

TOWN OF PHILLIPSBURG
Council Meeting Minutes
OCTOBER 16, 2012

The Phillipsburg Town Council conducted its regular meeting on Tuesday, October 16, 2012 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 ready by Councilman Fey.

INVOCATION by Councilman Fey

PLEDGE by the Assembly

ROLL CALL

PRESENT: Councilmembers: Fey, Lynn, Stettner, Tersigni
President: Piazza

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

APPROVAL OF MINUTES Approval of meeting minutes
were submitted for approval:

Regular Meeting-10-02-12
Executive Session 10-02-12

Motion

Councilman Fey moved for approval of minutes. The motion was seconded by Councilman Tersigni. The motion was carried with a 4 – 0 vote with Councilman Lynn Abstaining.

APPROVAL OF BILLS:

SUMMARY

| | |
|------------------------|---------------|
| CURRENT FUND | \$ 170,444.55 |
| STATE & FEDERAL GRANTS | 0 |
| SECTION 8 | 184.10 |
| CAPITAL FUND | 3,501.38 |
| SEWAGE UTILITY FUND | 8,534.84 |

Pre-Paid Bill List as of October 16, 2012

| | |
|--------------------|----------|
| CURRENT FUND | 6,613.45 |
| Sewer Utility Fund | 200.00 |

Discussion Mayor Wyant asked that we add two more bills to the bill list because Stan Schrek is in the hospital they didn't make the original list for payment that is for the work that was done on McKeen St., and South Main St., a total of \$57,779.82.

Motion

Councilman Fey moved for approval of bills. The motion was seconded by Councilman Stettner, which was carried by a 5 – 0 vote.

OLD BUSINESS 397 Center Street

Kevin Duddy gets sworn in by Attorney Wenner

Ms. Laura Shurko, from Stern, Leventhal & Frankenberg update on status

Kevin Duddy states that there has been no change in the condition of the house, that Mr. Kornspan hasn't changed anything.

Attorney Wenner asked what the condition was

Kevin Duddy stated that it is derelict condition and there is a diseased tree with falling limbs

Attorney Wenner asked is your opinion as a Town of Phillipsburg Inspector saying this is dangerous.

Kevin Duddy yes, damaged roof, it leaves it open for arson and vandals.

Mayor Wyant said that he received a letter from the inspection department in regards to the tree hazard and children; he recommends that with Council the removal of tree and demolition of the property.

Attorney Wenner is house side of sidewalk?

Kevin Duddy yes

Ms. Shurko representative of Bank of America, Mr. Kornspan attorney no longer represents him. She was not aware till Thursday or Friday when she called.

Since he has no council not sure where that will go, last time I was at the property October 01, 2012 my clients agent who cut the grass doesn't own the property.

Attorney Wenner Mr. Duddy do you testify that nothings been done?

Kevin Duddy stated the OSB Plywood is slowly deteriorating paints flaking, plywood's buckling; I would wager it is not worth anything.

Attorney Wenner questioned Mr. Duddy has Mr. Kornspan applied for any permits?

Kevin Duddy, No nothing

Attorney Wenner stated that the house should be demolition

Councilman Fey stated he goes by Center Street all the time I see Bittone Tire, outside the school it's an absolute eye sore, it is apparent the bank doesn't want to work with him since the trees branches are breaking and the grass is cut choppy.

Neighbors who maintain their beautiful properties in that area, this makes it look bad and should be taken down and be safe, that's my personal opinion.

The order is still in place stated Attorney Wenner

Councilman Tersigni made a motion to demolition the property. Councilman Stettner seconded the motion.

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

NAYS: NONE

Mayor Wyant offered to receive bids and commence demolition; he will give the bank 30 days to provide bids, and the tree to be removed within 30 days.

MAYOR'S REPORT

October 27th is the October Fest from 2 – 8pm I will be driving the hay ride tractor it will be a great day.

The Halloween parade is the 28th at 3:00pm applications to be in the parade thru the Chamber of Commerce.

Trick or Treat will be 5 – 7:30pm

Mrs. Hyndshaw house looks good the building is being renovated the siding makes such a difference, three (3) sides of the house sided Filmore street area and a tremendous transformation.

Ed Boccher and Kevin Kinsella are here today for an update on the redevelopment on the IR Tract.

