

TOWN OF PHILLIPSBURG  
Council Meeting Minutes  
May 20, 2014

The Phillipsburg Town Council conducted its regular meeting on Tuesday, May 20, 2014 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 Lynn.

INVOCATION by Councilman Lynn

PLEDGE by the Assembly

ROLL CALL

PRESENT: Council President Tersigni  
Council Members: Fey, Lynn, Stettner, Piazza

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

APPROVAL OF MINUTES Approval of meeting minutes  
Were submitted for approval:  
**Regular Meeting-05-06-14**  
**Executive Meeting 05-06-14**

Councilman Lynn stated Acting Clerk Kleiner missed the New Business in the minutes please go back and amend them. I spoke about the stop signs at Sayer and Wilbur Avenues.

Motion

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

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

NAYS: None

APPROVAL OF BILLS:

SUMMARY

CURRENT FUND	\$	978,178.12
STATE & FEDERAL GRANTS		74,018.38
CAPITAL FUND		57,232.60
SEWAGE UTILITY FUND		52,974.02
SECTION 8		1,263.72
AGENCY FUND		556.50
REVOLVING LOAN FUND		645.00
<b>Total regular bills list May 20, 2014</b>	<b>\$</b>	<b>1,164,868.34</b>

Section 8 Rent Payments \$ 134,009.50

PRE- PAID BILL LIST AS OF May 20, 2014

CURRENT FUND \$ 780,687.73

AGENCY FUND-PENSION PAYMENTS 138,413.39

Acting Clerk Kleiner asked the Council to add the donation the Town makes to the Memorial Day Parade to be added to this list.

MEMORIAL DAY PARADE \$500.00

**TOTAL PRE PAID BILL LIST \$ 919,601.12**

**GRAND TOTAL OF ALL FUNDS \$ 2,218,478.66**

HABITABILITY HEARING 1116 South Main Street (Ice House Property)

Hearing – was postponed till end of meeting

OLD BUSINESS NONE

MAYORS REPORT & ENGINEERS REPORT

NONE

PUBLIC DISCUSSION ON AGENDA ITEMS

Mr. Meyner, South Main Street, question on 2013-14 asked why the change to multi family is there a developer asking

Dave Maski – stated that the planning board did a study last year and that since public housing Ordinance should reflect what is already on the ground as per housing – it is not a plan for adult community

Mr. Meyner in hope of multi family

Councilman Fey stated that it is to conform to the existing for example R75 when there is no 75 lot there we had to conform to the existing

Mr. Meyner questioned the business - B-6 and B-5 zones

Mr. Maski stated that the changes reflect what's already there

Mr. Timmann stated that the OPMA is not in compliance because the meeting schedule on the board is 2012 behind the glass. Attorney Wenner asked Acting Clerk Kleiner to check to make sure it was posted.

NEW BUSINESS \_ NONE

O: 2014-12 (Second and Final Reading)

SEWER UTILITY CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A PICK UP TRUCK AND RELATED EQUIPMENT, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$23,200 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF was introduced for a second reading by Councilman Lynn and there being no errors corrections or objections, Councilman Lynn moved that the ordinance be adopted according to law. The motion was seconded by Councilman Fey.

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

NAYS: None

O: 2014-13 (Second and Final Reading)

ORDINANCE AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG, CHAPTER 625, ENTITLED ZONING, TO ADD THREE NEW ZONES, TO AMEND EXISTING ZONE REQUIREMENTS AND TO ADD ADDITIONAL ZONE REQUIREMENTS was introduced for a second reading by Councilman Stettner and there being no errors corrections or objections, Councilman Stettner moved that the ordinance be adopted according to law. The motion was seconded by Councilman Fey.

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

NAYS: None

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O: 2014-14 (First Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 422 OF THE CODE OF THE TOWN OF PHILLIPSBURG ENTITLED *PARKS* TO AMEND SECTION 422-17, *ANIMALS PROHIBITED*, AND TO ADD A NEW SECTION 422-17.1 ENTITLED *DELAWARE RIVER PARK RULES AND REGULATIONS* was introduced for a first reading by Councilman Stettner who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lynn

Discussion: Council President Tersigni stated all the credit should go to Officer Deluca and the DPW for all the work. Council Vice President Lynn asked to make sure we get the codified Ordinances.

