

TOWN OF PHILLIPSBURG
Council Meeting Minutes
May 07, 2013

The Phillipsburg Town Council conducted its regular meeting on Tuesday, May 07, 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.

MOMENT OF SILENCE for Albert Pianelli

INVOCATION by Councilman Tersigni

PLEDGE By the Assembly

ROLL CALL

PRESENT: Councilmembers: Piazza, Tersigni, Lynn

President: Fey

Absent: Stettner

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

APPROVAL OF MINUTES

Approval of meeting minutes
were submitted for approval:

Regular Meeting-04-16-13

Motion

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

VOTE: YEAS: Fey, Lynn, Tersigni, Piazza

NAYS: None

ABSENT: Stettner

APPROVAL OF MINUTES

Approval of meeting minutes
were submitted for approval:

Executive Meeting-04-02-13

Motion

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

VOTE: YEAS: Fey, Lynn, Tersigni, Piazza

NAYS: None

ABSENT: Stettner

APPROVAL OF MINUTES

Approval of meeting minutes
were submitted for approval:

Executive Meeting-04-16-13

Motion

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

VOTE: YEAS: Fey, Lynn, Tersigni, Piazza

NAYS: None

ABSENT: Stettner

APPROVAL OF BILLS:

SUMMARY

CURRENT FUND	\$ 158,713.63
STATE & FEDERAL GRANTS	11,173.13
SECTION 8	1,689.20
CAPITAL FUND	14,922.80
REVOLVING LOAN FUND	1,293.78
SEWAGE UTILITY FUND	162,371.48
SEWAGE CAPITAL FUND	9,982.62

PRE-PAID BILL LIST AS OF May 07, 2013

CURRENT FUND	\$ 737,275.06
STATE & FEDERAL GRANTS	89,966.00
SEWER UTILITY FUND	761.60

Motion

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

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

OLD BUSINESS NONE

MAYORS REPORT

I am sure as you all saw in the paper that we were awarded \$267,260.00, for restoration from Jersey to McKeen St., I propose that Council allow me to enter a contract with Van Cleef Engineering for a lump sum of \$ 35,000.00 out of those proceeds, I would like to amend the agenda to have a Resolution for me to sign contract to get the street running. Again, just received this and looking for Lopatcong creed another contract with Stan who provided

me with a proposal, of \$18,000.00t move forward and add for Stream restoration.

Also, I don't need a resolution but Council Consideration I would like to appoint Dennis Baptista as judge his term is up May 17, 2013 this will give him another three (3) year term. Council Concession

Councilman Lynn made a motion to accept Dennis Baptista as the appointed Judge. The motion was seconded by Councilman Tersigni,

VOTE: YEAS: Lynn, Piazza, Fey, Tersigni

NAYS: None

ABSENT: Stettner

ENGINEERS REPORT:

Stan Schrek stated that as you may be aware that the state aide just came in, the process it getting longer and longer. DOT doesn't realize that it hurts the municipal they give you two years so time is of the essence. As soon as AQUA water is done we are going to get someone right away to get moving on this project.

As you will also see in your packets tonight there is a resolution 2013-74 discretionary aid. This is going to cover the crosswalks that are starting to settle in at Union Square.

Councilman Lynn questioned will they mill out the section?

Engineer Schrek answered they will soft cut mill out the section

Mayor Wyant the pre-cast will come out?

Engineer Schrek I put in for all nine the estimated cost will be approximately \$ 45,000.00

As for the Lopatcong Creek we are waiting on the performance bond the contractor needed to get additional insurance in place.

Council President Fey stated thanks Stan

POLICE REPORT

Council President Fey stated that Capt. Stettner is here tonight to answer any questions regarding the issues on Davis St.,

Capt. Stettner stated that now that the weather is getting nicer we will have more of the community policing going on and more door to door presence. Capt. Stettner added that if anyone wanted to speak privately he would be here after the meeting.

Council President Fey stated follow up with that at the next meeting.

PUBLIC DISCUSSION ON AGENDA ITEMS

Mr. Cartabona questioned about the tax increase in regards to the budget.

Council President stated that the increase is less than 1 %

Mr. Cartabona stated thank you.