A contract has been signed which provides the Town to acquire all the undeveloped IR Tract. Administer a consent order to continue remediation and remain with IR general environmental contamination licensed site.

Second Component “NEW LANDFILL” condition with contract between Town and Preferred, Preferred “taking care “of the new landfill.

Once the Town assumes title and maintains activities in accordance with the DEP. They won't be liable for contamination, protection under the spill act.

For example – inspections of CAP and annual reports to the DEP, other actions ground water and it is ongoing for years responsibility of IR.

Areas of concern once remediated a RAO (Remedial Action Outcome) post-closing that's when Towns obligations take effect. As Town goes forward be review/ and up dated. On notice to conditions out there and conditions that they assume.

RFP's Notice to potential redevelopers, Operation and Maintenance controls. That's a general overview and summation. Hopefully the DEP signs off soon, and we can get a closing in the short time.

Gary Brown – Preferreds environmentalist can turn this around in 2 – 3 weeks, landfill needs to be capped in accordance to site standards not landfill standards, Gary's documents will be in next week. Than 3 -4 weeks for DEP approval.

Councilman Lynn questioned Ed Boccher about the DEP issuing and RAO does that leave the door open for further cost.

K. Kinsella response acts out same as not action letter. Just means no further action, remove the hot spots. The deed notice, cap on property that obligation is Preferreds.

Councilman Lynn we would have to monitor and maintain reports for how long?

Kinsella stated they will be responsible to take over obligations whoever buys that property.

Councilman Lynn always be an obligation and cost.

Kinsella yes always a cost

Councilman Stettner IR will be responsible for DEP outside the landfill?

Kinsella remediation anything DEP tells them. Preferred for the purpose of redevelopment.

Councilman Stettner Town will be responsible for money

Kinsella other than capping considerer some money or splitting the cost with the escrow account

Councilman Stettner in the foundry sand, developer and DEP responsible go to new owner of the landfill Kinsella replied yes.

Councilman Stettner asked about the time frame. 7 – 9 weeks

Ed Boccher that's the goal by end of year

Mayor Wyant we will have to go to tax sale any time before the end of the year, took off the list if we don't close we must advertise before the end of the year.

Councilman Fey under spill act and we took property over once developed – and something gets detected who is responsible.

Kinsella stated IR defense to liability to clean up

Councilman Tersigni you answered all the questions and we are up to speed on how it started to the finish line.

Councilman Lynn close land fill bi annual report, bi- annual certification

Kinsella said maybe your engineer Stan can complete those reports. Get the cap fixed, vegetation Town can mow you wouldn't need professional services as for the water monitoring we are trying to get that to be moved to every five (5) years

Council President Piazza questioned that IR is only required to test the ground water landfill testing every two (2) years.

Kinsella said that Gary Brown approached DEP about changing the time limit to check it to every five(5) years, since it has improved.

Mayor Wyant stated that around the landfill itself the groundwater has improved.

Councilman Stettner mentioned that a while ago just to get the road to go through it was an issue with the DEP and the Swale

Ed Boccher said that it was a make wait issue that was created and it was a bunch of bunk

Councilman Stettner said going forward there is potential development, thank you.

Mayor Wyant stated that a swale lead to Class 1 stream Lopatcong creek 300 foot buffer no way around it since than the DEP created a waiver when it makes sense to create a buffer

Kinsella stated that the Class 1 stream were assured that this could be resolved with a triple box

Mayor Wyant questioned the Title Binder which is 500 pages

Kinsella stated that the book is with the real estate attorney, cross easements outside the perimeter to get into core areas.

Ed Boccher said that they would look at Cameron Road to see if there are easements. Preferred for maintenance of all roads

CHIEF Faulborn gave his monthly reports to Council

The Chief stated that there have been issues with children walking to and from school and the officers are monitoring that.

Speeding along Green Street, Four wheelers in Delaware Heights
Criminal mischiefs last month, drinking in Shapell park summons
have been issued, for the quality of life issues.

The ACO had 63 summons helped with skunks, several loose dogs.
The Chief stated that he doesn't know where Vince Catelli gets his energy he is seven (7) days in and seven (7) days out.

