

TOWN OF PHILLIPSBURG
Council Meeting Minutes
July 15, 2014

The Phillipsburg Town Council conducted its regular meeting on Tuesday, July 15, 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, Piazza
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-07-01-14

Discussion: none

Motion

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

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

NAYS: None

ABSENT: Stettner

APPROVAL OF BILLS:

SUMMARY

CURRENT FUND	\$	92,922.31
STATE & FEDERAL GRANTS		4,200.49
CAPITAL FUND		15,109.20
SEWAGE UTILITY FUND		292,260.60
Total regular bills list July 01, 2014		\$404,492.60

Section 8 Rent Payments	\$	133,765.00
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PRE- PAID BILL LIST AS OF July 01, 2014

CURRENT FUND	\$	5,056.00
SEWER UTILITY FUND		2,703.96
AGENCY FUND-PENSION PAYMENTS		138,944.35

Jersey, with the stipulation that Phillipsburg Children get there deserved Wish first. Two of the years the proceeds went to the Wounded Warriors of New Jersey, under that same criteria where Phillipsburg Military Personnel would get the assistance needed first.

WHEREAS, Through Shawn Carmody and Joe Delesky's Compassion and Work, Have donated to Families in an excess of \$ 100,000.00 dollars and still growing.

WHEREAS, The Mayor and Town Council of the Town of Phillipsburg hereby extend their tribute to Shawn Carmody and Joe Delesky, on behalf of the Town and its residents, for there continuing Public Service.

PRESENTED this Fifteenth day of July Two Thousand Fourteen.

Mayor Harry L. Wyant, Jr

Councilman Fey

Council President Todd M. Tersigni

Councilman Piazza

Council Vice President Lynn

Councilman Stettner

Council President Tersigni said thank you both for everything you do.

HABITABILITY HEARING 475 South Main Street.

Attorney Wenner said that at the last meeting an order was issued with the lien holders that the debris and brush on the common alley be removed. The lien holder was advised of the hearing tonight.

Attorney Wenner asked Mr. Duddy to tell the Council about the status. Mr. Duddy stated that he posted the property owned by Empire TF2 Jersey Holdings, LLC, and no one has contacted me.

Attorney Wenner asked Mr. Duddy if the structure a concern for the health, safety and welfare of the residents of the Town of Phillipsburg?

Mr. Duddy said that he hasn't been inside, he went to Toms Lunch and it was closed on Monday. The exterior needs to be cleaned up immediately the plywood that is barricading the alleyway has a lot of debris behind it even a vending machine and looks like there are items in it.

Council President Tersigni passed out photos of the debris. The Mayor took the photos.

Attorney Wenner questioned if the Mayor took the photos

Mayor Wyant stated yes I did.

Attorney Wenner stated can you explain the photos

Councilman Piazza questioned Mr. Duddy have you been inside looks like a fire hazard.

Mr. Duddy stated it definitely is a fire hazard from lack of the house keeping

Councilman Fey said what action can be taken inside

Attorney Wenner stated that Kevin has the authority to enter with Dennis Viscomi – Superintendent of Public Works to check the building status

Mr. Duddy stated that he will go into it and padlock the door; he stated he will give the Council a report by the next meeting. I will take photos inside.

Mayor Wyant stated that there is a lot of debris in between the buildings and the stairway to the second floor has been removed, I don't think there is access to the second floor. The roof is in total disrepair, the roll roofing is pulled back and allows water to enter the building, and clearly this is a problem area

Attorney Wenner stated that they were given the 10 days with The Town of Phillipsburg to remove and add a lien for the cost to remove the debris Council can request it to be done.

Councilman Lynn asked can we do that by motion

Mayor Wyant said there is a new law that adds penalties

Attorney Wenner stated that the new law allows for lienholders to be issued summons, the Town can go against the title holder and the bank. Empire TF2 Jersey Holdings, LLC is the title no bank if Council wishes to direct – we can do so.