NEW BUSINESS:

None

ORDINANCES

O: 2013-08 (Second Reading)

ORDINANCE AMENDING CHAPTER 625, ZONING, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO INCLUDE NEW DEFINITIONS AND LIMITATIONS REGARDING SIGNS 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.

Discussion: Mr. Cartabona I think this is in the right direction

Mr. Fehley does this have anything to do with my sign on my property?

Council President Fey said going forward

VOTE: YAYS: Fey, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

O: 2013-09 (First Reading)

ORDINANCE PROVIDING FOR AMENDMENT TO CHAPTER 123 OF THE TOWN CODE ENTITLED "SEWER UTILITY" was introduced for a first reading by Councilman Lynn who moved that the ordinance be properly advertised. The motion was seconded by Councilman Tersigni.

VOTE: YAYS: Fey, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

O: 2013-10 (First Reading)

BOND ORDINANCE PROVIDING FOR VARIOUS 2013 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$517,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$484,969 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF was introduced for a first reading by Councilman Lynn who moved that the ordinance be properly advertised. The motion was seconded by Councilman Tersigni.

In full in the minutes of May 07, 2013

O: 2013-10

BOND ORDINANCE PROVIDING FOR VARIOUS 2013 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$517,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$484,969 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Town of Phillipsburg, in the County of Warren, State of New Jersey (the "Town"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$517,500, said sum being inclusive of the sum of \$32,531 as the aggregate amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Town for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$517,500 appropriation not provided for by the down payment, negotiable bonds of the Town are hereby authorized to be issued in the aggregate principal amount of \$484,969 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Town in an aggregate principal amount not exceeding \$484,969 are hereby

authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Administration</u> Acquisition and installation, as applicable, of various computer hardware and software and a security camera, including all necessary equipment and apparatus therefor; and	\$35,000	\$33,250	\$1,750	5 years
(ii) <u>Redevelopment</u> Various redevelopment improvements within the Town, including, but not limited to, the demolition and/or rehabilitation of blighted properties; and	\$20,000	\$19,000	\$1,000	10 years
(iii) <u>Fire Department</u> Acquisition of a command sports utility vehicle and personal protection equipment, including all necessary equipment and apparatus therefor; and	\$55,000	\$45,594	\$9,406	5 years
(iv) <u>Police Department</u> Acquisition of a K-9 deployment system, a computer server, desk top computers and a live scan fingerprinting machine, including all necessary equipment and apparatus therefor; and	\$57,500	\$54,625	\$2,875	5 years
(v) <u>Department of Public Works</u> Improvements to various buildings and grounds, and various roadway improvements to the entire lengths or portions, as applicable, of various roads and sidewalks as listed on file in	\$240,000	\$228,000	\$12,000	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
the Town Clerk's office, including, but not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement or paving, repair of and/or installation of curbs, drainage work, roadway painting, landscaping and aesthetic improvements, including but not limited to, seeding and installation of top soil; and				
(vi) <u>Department of Public Works</u> Acquisition of a loader-tractor, including all necessary equipment and apparatus therefor; and	\$40,000	\$38,000	\$2,000	5 years
(vii) <u>Recreation</u> Improvements to the pool, Walters Park and Delaware River Park, repaving of various basketball courts and acquisition of park equipment, including all necessary equipment and apparatus therefor.	\$70,000	\$66,500	\$3,500	10 years
TOTALS	\$517,500	\$484,969	\$32,531	12.933 years

(b) The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$484,969.

(d) The aggregate estimated cost of said improvements or purposes is \$517,500, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payments for said improvements or purposes in the aggregate amount of \$32,531.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Warren make a contribution or grant in aid to the Town for the improvements and purposes authorized hereby and the same shall be received by the Town prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Warren. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Warren shall be received by the Town after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Town (the “Chief Financial Officer”), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest

rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk of the Town and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Town may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond

Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.933 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Town and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$484,969 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$80,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the

Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Town reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Town's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized herein used to reimburse the Town for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such

amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Town other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Town for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$484,969. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid. The Town covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code

of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.

SECTION 10. The Town covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

VOTE: YAYS: Fey, Piazza, Tersigni

 NAYS: None

 ABSENT: Stettner

RESOLUTIONS

R: 2013 - 71

A RESOLUTION PROVIDING FOR REFUND OF TAX OVERPAYMENTS was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Lynn.