Mayor Wyant asks why is the mileage so high on 94-14, 2700 miles

Chief stated that vehicle runs every shift and has the plate reader

Mayor Wyant stated that we have the new car and it will be moved

Chief the license plate reader (LPR) runs owner and plate to see if stolen, unregistered vehicles.

Mayor Wyant Can we have that broken down to how many of those summons you issue each month

Chief the LPR we gave out 61 summons last month

Mayor Wyant stated stolen, fugitives

Chief said there is 1 stolen about every two weeks, unregistered vehicles and suspended registrations are most common, we are the only department in the county that has this equipment

Councilman Fey since we picked up another area is it possible to obtain another one, seeing what its done for us.

Chief said that he will try to be more specific with his breakdown of summons. The alpha residents are very receptive to us.

Chief stated that the radio issues in some areas were a problem but that is fixed in less than two weeks, the frequency needed to be switched for the police service in Alpha.

Councilman Tersigni asked how is the transition going with Alpha, I've seen them riding through has it been smooth

Chief stated that it has been smooth, meeting with night shifts has been positive with residents and officers access to their Municipal building to do reports, but there is no terminal there. We assigned one officer to Delaware Heights and Alpha and that's left up to the shift commanders. We average three to four calls a day

Mayor Wyant mentioned that the License Plate Reader (LPR) has been an asset since it is budge season- is there anything out there to enhance your operation of the Department Chief- a wish list

Chief stated that the condition of his sided of the building could use some fixing, squad room is a mess with tile in a very small area if that could be changed to a no skid durable flooring that would be best since the officers come in and out all day long.

Mayor Wyant state those are building improvements that's Capital budget. Thanks Chief

PUBLIC DISCUSSION ON AGENDA ITEMS

NONE

NEW BUSINESS:

NONE

ORDINANCES

O: 2012-18 (second reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING SECTION 5-35 OF THE CODED OF THE TOWN OF PHILLIPSBURG RELATING TO VIDEOTAPING AND RECORDING 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 Fey.

Discussion-

Louis Cartabona 5th Ave., Alpha, as I discussed last meeting I am asking that you vote “no” on the Ordinance which I helped Blaine Fehley write it is still not sound as the Declaration of Independence and founders of this country. No Federal/State local laws take away our rights. So is the allowance of B-4 Tapestry of court case, violation of two classes that clause license. I urge Council to remove this Ordinance; if it is passed it will be challenged.

Mr. Cartabona asked again for the roll call vote. Council President Piazza stated it was a unanimous decision.

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

NAYS: No

O: 2012-19

ORDINANCE AMENDING CHAPTER 530, SOLID WASTE; RECYCLING, AND CHAPTER 447, PROPERTY MAINTENANCE, OF THE CODE OF THE TOWN OF PHILLIPSBURG MUNICIPAL 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 Stettner.

Discussion - NONE

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

NAYS: No

O: 2012-20

ORDINANCE AMENDING ARTYIVLE IV OF THE TOWN OF PHILLIPSBURG MUNNICIPAL CODE ENTITLED "FERAL AND SEMIWILD CATS" was introduced for a second reading by Councilman Fey and there being no errors corrections or objections, Councilman Fey moved that the ordinance be adopted according to law. The motion was seconded by Councilman Tersigni.

Discussion - NONE

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

NAYS: No

O: 2012-21

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPT 447, SECTION 501.2 OF THE CODE OF THE TOWN OF PHILLIPSBURG RELATING TO PLUMBING was introduced for a second reading by Councilman Fey and there being no errors corrections or objections, Councilman Fey moved that the ordinance be adopted according to law. The motion was seconded by Councilman Tersigni.

Discussion - NONE

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

NAYS: No

O: 2012-22

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 5911 AND 591-9 OF THE CODE OF THE TOWN OF PHILLIPSBURG REGARDING SHADE TREE COMMISSION 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 Lynn.

Discussion - NONE

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

NAYS: No

RESOLUTIONS

R: 2012-159

A RESOLUTION PROVIDING FOR PLACE TO PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO 2119-33-013-004 was introduced by Councilman Tersigni. The motion was seconded by Councilman Stettner

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

NAYS: None

R: 2012-164

A RESOLUTION APPROVING THE PAYMENT OF FOURTH QUARTER COUNTY TAS, DUE NOVEMBER 15, 2012 was introduced by Councilman Fey and moved for adoption. The motion was seconded by Councilman Stettner.