Mr. Duddy, I will get together with Dennis Viscomi

Attorney Wenner added the Council can direct Mr. Duddy to inspect and August 5th we can bring it back to Council.

Councilman Piazza states I think we need to do – what we need to do – also get property owner in here.

Councilman Lynn I think we need to clean up the outside, and we know there is debris inside can we penalize for what is inside

Attorney Wenner said we can't until Mr. Duddy goes inside

Mr. Duddy, I'll take photos and report back to Council, on August 5th.

Councilman Lynn makes a motion to have Mr. Duddy go in and inspect and bring Empire TF2 Jersey Holdings, LLC., In on the August 5, 2014 meeting. The motion was seconded by Councilman Piazza.

ROLL CALL VOTE

NAME	YEA	NAY	ABSTAIN	ABSENT
STETTNER				X
PIAZZA	X			
LYNN	X			
FEY	X			
TERSIGNI	X			

Mr. Duddy said we will clean up immediately.

Attorney Wenner asked if Mr. Duddy had a chance to look at 796 Mill Street, the detached garage that has the caved in roof and collapsed walls.

Mayor Wyant stated can't that be an unsafe structure

Mr. Duddy stated we could do that under property maintenance – I will get three prices of the garage for demo and removal

Thanks Kevin

OLDBUSINESS none

MAYORS REPORT

Well today I signed the contract for the shared services with the Court, Council President of Alpha signed as well and we will be starting August 01, 2014. It should be advantageous to Alpha as well as Phillipsburg.

I also have two petitions from the office staff and DPW requesting that December 26, 2014 and January 2, 2015 that we close the building. The employees would have to use their vacation day for that day.

Councilman Piazza questioned if that is a Friday?

Councilman Piazza made a motion to close for those two days during the holiday and the employees must use a vacation day. The motion was seconded by Councilman Fey.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

The Mayor stated that he also met with the Firthtown and Steele hill youth groups regarding the insurance, because they are not part of the Town of Phillipsburg the discussion was to bring the youth groups under the auspicious of the Town of Phillipsburg. Firthtown and Steele Hill both have a binder now; we are working on something to avoid having the youth groups pay \$8000.00 a year for insurance.

Attorney Wenner stated that extending to the Youth Organizations and bring it under the direction and control of the Town of Phillipsburg – control under the Department of Recreation. We had a conversation with John Moore the Broker for the Willis Group. There are a host of other issues, procedurally, and operatively to dissolve the 501 3 C and give up identity and to understand what that means. Individual – Control we need to have full disclosure for all parties involved.

Mayor Wyant said we should sit down with the actual criteria with the youth groups again. The Insurance carrier states we must have some control

Attorney Wenner stated more control that what's just on paper and not hurt the Town of Phillipsburg, but it could hurt the youth organizations

Councilman Fey questioned if the Youth Groups will lose their non- profit status

Attorney Wenner were non profit

Mayor Wyant stated it will come under our direction

Councilman Fey said it should help with communication, like assisting cutting the grass

Mayor Wyant said that it will be similar to the Senior Center, have their own board, the board does what they want but under the control the arm of the Town of Phillipsburg

Councilman Lynn so the leadership of the town changes and so can the director of recreation change. Dawn retires we get a new director and makes decisions to make changes how can we keep things from constantly changing

Mayor Wyant stated that they can always opt out

Councilman Lynn so we can take individually

Mayor Wyant stated it is a valid concern and the unknown is hard to predict

Councilman Lynn stated it is our responsibility to look ahead to help the process the future

Mayor Wyant stated that he didn't bring the soccer group in, so I will have to see if they're interested in doing this also.

