TOWN OF PHILLIPSBURG

Council Meeting Minutes

September 06, 2016

The Phillipsburg Town Council conducted its regular meeting on Tuesday, September 06, 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 Lutz.

INVOCATION by Council President Tersigni a Moment of Silence for the victims of 9 -11

PLEDGE by the Assembly

ROLL CALL

PRESENT: Council President: Tersigni

Council Members: Davis, Lutz, Piazza

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Absent Member(s): Fey

TOWN OFFICIALS PRESENT: Mayor Ellis, Clerk Kleiner,

​​​​​​ Attorney Wenner, Attorney Troxell

APPROVAL OF MINUTES Council Mtg 08-16-2016

Ex. Session 08-16-2016

​​​​Motion

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

VOTE: YEAS: Davis, Lutz, Tersigni, Piazza

NAYS: None

ABSENT: Fey

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APPROVAL OF BILLS:

SUMMARY

CURRENT FUND ​​​ $ 285,601.69

STATE & FEDERAL GRANTS​​​​ 3,531.93

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SEWAGE UTILITY FUND​​​ 23,757.30

SEWER CAPITAL FUND​​​​​ 154,637.23

PLANNING BOARD TRUST FUND 28,663.81

OPUS INVESTMENTS 32,769.25

SECTION 8 1,296.95

AGENCY FUND 1,056.89

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**Total regular bills list September 06, 2016 $ 568,518.52**

Section 8 Rent Payments $ **0**

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PRE- PAID BILL LIST AS OF September 06, 2016

CURRENT FUND $ 3,000.00

AGENCY FUND $156,478.78

**Pre -Paid Bills List of September 06, 2016 $ 159,478.78**

**GRAND TOTAL OF ALL FUNDS ​​ $ 727,997.30**

Question from Councilman Lutz regarding the Coopersmith project…is it completed? Mayor Ellis responded yes. Councilman Davis questioned the Engineering bills and the attorney bills, Attorney Wenner stated some escrow some late billing speaking on his bills. Councilman Davis questioned the tax appeal bills. Attorney Wenner stated that they are figured on attorney cost, year, and if warranted or not. Councilman Lutz also asked if we can get a break down of how the bills are itemized for attorney and engineer. Councilman Davis also if the escrow can be separated so that we can see what the Town pays and what gets paid by escrow

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

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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Mayor Ellis and Council President Tersigni present the proclamation to the former Chief of Police James Faulborn and also to the Scout pack for planting trees at the park

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MAYORS REPORT

The Mayor was away and he went and visited the pool for post season meeting, next year we will have a new staff with the pool, we discussed the new policy and procedures for 2017.

Mayor Ellis finished putting up the signs in Pursel Hill we didn’t use tax money on the land markers, we received contributions. The Town Hall meeting was well received, looking forward to doing the next one in the flats. We are keeping transparent Government Jason Sarnoski was here talking about the library I will brief Council about it. Clean Communities people were recently hired.

Cherry Brook is up and running on Howard Street.

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OLD BUSINESS – None

PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 394 South Main Street, I heard on Howard Street

Mayor Ellis stated Cherry Brook relocated to Howard Street in Zappa Plastics.

I have a question on O2016-21 special zoning

Mayor Ellis stated moved to the 22 corridor moving to the Armory – stockade fencing and cameras

Attorney Wenner stated that 2016 22 is the zoning

Joe Meyner stated bind Ordinance only there?

2016-173 Perone

Attorney Wenner stated Fasco Finishing the Town tax sale foreclosure the Town is not responsible LSRP file certification

Joe Meyner do they get to skip that and go through

Attorney Wenner the Town no perform it – the exemption from the Town – proper certification of DEP

Joe Meyner does that give the owner any rights

Attorney Wenner stated next person has no exemption

Joe Meyner Ingersoll and Riverview

Attorney Wenner stated Fasco Finishing

Joe Meyner R2016-173 /179 State Money

Attorney Wenner stated yes

Bill Timmann, South Main Street, questions 2016-184/185

Attorney Wenner stated two structures

Bill Timmann, 2016-21?

Councilman Lutz private sector

Attorney Wenner stated not permit – consent to the applicant agree or don’t agree

Mayor Ellis stated there are large parking areas

Councilman Lutz stated you’re going to ask NORWESCAP

Attorney Wenner stated that not specifically mentioned

Councilman Lutz behind the bind they will be putting items behind the bins no matter what and beat the cameras

Council President Tersigni lets move along, pass the second reading, add additional Town Property

Councilman Davis stated 20 days

Councilman Lutz is we taking any action

Council President Tersigni passes tonight

Councilman Lutz it’s been months now we have to pass it

Councilman Piazza table it until it is done properly

Council President Tersigni asked for a motion to table this O: 2016-21

Councilman Lutz made a motion to table O2016-21. The motion was seconded by Councilman Piazza

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

Attorney Wenner stated not Town Property

Council President Tersigni O2016-22 motion to table also.