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

NAYS: None

15. RESOLUTIONS

R: 2014-89

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

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

NAYS: None

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R: 2014-90

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

Click it or Ticket 2014 Seatbelt Mobilization was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Piazza.

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

NAYS: None

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R: 2014-91

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

2014 Municipal Aid Program-Improvements to South Main Street Phase 6 was introduced by Councilman Lynn who moved for its adoption. The motion was seconded by Councilman Piazza.

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

NAYS: None

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**R-2014-92 (TABLED TILL NEXT OPEN MEETING)**

RESOLUTION AUTHORIZING THE TOWN OF  
PHILLIPSBURG TO EXECUTE A SHARED SERVICE  
AGREEMENT BETWEEN THE BOROUGH OF ALPHA  
AND THE TOWN OF PHILLIPSBURG FOR THE SHARED  
COURT

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R: 2014-93

RESOLUTION SUPPORTING THE ACQUISITION OF A  
2014 Lenco BEARCAT ARMORED VEHICLE was introduced  
by Councilman Fey who moved for its adoption. The motion was  
seconded by Councilman Stettner.

Discussion: Councilman Fey motion in question-local municipalities come together on this is the money allocated? Attorney Wenner stated it is in the research stage. Councilman Lynn by signing the resolution were showing support is it really necessary? Councilman Stettner since your ex-police what do you think? Councilman Stettner stated he said it is necessary for the SWAT members, it would be beneficial. Councilman Fey to show support when the Chief takes this to the County whoever is available should go to.

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

NAYS: None

R: 2014-94

A RESOLUTION PROVIDING FOR REFUND OF TAX OVERPAYMENT was introduced by Councilman Stettner who moved for its adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

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R: 2014-95

A RESOLUTION IN REM FORECLOSURE PROCEEDINGS was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Stettner.

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

NAYS: None

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R: 2014-96

A RESOLUTION PROVIDING FOR PERSON TO PERSON TRANSFER OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 2119-33-026-003 was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

Councilman Fey asked which establishment this was – Acting Clerk Kleiner stated Whiteys Tavern, Attorney Wenner stated it was a pocket license

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

NAYS: None

R: 2014- 97

A RESOLUTION SUPPORTING DISCHARGE OF FIREWORKS AT OLE TOWN FESTIVAL was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Stettner.

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

NAYS: None

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R: 2014-98

A RESOLUTION GRANTING APPROVAL OF A CHANGE FUND TO ACCOMMODATE THE POOL PASS SEASON AND CONSESSION STAND AT THE WALTERS PARK POOL was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Stettner.

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

NAYS: None

### PUBLIC PETITIONS

Joe Meyner, South Main Street, I have presented a lot of data and I have a draft form and I realized that I reached a decision that I am going to gather people of support, enough people to petition to get a referendum, and get 100 names, I am only a third or quarter of the way there. Mr. Meyner explained his chart to the audience. The Council didn't view the chart.

Mr. Timmann, 230 South Main Street, I spoke to the Planning Board Chairman asked about a traffic study at McKeen and Stockton Streets.

Who is going to assume the garbage services and the roads once this is complete, we have no pictures, and it is not proper planning I would have the Town of Phillipsburg to reconsider so the public can see. 800 cars in and out of these two streets will make it hard on the general public, with the bridge now we have too much traffic, and if something happens on 22 we get all the traffic thru Town.

Attorney Wenner stated that interior roads maintained and owned 30 years we are not required to remove snow or garbage all will be maintained by the developer. There hasn't been a Planning Board hearing yet, it will be on file 10 days prior all the provisions and requirements. Site, traffic impact studies will be done. The meeting is the last Thursday in June.

Thank you.

Councilman Lynn stated parts were missing, financial part, the developer came to us about financially affording it, now they will move forward

Mr. Timmann stated that eight (8) years ago Mr. Perrucci had pictures and a model

Councilman Lynn and Council President Tersigni stated that it has been amended and revised

Mr. Timmann asked about the brown field, transformer that emptied into the ground

Attorney Wenner stated that before a shovel can go into the ground the DEP and site remediation will be done by a professional

#### HABITABILITY HEARING 1116 South Main Street (Ice House Property)

Attorney Wenner stated that he has been in contact with Mr. Hernandez and he was going to be here tonight.

