

COUNCIL MEETING MINUTES
February 7, 2012

The Phillipsburg Town Council conducted its regular meeting on Tuesday, February 7, 2012 at 7:00 p.m. in the Council Chambers of the Municipal Building located at 675 Corliss Avenue.

The required Open Public Meeting Act Statement was read by Councilman Fey.

INVOCATION By Councilman Fey

PLEDGE OF ALLEGIANCE By the Assembly

ROLL CALL

PRESENT: Councilmembers: Fey, Lynn, Stettner, Tersigni

President: Piazza

ABSENT: None

TOWN OFFICIALS PRESENT

Mayor Wyant, Clerk/Administrator
Broubalow and Attorney Wenner

EXECUTIVE MEETING

R:2012-23

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING CONTRACTUAL MATTERS RELATIVE TO PHILLIPSBURG ASSOCIATES I, L.P. AND PHILLIPSBURG ASSOCIATES III, L.P. was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Tersigni.

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

NAYS: None

President Piazza recessed meeting at 7:01 p.m. for the purpose of conducting Executive meeting.

Motion

Councilman Tersigni moved at 7:40 p.m. that Council return to public session. The motion was seconded by Councilman Stettner, which carried by a 5-0 vote.

APPROVAL OF MINUTES

The following meeting minutes were submitted for approval:

Regular Meeting – January 17, 2012
Special Meeting – January 26, 2012

Motion

Councilman Stettner moved for the approval of meeting minutes. The motion was seconded by Councilman Tersigni, which carried by a 5-0 vote.

APPROVAL OF MINUTE CONTENTS

The following Executive Minutes were submitted for content approval:

Executive – January 17, 2012

Motion

Councilman Stettner moved for the approval of minute contents. The motion was seconded by Councilman Tersigni, which carried by a 4-0-1 vote, Councilman Fey abstaining.

APPROVAL OF BILLS

The following bills were submitted for payment approval:

SUMMARY

CURRENT FUND	235,313.00	
STATE & FEDERAL GRANTS	11,661.11	
PLANNING BOARD TRUST FUND	2,520.00	
CAPITAL FUND	1,250.40	
BERNARDS TOWNSHIP RCA	11,560.00	
SEWAGE UTILITY FUND	31,936.78	
Pre-Paid Bill List as of February 7, 2012		
CURRENT FUND	886,565.36	
SEWER UTILITY FUND	2,280.52	
Bill List Addition		
WARREN HOSPITAL	Rabies Vaccinations	4,994.24

Motion

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

OLD BUSINESS

Regulation of Dealers of Secondhand Goods

Councilman Stettner questioned whether ordinance meets State Statute.

Attorney replied yes.

Councilman Stettner requested ordinance be placed on next agenda.

President Piazza directed ordinance be placed on February 21 agenda for first reading.

Access Committee

Councilman Lynn requested approval for Richard and Pamela Backes to serve as members of Access Committee.

Councilman Lynn announced meeting would be scheduled in the near future.

MAYOR'S REPORT

Tibbett & Wood Property

Robert De Beer, Development Director for Peron Construction, advised contract has been entered into for demolition of property. He reported work should be completed within the next 45 days.

Mr. De Beer indicated property is very difficult to secure but is hoping once property has been demolished that a lot of the activity at this site would cease and it would become more manageable.

Warren County Prosecutor

Mayor stated he has received a request from Chief Faulborn that a passenger van owned by the Town that we no longer need be transferred to

the Warren County Prosecutor's Office for use by the Tactical Response Team.

James Faulborn, Police Chief, stated that the Prosecutor has given the Town vehicles, which they no longer need.

President Piazza directed item be placed on February 21 agenda.

Police Department

James Faulborn, Police Chief, presented January Monthly Activity and Mileage Reports.

Chief Faulborn stated he would publicly like to thank members of his department as well as, Warren County Prosecutor's Office, Pennsylvania State Police and Allentown Police Department for their work on the recent homicide. In addition, he commended the Criminal Investigation Unit and the Patrol Division for working very hard together in resolving this horrific crime.

President Piazza commended Police Department for their due diligence on that homicide investigation.

Mayor extended to the department and the outlying departments his sincere gratitude for all their hard work and dedication in solving this crime. He stated this is what it is all about...working together. Further, he noted it is commendable and must be recognized.

Councilman Fey extended his appreciation for all their work.

Councilman Tersigni stated it was a great team effort and believes they should be commended. He stated that it sends out a message that they will not get away with that in Phillipsburg.