Councilman Davis made a motion to table O2016-22 (planning board)

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ORDINANCES

O: 2016-19 (First Reading) Tabled 07-19-16

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 533 ENTITLED SPECIAL EVENTS, TO THE CODE OF THE TOWN OF PHILLIPSBURG

Mayor Ellis stated that he is not complete yet, had to change some wording

Councilman Davis stated there was a meeting with Mayor’s office staff and I, it is progressing

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O: 2016-21 (Second and Final Reading) Tabled – to redo Ordinance

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY

OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 222 *CLOTHING BINS* SECTION 2 *REQUIREMENTS FOR PLACEMENT, USE OF CLOTHING BINS FOR SOLICITATION PURPOSES* OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ADD ADDITIONAL REQUIREMENTS FOR THE PLACEMENT OF CLOTHING BINS

O: 2016-22 (Second and Final Reading) Tabled to re-do Ordinance

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 625 *ZONING* ARTICLE XII *B-2 BUSINESS-HIGHWAY ZONE* OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ADD A NEW SECTION 58 ENTITLED *PERMITTED ACCESSORY USES*

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O: 2016-23 (First Reading)

TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEYORDINANCE OF THE TOWN OF PHILLIPSBURG

AMENDING ORDINANCE 2015-20 REGARDING 2016 SALARIES FOR UNCLASSIFIED EMPLOYEES was introduced for a first reading by Councilman Lutz who moved that the ordinance be properly advertised. The motion was seconded by Councilman Davis.

Discussion: Councilman Davis questioned the ranges. Mayor Ellis stated we will be doing more ranges. Councilman Davis stated in January? Mayor Ellis stated yes.

**ROLL CALL**

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

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O: 2016-24 (First Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 67-24, SCHEDULE IX, LEFT TURN PROHIBITIONS, OF THE CODE OF THE TOWN OF PHILLIPSBURG was introduced for a first reading by Councilman Lutz who moved that the ordinance be properly advertised. The motion was seconded by Councilman Davis.

Discussion: Councilman Davis we didn’t pass this last time who asked to have it put back on. Council President Tersigni was asked by Superintendent George Chando – new safety procedures limiting the hours Monday – Friday. Mayor Ellis stated the school hours are different.

**ROLL CALL**

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

**RESOLUTIONS**

R: 2016-170

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 Lutz who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YEAS: Davis , Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-171

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 Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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Council President Tersigni asked for a motion to pay the contractor who the demolitions work on the emergency. The payment to the contractor is in the amount of $54,560.52.

Councilman Lutz made a motion to pay the contractor in the amount of $54,560.52. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016 -172

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

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2016 - 173

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RT ENVIRONMENTAL SERVICES, INC. was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Lutz.

Discussion: Councilman Lutz questioned the monitor of the wells?

Attorney Wenner stated yes

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R-2016-174

RESOLUTION OF THE TOWN OF PHILLIPSBURG, REJECTING ALL BIDS FOR THE EMERGENCY SERVICES CONTRACT was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Davis questioned why – and what is the risk of not having the contract now. Mayor Ellis stated no risks.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-175

RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE NEGOTIATIONS AGREEMENT BY AND BETWEEN THE TOWN OF PHILLIPSBURG AND PHILLIPSBURG PBA LOCAL NO. 56 (SOA) was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Davis.

Attorney Wenner stated the salary increase; utility emergency day was the only change. Council President Tersigni asked for a Roll Call Vote.

**ROLL CALL**

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

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R: 2016-176

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87

(CHAPTER 159, P.L. 1948) YOUTH CORPS was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-177

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) NATIONAL PARKS SERVICE was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-178

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) Municipal Alliance was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-179

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) Municipal Alliance Cash Match was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Piazza.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2016-180

A RESOLUTION APPROVING 2016-2017 LIQUOR LICENSES

WITHIN TOWN OF PHILLIPSBURG was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-181

A RESOLUTION PROVIDING FOR RENEWAL OF

ENTERTAINMENT LICENSE FARLEY PUB T/A THE SNACK BAR was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Lutz.

Question: Councilman Lutz questioned if there is a fee for the entertainment license

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-182

A RESOLUTION AMENDING THE AUTHORIZING A LEASE AGREEMENT OF ONE 2017 FORD INTERCEPTOR SEDAN AND ONE 2017 FORD INTERCEPTOR UTILITY VEHICLE was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Lutz.

Councilman Piazza asked if it is an open end lease. Detective Lieutenant Swick stated no.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-183

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87

(CHAPTER 159, P.L. 1948) PEDESTRIAN SAFETY GRANT was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2016-184

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES 74 FILMORE STREET was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Davis asked if Clerk Kleiner would state the Block and Lot on each property for the record. Clerk Kleiner response was block 1401 lot 6 is 74 Filmore; block 1401 lot 7 is 76 Filmore.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2016-185

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES ON 76 FILMORE STREET was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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NEW BUSINESS ​

Councilman Davis stated the busing hasn’t been resolved so he is asking for Council’s support in a walking group and map, so you can have a buddy in your area walk together.

