynn

PUBLIC PETITIONS

Ann Davis, 222 Lewis St., we have a problem with water runoff, on January 26, 2012 we met with the Mayor, Engineer Schrek, and the water and mud down Pursell St., has been a mess since IR property put up the wall, I have contacted the DEP they say they only deal with contamination. No response from town on my OPRA request.

Council President Fey saw firsthand this past storm the water coming over the wall

Mayor Wyant the water should be coming off the sites and going into the catch basins, the rip rap is supposed to create a diversion and the half pipe off site down roadway has been told to me they have redirected the contour of the land to divert the water. We have to be careful once we excavate we can disturb the CAP.

Ann Davis asked about the ORPA request that her mom has completed and gets no paperwork on.

Attorney Wenner stated that the Shrubs / Trees from the IR have nothing to do with the Town that was all DEP oversight.

Ann Davis stated brown fields – and continual run off

Council President Fey – stated we are also dealing with a sink hole on Green St.

Mayor Wyant said the wall was installed under the direction of the DEP the Town instructed what type of wall would look best. We were offered just baskets with stone and Council said no they wanted something more decorative.

Ann Davis I have spoken to everyone at DEP, and I end up in the place put back here.

Council President Fey we hope to get it rectified and solve the problem

Ann Davis at what cost to my mom she is on a fixed income how much more can she spend.

Council President Fey stated we need to takes states to address this.

Ann Davis three (3) houses above her also something happening with them also

Attorney Wenner if you get a more detailed OPRA the town will try to respond.

Thank you Ms. Davis

Kelly Lefler – Valley View we are concerned about the water, and what is going to be put their trees, for wildlife, we see it and want to keep it there.

Councilman Stettner we have the way it is a greenway to Lopatcong Creek, nothing is firm yet

Kelly Lefler well baseball fields, football

Council President Fey anything to be done will go through Council and preservation as far as plan we be more open, more friendly and open just adapting the plan to make it more attractive.

Councilman Stettner stated that the engineer is redoing the plan because the previous plan buffers were so old that plan had sections.

Kelly Lefler the other concern was the access road

Thanks Ms. Lefler

Karen Grube, 550 Congress St., we haven't received letters we always got letters letting us know what is going on.

Attorney Wenner stated letters usually go if will effect within the 200 feet of the property.

Karen Grube oh it is only a 200 feet notice.

Mayor Wyant stated if a sub division you will get notice

Councilman Tersigni stated to the residents of Valley View we will be transparent

Karen Grube – Thank you!

Floyd Levisay Valley View 56 years I have had gardens in the back yard will they be infringing on my property

Council President Fey there is no plan to reconstruct the property

Floyd Levisay stated when I have a cook out they be looking right at me

Council President Fey no strip mall,

Councilman Stettner ball fields, we don't have a buyer yet

Mayor Wyant said to Mr. Levisay that his gardens are on IR property

Floyd Levisay stated that he wanted to buy the land so he could have his gardens IR told me I could use it

Councilman Stettner stated NO DON'T GIVE UP YOUR GARDENS

Mayor Wyant also state NO DON'T GIVE IT UP WE are still looking for a developer

OPEN TIME

Councilman Tersigni attended scoring points for kids at Andover Morris School – to raise money for the playground, they had sponsors and I want to make sure that we thank a big sponsor Mayor Wyant, Thanks Mayor Wyant.

EXECUTIVE MEETING

R: 2012- 58

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF contract relative to Zoning– no action to be taken.

15. ADJOURNMENT

Councilman Tersigni moved to adjourn the meeting. The motion was seconded by Councilman Piazza.