

TOWN OF PHILLIPSBURG
Council Meeting Minutes
April 05, 2016

The Phillipsburg Town Council conducted its regular meeting on Tuesday, April 05, 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 03-15-16

Motion

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

VOTE: YEAS: Davis, Fey, Lutz, Tersigni

NAYS: None

ABSTAIN: Piazza

APPROVAL OF BILLS:

SUMMARY

CURRENT FUND	\$ 84,344.84
STATE & FEDERAL GRANTS	4,400.86
CAPITAL FUND	8,059.40
SEWAGE UTILITY FUND	12,716.81
SEWER CAPITAL FUND	364,655.82
PLANNING BOARD TRUST FUND	2,899.00
OPUS INVESTMENTS	300.00
SECTION 8	648.39
Total regular bills list April 05, 2016	\$478,028.12

PRE- PAID BILL LIST AS OF April 05, 2016

CURRENT FUND	\$ 50.00
STATE & FEDERAL GRANTS	40,000.00

AGENCY FUND

1,209,493.14

GRAND TOTAL OF ALL FUNDS

\$ 1,827,568.26

Motion

Councilman Piazza moved for approval of bills. The motion was seconded by Councilman Davis.

Discussion: Councilman Davis questioned the Water main break under \$17,500.00.

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

NAYS: None

MAYORS REPORT

Mayor Ellis stated his Appointments for the Town Attorney as Richard Wenner.

Councilman Piazza made a motion to appoint Richard Wenner as Town Attorney. The motion was seconded by Councilman Fey.

ROLL CALL

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

Mayor Ellis stated his Appointment for Deputy Town Attorney as Christopher Troxell.

Councilman Fey made a motion to appoint Christopher Troxell as Deputy Town Attorney. 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			

Mayor Ellis stated his appointment for Planning Board as Davis Morrisette.

Councilman Davis made a motion to appoint David Morrisette as Planning Board Member. The motion was seconded by Councilman Fey.

ROLL CALL

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

Mayor Ellis stated that he is working on the Capital Budget and they are taking the truck into consideration. The Abatement is under way and the air conditioner should be in place soon.

We received two approvals back on the land acquisition, and we are waiting on two, I will have to make a phone call. The Sewer treatment plant is getting some upgrades, using an ultra violet light.

As far as Town Staff, we have a new laborer, and we have promoted several DPW staff, we are getting a part time code inspector, I have a confidential secretary – Sherry Corcoran, we are looking at a part time 20 hour a week Business Administrator. Buildings and grounds look good, we are getting cleaned up and painting in the building.

I would like to take Council on the road and maybe get a historian to speak a few minutes at each area. Economic issues and we are going to do some joint festivals with Easton, maybe hold something on the bridge. Dan and Erin are here regarding Commerce Park. We are making the news from Steele Stacks, to Hawke Pointe Golf course. I was on stage doing a skit with Mayor Sal Panto about the Easton P'burg game. Saturday we had our first sports day – doing background checks and it was good to meet them all.

We have Bears in Town in Hillcrest they ate 20 pounds of bird seed, we are working with the Chief on Bear Incident Prevention. We making some rules about bear control.

Elizabeth Town Gas is doing some replacement piping behind Marianna's it is needed for the infrastructure which is old, but will be hard on traffic.

Stan Schrek just received \$300,000 for a paving project on Heckman Street.

CHIEFS REPORT No report this week

OPUS INVESTMENTS – DAN GURAL & ERIN MURPHY

Dan Gural Spoke about IR property, they have been cleaning things out and found from 1996 a hand drawn map of Phillipsburg that shows quite a few things, I am also giving the Mayor a stick drive with photos from 1918 till the last 12 weeks ago.

We had bids for Demolition, we have 57 contractors and we received 11 bids, I also have a painting here that shows different phases of Ingersoll Rand. I would like to donate to the Mayor and Town.