VOTE: YAYS: Fey, Piazza, Tersigni

 NAYS: None

 ABSENT: Stettner

R: 2013-72

A RESOLUTION PROVIDING FOR A REFUND was introduced by Councilman Lynn who moved for its adoption. The motion was seconded by Councilman Tersigni.

VOTE: YAYS: Fey, Piazza, Tersigni

 NAYS: None

 ABSENT: Stettner

R: 2013-73

A RESOLUTION PROVIDING FOR ADOPTION OF THE 2013 MUNICIPAL BUDGET FOR THE TOWN OF PHILLIPSBURG was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Lynn.

Discussion: Robert Merlo filled in some big shoes – worked hard Thanks Bobby for all your hours you put in. Councilman Tersigni stated he wanted to reiterate what was said one million dollars less than last year. Councilman Lynn same comment in today's economy to maintain the same is amazing. Mayor Wyant stated that the collaborative effort of the staff, in losing the Clerk/Administrator and the CFO the staff has done an excellent job.

ROLL CALL VOTE:

YEAS: Fey, Piazza, Tersigni, Lynn

NAYS: NONE

ABSENT: STETTNER

R: 2013-74

A RESOLUTION OF SUPPORT FOR AN APPLICATION TO NJDOT FOR DISCRETIONARY FUNDS was introduced by Councilman Lynn who moved for its adoption. The motion was seconded by Councilman Tersigni.

Discussion: this is crosswalks?

VOTE: YAYS: Fey, Piazza, Tersigni

 NAYS: None

 ABSENT: Stettner

R: 2013-75

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR CONSTRUCTION AND ADMINISTRATION ASSOCIATED WITH IMPROVEMENTS TO SITGREAVES STREET, PHASE 5 was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YAYS: Fey, Piazza, Tersigni

 NAYS: None

 ABSENT: Stettner

R: 2013-76

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR CONSTRUCTION OBSERVATION AND CONSTRUCTION ADMINISTRATION ASSOCIATED WITH THE LOPATCONG CREEK BANK RESTORATION was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Lynn.

VOTE: YAYS: Fey, Piazza, Tersigni

 NAYS: None

 ABSENT: Stettner

PUBLIC PETITIONS

Blaine Fehley, 237 Bowhay, Are aware of the Davis Street issues they asked me to come in front of you for them.

Council President Fey Stated that they came before themselves

Mayor Wyant anticipated this and had Capt. Stettner here to address concerns

Blaine Fehley asked of what is being done on Davis St., Filmore and Cedar Alley.

Capt. Stettner Thanked Mr. Fehley for being very helpful this week as you know I can't discuss the case specifically.

Blaine Fehley community officers we need cameras in the hot spots

Councilman Tersigni stated that there was some money left in the budget for more cameras

Blaine Fehley took a few years to get the video going for meetings but nice job.

Blaine Fehley I fight for the betterment of this Town I am running for Council will you sign my petition

Thank you.

OPEN TIME

Mayor Wyant stated were not running the air yet you're not here speaking about the belts yet are you.. We have a noise issue and the chiller has six belts and it goes from 0 – 90mph in an instant the belts squeal as they wear they squeal.

Councilman Lynn stated I guess it isn't a reality at this time to upgrade this unit

Mayor Wyant stated not in the budget for that.

Council President Fey stated Councilman Tersigni put his head on the life for children's cancer. A very good cause.

MOTIONS

Approval for Raffle License No. RL: 1162 issued to The Grace Evangelical Lutheran Church for a basket raffle to be conducted on September 21, 2013 Councilman Tersigni moved to adopt the motion. The motion was seconded by Councilman Lyn.

VOTE: YEAS: Fey, Lynn, Tersigni, Piazza,

NAYS: None

ABSENT: STETTNER

Approval for Raffle License No. RL: 1163 issued to The Purple Posse for a basket raffle to be conducted on May 18, 2013 at the Relay for Life with all proceeds to benefit the American Cancer Society. Councilman Tersigni moved to adopt the motion. The motion was seconded by Councilman Piazza.

VOTE: YEAS: Fey, Lynn, Tersigni, Piazza,

NAYS: None

ABSENT: STETTNER

EXECUTIVE MEETING NONE

R: 2013-

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

15. ADJOURNMENT

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