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

NAYS: None

R: 2012-165

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES was introduced by Councilman Tersigni and moved for adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

R: 2012-166

A RESOLUTION APPOINTING VINCENT BELLUSCIO A CONSULTANT TO PERFORM THE DUTIES OF THE BUSINESS ADMINISTRATOR was introduced by Councilman Fey and moved for adoption. The motion was seconded by Councilman Stettner.

Discussion: Councilman Tersigni read the resume of Mr. Belluscio and he will be an asset to the Town.

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

NAYS: None

R-2012-167

RESOLUTION OF THE TOWN PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, RESCINDING A TRANSPORTATION ENHANCEMENT GRANT AWARDED NOVEMBER 22, 1994 FOR THE MORRIS CANAL ARCH was introduced by Councilman Tersigni and moved for adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

R: 2012-168

A RESOLUTION AUTHORIZING EXECUTION OF A SOLID WASTE FACILITY PERMIT APPLICATION FORM TO ACCEPT RESPONSIBILITY FOR POST-CLOSURE REQUIREMENTS ASSOCIATED WITH THE LANDFILL LOCATED ON THE FORMER INGERSOLL-RAND SITE ARCH was introduced by Councilman Tersigni and moved for adoption. The motion was seconded by Councilman Stettner.

VOTE: YEAS: Fey, Lynn, Stettner, Tersigni, Piazza
NAYS: None

R: 2012-169

A RESOLUTION AUTHORIZING PAYMENT TOWARD COST TO REMEDIATE FOUNDRY SAND IN THE NEW LANDFILL PARCEL LOCATED ON THE FORMER INGERSOLL-RAND SITE ARCH was introduced by Councilman Fey and moved for adoption. The motion was seconded by Councilman Stettner.

VOTE: YEAS: Fey, Lynn, Stettner, Tersigni, Piazza
NAYS: None

11. PUBLIC PETITIONS

Blaine Fehley, 237 Bowhay Ave., Mr. Piazza today is the 91st day with no television.

Council President Piazza stated we are waiting from Service Electric

Councilman Lynn responded our goal was 90 days Service Electric will come thru once the equipment comes in.

Blaine Fehley last meeting October 02nd I spoke about the sound system in this room, how the microphones are poor. If I can't hear I'll violate the new ordinance.

Council President Piazza stated he will see what we can do

Blaine Fehley said I don't care if I get arrested you can't make me turn it on or off at the drop of the gavel, I am going to violate it

Council President Piazza stated suit yourself

Blaine Fehley said that Officer Hulse does the community policing and when I call I just get a call and reports it but nothing happens, kids going in garage and no response to his house.

12. OPEN TIME

Councilman Fey stated that Chief Faulborn, Councilman Tersigni and myself were teacher for the day, it was fun to watch the different students and see the lesson plans. It was a great experience I give the teachers all the credit in the world.

Councilman Stettner wants to thank the Town employees for the dedication ceremony that they had for Joe Hriczak and Michele Broubalow with the gazebo that they purchased. It was well worth attending.

Councilman Tersigni thanks Chief and participating with the fourth (4th) graders was very positive social studies, English, math, with Ms. Nickle. It was great to be around the kids a positive thing. Our children are our future. I want to thank Superintendent Chando and Assistant Superintendent Tripiani, Thank you Mayor Wyant for the dedication in Michele's and Joe's name.

Councilman Stettner was thankful for attending they are truly missed and were so dedicated to our community.

13. MOTION

Approval for Raffle License No. RL: 1152 issued to the United Way in Warren County for an on premise 50/50 to be conducted At Warren Hospital on November 16, 2012 was introduced by Councilman Tersigni and moved for motion. The motion was seconded by Councilman Fey. The motion carried a 5-0 vote.

Approval for Raffle License No. RL: 1153 issued to the United Way in Warren County for an on premise basket raffle license to be conducted At Warren Hospital on November 16, 2012 was introduced by Councilman Stettner and moved for motion. The motion was seconded by Councilman Fey. The motion carried a 5-0 vote.

14. EXECUTIVE MEETING NONE

R: 2012-

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

15. ADJOURNMENT

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