We received a contract from a large fortune 50 company- that's known globally they will employ 1500-2500 people. They will give a quality salary and quality comparable can't say their name yet but it is really known.

We have escrow with the Town of Phillipsburg land and not gone out to market anyone yet, we have had 112 people who come to us to relocate to Phillipsburg.

We had 600 areas of concern (AOC) now we have two (2) and hopefully they will be no further action (NFA). IR on May 16, 2016 will issue a report from NJDEP with the progress and now the demo will begin, in the end of May beginning of June, we are planning a festival as a company. We will do a festival as a thank you to the communities on our dime. It is a give back to the community we have invested tens of thousands of dollars in to this. We work with the Town Council and the Chief and bring in a national act.

Demolition with local people we awarded the contract yesterday as a matter of fact. Next will be the site work. I live this Town everyday Dan Gural stated – we get you – the festival is for everyone.

Councilman Fey Thank you for all your efforts

Councilman Davis stated the gifts are very generous artifacts; I want to make sure that your contract and making a reasonable effort.

Dan Gural stated we go to bid, we solicit demolition to the best qualified bonded and insured, we preference to the local we have a rating schedule. They don't always come from the Town.

Councilman Davis stated Local?

Dan Gural stated we use a rating schedule 5 miles, 10 miles,, equipment , site work, been there when we hire corporations we are being real, post a bond and do multimillion of dollars work of construction

Councilman Davis stated this is not an **inditement**

Dan Gural stated it is a hot topic

Councilman Davis stated we need to set the record straight

Dan Gural stated this isn't my first dance

Councilman Davis stated the fortune 50 company will use the current site plan

Dan Gural stated that we have to amend the General Development plan, user building 1.2 million square feet building we are working with the attorney, 1 big building, we will be pulling out the rail, Norfolk Southern changed the parameters and no one wants it. We have constant communication with Stan Schrek your engineer.

Councilman Davis questioned you are doing that building in P'Burg?

Dan Gural stated NJ grants, questions how many jobs, how many buildings, 140,000,000 building because of that very well located, they are close to NYC and 78 best site in the ISA for what we do. Yes we will amend the GDP thank you.

Council President Tersigni stated that your vision was vowed to the previous Council and to this Council, we are honored to have you here it is exciting, Erin vowed she deliver her promises and keep up the good work. It is going to bring a better quality of life – Thank you so much, it is a great day in Phillipsburg. Thank you.

OLD BUSINESS None

PUBLIC DISCUSSION ON AGENDA ITEMS

Roy Lumor Rt. 57 Stewartville, I am the Owner of Cherrybrook, and a victim to this development.

Councilman Davis asked for a point of order – OPUS is on the Agenda, let them speak to it.

Roy Lumor stated that he has invested \$250,000 and has a 15 year lease remaining on December 16, 2015 we had a meeting with OPUS that they were going to move

us somewhere in Phillipsburg, maybe the 7/11 property, on December 30, 2015 we had a cordial conversation and discussed part of the lease was questionable. Our landlord is preferred, they are not closed. On the December 30th meeting we scheduled for January 6th, 2016, that meeting got cancelled and we were told to talk to Gary Tole, or Jim Bessie, they haven't returned any of our calls. A Phillipsburg associate hasn't given us any official legal notice, the aggravation time, the move, retail business, assuming we don't get evicted – or foreclosure. I wanted to get the aspects of the story on public record however we didn't want to be a victim.

Mayor Ellis stated that we went down to Zappa plastics it was a nice open space. Roy Lumor stated that the rent is in increase of \$100,000a year it is a much larger than our building. Legally – Preferred has our security deposit and we have no ability to break our lease.

Mayor Ellis stated that we will continue to help you.

Dan Gural of OPUS stated truths, not here to fight with the Lomers family – we hired a realtor, the lawyers are handling it now, mischaracterized.