Kevin Duddy Town Inspector stated that the Ice House is an unsafe structure and he was cited for such

Stan Schrek Town Engineer said that there are certain provisions about removal and the foot print of what can be changed or build if it is all removed and we should delay till the next meeting

Councilman Piazza asked if the outer walls were sound

Kevin Duddy stated that the walls are intact – that Mr. Hernandez should act on clearing it out. I also believe that the provision is 300 ft.

Councilman Piazza stated there is no movement

Kevin Duddy said that Mr. Hernandez had till May 16<sup>th</sup> to take care of the roof problem he has not filed an appeal, we will fine him weekly ad he will pay the penalty

Attorney Wenner stated unsafe structure

Kevin Duddy we can wait and see with the walls

Stan Schrek stated there are parameters

Councilman Stettner stated the setback footprint

Stan Schrek if more than 50% of the building

Councilman Fey stated just clean up not completely demo it- no harm's way for children

Kevin Duddy I have been calling Mr. Hernandez calls back he stated he was going to attend the meeting and that he had a plan. In April after the snow melted I thought he was going to start work

Attorney Wenner stated can he take the roof out without removing the walls

Council President Tersigni asked for a motion for Mr. Hernandez to clear out the property except for the outside walls, Attorney Wenner said with need time lines with the motion

Councilman Fey stated that when Mr. Hernandez purchased the property he was thrown to the wolves now he has hit another stumbling block, the last and final notice, we should work with him take a chance

Councilman Lynn how many last changes

Councilman Fey he has only owned the property about a year

Councilman Lynn stated he doesn't show up three times in a row, he is ignoring us, he is being disrespectful of us.

Kevin Duddy stated he has accommodated us before the summons is first week

Councilman Stettner said we dangled the carrot and \$500 dollars a week we need to talk and not throw the towel in and quit

Councilman Lynn stated if he was here I'd agree three times he's missed

Councilman Fey stated I agree but if he doesn't want to work with us, I agree with Councilman Stettner last opportunity to come in before Kevin Duddy gets it cleared up

Council President Tersigni stated that he agreed with Councilman Lynn and the man has not come in three times in a row, it is the safety of the community and safety of the people, if he is not willing to work with us, this is just my opinion having been in the business for 24 years two outside walls are good, the young children could get hurt, we need to take care of this sooner than later, he has complied but not now.

Councilman Piazza what is his progress going to be – to me how many chances - we can work with him

Councilman Lynn stated how can we make him understand were not joking around anymore.

Kevin Duddy stated can we bring him back June 3<sup>rd</sup>

Councilman Stettner stated if he's contacted Kevin Duddy why wait till June

Attorney Wenner stated motion for Town Attorney to write a letter to Mr. Hernandez, he will need to get a demo permit within 7 days from receipt of the letter.

Kevin Duddy the plan should be ready

Councilmen Lynn made a motion for the Attorney to write a letter to Mr. Hernandez. The motion was seconded by Councilman Fey.

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

NAYS: None

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### OPENTIME

Councilman Stettner asked Stan Schrek to check on Riverside Way parking signs and meters 10/30 minute parking for the businesses there are two meters. West states NO overnight parking, NO parking can be eliminated

Councilman Fey showed the Council a photo he had from when he played baseball, they had a plaque for Ed Quigley, who passed away, at the Delaware Heights sports complex. When we were kids we would practice there but we couldn't play there, we were the last club there is 1983. Ed left behind three little girls his family flew in from California. There were two teams playing they all got a nice souvenir, Ed's father couldn't speak he was so choked up. I received an email from a family member who stated, you did an awesome job – to lasting legacy and he touched everyone in a positive way.

Council President Tersigni stated thanks Councilman Fey for putting that together I also want to remind everyone about the Memorial Day Parade at 9:00 am in Shappell Park and down to the free bridge to honor the veterans

### MOTIONS

NONE

EXECUTIVE MEETING NONE

### ADJOURNMENT

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