Attorney Wenner stated I will have my information put together and research it fully for the Town and the Youth Organizations as well

Mayor Wyant stated that we need to discuss this more before decisions are made

Attorney Wenner stated that we own and maintain the fields what liabilities

Mayor Wyant stated that they are covered under liabilities coaches are not protected now from being sued

Council President Tersigni but it would be less expense for the youth groups

Mayor Wyant stated that they pay \$8000.00 now and they would pay nothing, but there is hesitation when you say control, I don't blame them they have done a fine job over the years. Same money with least amount of control

Councilman Fey stated both organizations are in agreement

Mayor Wyant stated individually organization – in are fine or out is fine were making the offer, but we don't know what the offer is yet. If I was in their shoes I wouldn't want to agree until I know what I am agreeing to

Mayor Wyant also spoke about 90 Sitgreaves Street, that is burnt out and in foreclosure, we need Council to take a look at and the lienholder to see if they are going to fix it or tearing it down.

Attorney Wenner stated that Kevin issued an unsafe structure 45 days

Mayor Wyant we need to verify and you did then search

Attorney Wenner yes

Mayor Wyant stated we can't allow the building to remain in this condition

CHIEFS REPORT

Chief Faulborn handed out his stats

The Chief stated that Captain Stettner received a grant Youth in Community we were the only Police Department in the State to get it.

The Station house adjustment program, it is structured to task thru the Town

We have OTF coming up this weekend

Mayor Wyant stated that the 700 block of South Main Street found nothing do you have anything to report on this

Chief stated the odor investigation concerns that there was drug activity but there was none found, the fire, health, and hazmat and squad found nothing of danger, we had a review Monday morning, Criminal investigation and there was no evidence of hazardous material, we erred on the side of caution and we reviewed the areas we need to work on

Mayor Wyant said good news it was nothing, it could have been worse and it is better to error on the side of caution but no disaster.

Thanks Chief

Mayor Wyant stated that Sitgreaves Street has been paved and they did a fine job it is striped. Washington Street bids came in and next meeting we will be awarding the bid in corporation with Aqua and the DOT.

Thank you.

NEW BUSINESS Council President Tersigni stated he received a letter from the Phillipsburg Housing Authority Administrator Paul Rummerfield, stating that Mr. Mugavero's term was up. The Town Council, reappointed Mr. Mugavero for another five year term.

A motion to reappoint Mr. Mugavero was made by Councilmen Piazza. The motion was seconded by Councilman Lynn

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

ORDINANCES

O: 2014-15 (Second and Final Reading)

AN ORDINANCE CONCERNING SALARIES was introduced for a second reading by Councilman Stettner 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.

Discussion: Council President Tersigni said Ms. Callery will do a great job.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

RESOLUTIONS

R: 2014-125

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-126

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING REFUND OF TAX OVER PAYMENT DUE TO TAX APPEALS was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lynn.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-127

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) DONATION FROM ST LUKES WARREN HOSPITAL FOR WALTERS PARK POOL was introduced by Councilman Lynn who moved for its adoption. The motion was seconded by Councilman Fey.

Discussion: Councilman Fey Thanked Council President Tersigni for getting it done. Councilman Piazza thank you St. Lukes, Council President Tersigni, thanked St. Lukes.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-128

A RESOLUTION AWARDDING PURCHASES UNDER NEW JERSEY STATE CONTRACT - FIRE DEPARTMENT was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lynn.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-129

A RESOLUTION AWARDDING PURCHASES
UNDER NEW JERSEY STATE CONTRACT - OFFICE EQUIPMENT
was introduced by Councilman Piazza who moved for its adoption. The
motion was seconded by Councilman Fey.

Discussion: Councilman Lynn asked if this was for the Court. Mayor Wyant
Stated no.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-130

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF
WARREN, STATE OF NEW JERSEY, AUTHORIZING AN OVERPAYMENT
TO BE TRANSFERRED TO SURPLUS was introduced by Councilman Lynn
who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-131

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) Dept. of Labor and Workforce Development SYF 2015 NEW JERSEY YOUTH CORPS was introduced by Councilman Lynn who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-132

A RESOLUTION APPROVING THE PAYMENT OF THIRD QUARTER 2014 COUNTY TAX AND OPEN SPACE TAX, DUE AUGUST 15, 2014 was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014-133

A RESOLUTION APPROVING 2014-2015 LIQUOR LICENSES WITHIN TOWN OF PHILLIPSBURG was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Fey.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R: 2014- 134

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1 was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lynn.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

R-2014-135

RESOLUTION OF THE TOWN OF PHILLIPSBURG, REJECTING ALL BIDS FOR THE WASTE WATER TREATMENT PLANT ROOF REPLACEMENT PROJECT was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lynn.