Mrs. Lomers we have 20 employees, 17 from Warren County and five (5) from Phillipsburg, we have a great lease; we have operated with integrity and respect. We are not necessarily the victims here, we reached out to the parties, and every attempt not now, the last time we tried was February again. We have not heard from anyone, all our neighbors have been evicted, we've been patient and no one has talked to us. Someday at the end of May or June our business is going to be demolished.

ORDINANCES

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 – 06 (Second and Final 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 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.

ROLL CALL

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

O: 2016-07 (Second and Final Reading)

AN ORDINANCE CONCERNING SALARIES (Crossing Guards) 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.

Discussion: Councilman Davis questioned if this will be retro – to January 01, 2016

Mayor Ellis stated yes.

Council President Tersigni stated glad this is finally resolved.

ROLL CALL

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

O: 2016 -08 (First Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 140-8 and 140-9 OF THE CODE OF THE TOWN OF PHILLIPSBURG REGARDING BACKGROUND CHECKS) was introduced for a first reading by Councilman Piazza who moved that the ordinance be properly advertised. The motion was seconded by Councilman Davis.

ROLL CALL

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

O: 2016 – 09 (First Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ADD A NEW CHAPTER 448 ENTITLED *PROPERTIES, UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES TO THE CODE OF THE TOWN OF PHILLIPSBURG*) was introduced for a first reading by Councilman Fey who moved that the ordinance be properly advertised. The motion was seconded by Councilman Piazza.

Discussion: Councilman Piazza questioned the creditors must request. Attorney Wenner stated and maintain. Councilman Davis stated abandoned and not just foreclosed. Council President Tersigni stated I started this war on trash, and I give full credit to Councilman Davis, we will not tolerate un-kept property and thank you Councilman Davis, new homeowners as well. Councilman Davis said this is positive – we are a place where people know their neighbors.

ROLL CALL

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

O: 2016-10 (First Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 520 ENTITLED “SOIL IMPORTATION AND PLACEMENT”) was introduced for a first reading by Councilman Piazza who moved that the ordinance be properly advertised. The motion was seconded by Councilman Fey.

Discussion: Councilman Lutz questioned the purpose. Attorney Wenner stated redevelopment, for example Commerce Park, fill for the infrastructure, 50 acres and up.

ROLL CALL

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

RESOLUTIONS

R: 2016-51

Councilman Lutz made a motion to Table this resolution. The motion was seconded by Councilman Davis.

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

NAYS: None

Councilman Lutz questioned that he gets looked into because he has a sign on South Main Street looking for independent people to drive for limo.

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**\*\*DURING NEW BUSINESS \*\***

Councilman Fey made a motion to remove resolution 2016-51 from the table. The motion was seconded by Councilman Davis.

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

NAYS: None

A RESOLUTION TO PROVIDE FOR RENEWAL OF TAXI OPERATOR'S LICENSE FOR EDDY CHERISME 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

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R: 2016-59

A RESOLUTION TO PROVIDE FOR RENEWAL OF TAXI OPERATOR'S LICENSE FOR AKAB, INC. 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: 2016-60

A RESOLUTION TO PROVIDE FOR RENEWAL OF LIMOUSINE OPERATOR'S LICENSE FOR AKAB, INC 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

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R: 2016-61

A RESOLUTION AWARDDING PURCHASES UNDER NEW JERSEY STATE CONTRACT (Fire Dept. Personal Protective Equipt. Total \$625.50) 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

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R: 2016-62

A RESOLUTION AUTHORIZING INSTITUTION OF IN REM TAX FORECLOSURE PROCEEDINGS was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Piazza.

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

NAYS: None

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R: 2016-63

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, APPROVING CHANGE ORDER (DECREASE) FOR THE WTP UPGRADES & OUTFALL RELOCATION 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: 2016-64

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, APPROVING CHANGE ORDER (DECREASE) FOR THE VMG GROUP INFLUENT PUMP STATION ROOF REPLACEMENT 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

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R: 2016-65

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, APPROVING CHANGE ORDER FOR THE VMG GROUP CONTROL BUILDING ROOF REPLACEMENT 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

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R: 2016-66

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, APPROVING CHANGE ORDER FOR THE VMG GROUP DIGESTER BUILDING ROOF REPLACEMENT was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Piazza.