Council President Tersigni asked for a motion of support for Councilman Davis’s idea of walking buddy’s

Councilman Lutz made a motion to support the group and map. Councilman Piazza seconded the motion.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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PUBLIC PETITIONS

Bill Timmann 230 South Main Street, I want to ask Councilman Davis how he was making out with Service Electric and Com Cast.

Councilman Davis stated nothing from Service Electric but Com cast the chief operations manager is going to meet in early October.

I do have a question though who owns the polls?

Councilman Lutz stated phone and Power Company

Bill Timmann questioned Vios

Councilman Davis stated com cast or RCN - Vios is high tech we don’t have the cables for that

Dave Cavanaugh 70 North Riverview Road, contractor at the petition today regarding Commerce Park. Joe Lopez put up two gates at the Commerce park site. Council President Tersigni stated they have the right to do that. Attorney Troxell stated it is a public roadway

Attorney Wenner stated it is blocked?

Dave Cavanaugh Union or Non/ union there was an ad in the paper.

Dave Morrisette and Sandra Morrisette Fairview Heights

There are concerns and issues no parking signs that recently appeared. I am here on behalf of Mr. Lynch who is a landlord of 36/38 Washington Street. Mr. Morrisette handed out photos and a letter that was written by Mr. Lynch.

Councilman Lutz asked why goes through private property

Council President Tersigni Mr. Morrisette you are reasonable I sure we can discuss this and work it out.

Sandra Morrisette Fairview Heights have not noticed the times of the signs it is grades 3, 4 & 5.

Audience member stated school starts at 7:40 now

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OPENTIME

Councilman Lutz spoke about Councilman Fey explaining that he broke his neck, had screw went into his esophagus, I wouldn’t want that to happen to anyone republican or democrat. He is home he was on a feeding tube it is sad with today’s technology.

Councilman Lutz with OPUS they put phone poles across the opening of the roadway, what if there is a fire? Mayor Ellis stated Rich Hay said he would plow right through it. Councilman Lutz stated it bothers me all blocked off, the first building he knocked down all the particles went into the air who is there watching him. Mayor Ellis two employees Kevin Duddy and Stan Schrek will be there the Asbestos raised red flags, I will defer to Melissa Elias – Melissa stated she and Stan she wasn’t aware of the conversation. Attorney Wenner stated I will reach out to Stan – there is a level of trust you have in place

Councilman Lutz they blocked everything off in the area, we have to protect the projects, valley view the residents someone has to be there, the employee doesn’t really know. Opus has to go back to the planning board and one suggestion I have is also to use clean fill

Mayor Ellis stated can’t move soil anywhere, LSRP and moving soil

Council President Tersigni stated they are allowed to consider 200,000

Councilman Davis the temporary permit has expired now

Councilman Lutz back to planning board hoping to see what’s going on, he doesn’t care about Phillipsburg now

Council Lutz asked if we have an ACO now

Mayor Elis stated that she needs to take classes to get certified

Councilman Piazza is she under the direction of the Police Department

Mayor Ellis stated no under the BA – not into the training aspect, can’t call her out at night. Councilman Lutz asked if we can have her name

Mayor Ellis stated Michelle Crosson

Councilman Lutz stated he went down to Cherry Brook and they have an empty storage building where they are going to have dog shows

Council President Tersigni stated next Westminster dog show

Councilman Davis, I am excited that speed bumps on Warren Street will be going in I reached out to the school district and George Chando, it is two weeks since it was brought up.

Councilman Lutz asked what about the daily cross walks on South Main Street getting replaced.

Council President Tersigni I was out with the protestors – Union works in jobs that produce quality workmanship – and I wanted to reassure them with positive reinforcement, there were 1,000 people there today

Mayor Ellis stated Meet with Mike Pulsully at 8:00 Thursday Morning

Council President Tersigni stated that Mayor Ellis asked him to look at the leaks on the roof of the library and he found 90%of the problems sent photos to the Mayor and there was a lot of tar and cinders seems to be working so far, some holes you could put four fingers in the holes.

Mayor Ellis stated one leak left; the new roof is $115,000 it has been leaking for 6-7 years.

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MOTIONS

Application for Active Duty – Timothy O’Neill- Lincoln Engine C. No. 2 Councilman Lutz made a motion for active duty. The motion was seconded by Councilman Davis. The Councilman stated Thank you.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

Approval for Raffle License No. RL. 1242 Issued to the Garnet Boosterettes for an off premise raffle to be conducted on November 23, 2016 A Motion was made by Councilman Piazza. The second was made by Councilman Lutz.

Council President Tersigni stated thank you to the Boosterettes who were founded by Mrs. Reppert, Mrs. Allen, Mrs.Youst, My mom and it is still going strong.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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EXECUTIVE MEETING

R: 2016-

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING Tax Appeal Litigation, Personnel. A motion was made by Councilman Davis to go into executive session. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

ADJOURNMENT

Councilman Lutz moved to adjourn the meeting. The motion was seconded by Councilman Davis.