Discussion: Councilman Lynn asked why it is so much higher. Mayor Wyant stated we had one bid.

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner

PUBLIC PETITIONS

Mr. Joe Meyner, South Main Street. ** Please see attached sheet that Mr. Meyner read at the meeting.

Councilmen Lynn corrected Mr. Meyner stating that the Mayor doesn't approve but Town Council approves the program

Thank you Mr. Meyner and Councilman Lynn

Mr. Bill Timmon, 230 South Main Street, I think this should be put on the ballot to have to opportunity to say, all Perrucci permits expired, DEP and all, until they are current they shouldn't move forward, they are going to comply with traffic studies and making Stockton Street three lanes. Widening the road my opinion is now 300-600 a year increase per household

Thanks Mr. Timmon

Mr. Keyser, 563 South Main Street, if the Youth Leagues sue you get zero out of non-profit and the Town may have to rethink

Attorney Wenner stated that we have ten million dollar coverage and the insurance is on the hook for ten million, but we would need a provision

Mr. Keyser if someone suew

Council President Tersigni when comes into effect I'll support that resolution

Mr. Keyser again asks about the work session on September 09, 2014, and second hand smoke, someone could die of stage 4 Cancer by then

Council President Tersigni stated the last five years no work sessions we have had discussions on it before and in September we will discuss it again

Mr. Keyser I will be here every meeting beating my drum

Mayor Wyant stated we have protection under Title 59 municipality immunity to law suits extend to the Youth Groups

Mr. G. DeAlmo, 525 Fisher Avenue, I think the building at Union Square looks bad does it have any historical value, it is a liability to the Town

Council President Tersigni stated yesterday I discussed this with the Mayor

Mayor Wyant stated that the structural engineers deemed it safe, they are in negation with the insurance to get the maximum amount and hope to rehab it but may not, but the building is safe, it is an eye sore

Mr. DeAlmo stated it looks so bad

Thank you

OPENTIME Councilmen Fey stated that Jan Marie McDyer helped with the Dr. Center and redid the bus route to get to the Sr. Center. Robert Bigg over sees the bus route resulting in safe route for the elders safety.

Thank you

Council President Tersigni stated he was looking forward to participating in the OTF at 6:00 pm at Shappell Park and Sunday with the Fireworks, Mrs. Davis and Mr. Fulper are on the Committee come out it is an enjoyable experience.

Thanks

Mayor Wyant said this year we will make Council President Tersigni the weather man.

MOTIONS

Approval for Raffle License No. RL: 1191 issued to the Garnet Boosterettes for a Tricky Tray October 03, 2014 from 6:30-9:00 PM Councilman Piazza moved to adopt the motion. The motion was seconded by Councilman Fey.

Discussion: Council President Tersigni stated Thanks Mom – she was the Founder of the Garnet Boosterettes in 1974 (I know you don't hear me) and it is still here 40 years later.

VOTE: YEAS: Piazza, Fey, Tersigni, Lynn

NAYS: None

ABSTAIN: Stettner

Approval for Raffle License No. RL: 1192 issued to The Garnet Boosterettes for a 50/50 on premise raffle to be conducted on:

09-12-14, 09-19-14, 11-15-13, 10-10-14, 11-07-14, 11-14-14 and 11-21-14 between the hours of 5:30-7:30 PM. Councilman Piazza moved to adopt the motion. The motion was seconded by Councilman Fey.

VOTE: YEAS: Piazza, Fey, Tersigni, Lynn

NAYS: None

ABSTAIN: Stettner

EXECUTIVE MEETING none

ADJOURNMENT

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

VOTE: YEAS: Fey, Lynn, Piazza, Tersigni

NAYS: None

ABSENT: Stettner