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

NAYS: None

R: 2016-67

A RESOLUTION ACCEPTING AND APPROVING COMMUNITY FORESTRY MANAGEMENT PLAN FOR THE TOWN OF PHILLIPSBURG was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lutz.

Discussion: Councilman Piazza asked if this can be sent to Stan Schrek. Mayor Ellis replied yes.

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

NAYS: None

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R: 2016-68

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES (ATTORNEY WENNER) 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

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R: 2016-69

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES (CHRISTOPHER TROXELL) was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Lutz.

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

NAYS: None

## NEW BUSINESS

Councilman Lutz questioned the donation bins and revising the ordinance. Maybe put up illegal dumping signs, or have the owners of the bins to install cameras.

Mayor Ellis stated that the bin owners should be required to pay for the cameras, and now with the bed bug issue. Maybe we should look at the location and zone them, we should review the ordinance.

Attorney Wenner we could have that ordinance in place

Council President Tersigni stated zoning, discuss at the work session

Mayor Ellis stated we can utilize the cameras in a broader way.

Councilman Fey stated that was a sofa near the sign on South Main Street

Councilman Davis stated maybe take a deposit for clean-up fees

Councilman Davis questioned with Ed Cherisme and the taxi license when his license expires.

Clerk Kleiner responded now the 31<sup>st</sup>. March.

Councilman Lutz stated I don't want to see the man loose business.

Attorney Wenner stated this is a limo question; we can approve his taxi license.

Councilman Fey made a motion to remove resolution 2016-51 from the table. The motion was seconded by Councilman Davis.

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

NAYS: None

## PUBLIC PETITIONS

Dave Morrisette, 5 Fairview Heights, I just wanted to question the bird feeders, removing all of them because of the bears?

Mayor Ellis stated that they are found and are moving South – they are overpopulated in the area, I guess we could implement this in phases.

Dave Morrisette stated that they have a lot of coyotes that keep the bears out.

I do have another question on the donation bins, they are not dumpsters??

Mayor Ellis stated no clothing donation bins.

Dave Morrisette also regarding the Ordinance on redevelopment could be any size project such as a retaining wall.

Attorney Wenner stated that it is redevelopment of 50 acres.

Thank you.

### OPENTIME

Councilman Lutz questioned the dumpsters and TV's that get placed there, I would like to do away with them, they ship the stuff overseas anyway, and especially the ones on South Main Street and the Armory they should be out of there.

Also 284 Mercer Street, all residents get a one-time clean up, there is a mattress, couch and love seat on Cherry Alley for three weeks.

Mayor Ellis stated that he gave that to Kevin Duddy to look into.

Councilman Fey stated that he is happy to see that Councilman Lutz is still sitting next to him, after he was resuscitated last week.

Councilman Piazza April 14<sup>th</sup> Main Street Initiative at 7 pm has some funding for us

Mayor Ellis stated yes I went to the one in Allentown

Councilman Piazza stated I went to Trenton and met with Jeff Bauer at the DCA

Mayor Ellis stated that we are high on the list to get funds

Councilman Davis stated he wanted to commend the young students who had a marathon for Pediatric Cancer at the high school they raised almost \$10,000

Council President Tersigni stated that the trash bins and photos cleaned up on Saturday, I want to commend the DPW and keeping the Town clean and much better quality of life.

On April 19<sup>th</sup> we will have the wrestlers come in Brandon Paetzel and Brandon Melise, along with Coach Post at 7pm, it is important to the Town and the Community they will received proclamations.

MOTIONS None

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.

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

             NAYS:      None