Chief Faulborn advised that Mr. De Beer has provided letter regarding trespassing on Tibbet & Wood property therefore; patrols will be directed to enforce.

Surveillance Cameras

Mayor advised that he and Chief Faulborn met with a representative from Northeast Surveillance and Alarms and during that meeting, toured the Town to explain what they were trying to accomplish.

Mayor referred to discussion with Attorney regarding establishments open after certain hour or 24 hours being required to have surveillance, which he was advised Town could not require.

Attorney noted it would be considered delegation of police powers and it is unlawful to force private homeowners to take on that power. Possibly, Attorney continued the Town could offer some type of incentive for those who did install cameras.

Councilman Stettner provided Municipal Webcam Surveillance information for Council's review.

Chief Faulborn stated Northeast installed system in Hazelton and suggested it might be worth a trip to see what they have done.

PUBLIC DISCUSSION ON AGENDA ITEMS

ORDINANCE (Second Reading)

O:2012-02

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWN AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 1502, LOT 39 was introduced for second reading by Councilman Stettner who moved that there being no errors, corrections or objections that the ordinance be adopted in accordance with law. The motion was seconded by Councilman Fey.

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

NAYS: None

ORDINANCES (First Reading)

O:2012-03

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF DONATION OF LAND FROM WILLIAM EPPERLY was introduced for first reading by Councilman Stettner who moved that the ordinance be properly advertised. The motion was seconded by Councilman Tersigni.

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

NAYS: None

O:2012-04

ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE FOR THE PLANNING AREA was introduced for first reading by Councilman Tersigni who moved that the ordinance be properly advertised. The motion was seconded by Councilman Fey.

Discussion

David Maski, Van Cleef Engineering, stated ordinance continues process of plan conformance. He noted ordinance would formalize resolution previously adopted by Council. Furthermore, he continued Phillipsburg would still have option to opt out at any time.

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

NAYS: None

NEW BUSINESSSolid Waste Advisory Committee

Councilman Tersigni stated at last Thursday's meeting; he has requested total 2010 revenue and 2011 revenue from Pollution Control Financing Authority. He indicated that he had informed them that Phillipsburg has cooperated dramatically by providing cans, which make it more convenient for the residents.

Councilman Fey stated he appreciates the effort and work of Councilman Tersigni in obtaining that information.

RESOLUTIONS

R:2012-24

A RESOLUTION AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION TO NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Lynn.

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

NAYS: None

R:2012-25

A RESOLUTION PROVIDING FOR EXPENDITURE OF TAXES CERTIFICATION IN REGARDS TO RECYCLING ENHANCEMENT ACT was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

R:2012-26

A RESOLUTION PROVIDING FOR APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

R:2012-27

A RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE BY-LAWS AND CONSTITUTION OF THE PHILLIPSBURG EMERGENCY SQUAD, INC. was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Tersigni.

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

NAYS: None

R:2012-28

A RESOLUTION APPROVING PAYMENT OF ADDED AND ADDED/OMITTED ASSESSMENTS was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Tersigni.

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

NAYS: None

R:2012-29

A RESOLUTION APPROVING THE PAYMENT OF FIRST QUARTER 2012 COUNTY TAX, DUE FEBRUARY 15, 2012 was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Lynn.

Discussion

Councilman Fey stated he would like to see a request for a breakdown of what our tax payment is used for.

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

NAYS: None

R:2012-30

A RESOLUTION AUTHORIZING MAYOR AND MUNICIPAL CLERK TO EXECUTE INTER-LOCAL SERVICE AGREEMENT BETWEEN TOWN OF PHILLIPSBURG AND THE PHILLIPSBURG EMERGENCY SQUAD, INC. was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Stettner.

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

NAYS: None

R:2012-31

A RESOLUTION AUTHORIZING THE CLOSING OF STREETS AND MUNICIPAL PARKING LOT was introduced by Councilman Tersigni who moved for its adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

R:2012-32

A RESOLUTION AUTHORIZING COUNCIL PRESIDENT TO EXECUTE AGREEMENT TO RELEASE ESCROW was introduced by Councilman Fey who moved for its adoption. The motion was seconded by Councilman Lynn.

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

NAYS: None

PUBLIC PETITIONS

Thomas Bush, Columbus Avenue, questioned whether Town has taken possession of Ingersoll property.

Attorney replied no.

Mr. Bush questioned tentative closing date.

Attorney stated contract is still in draft form but if approved, the tentative date would be April 20.

Mr. Bush questioned status of budget.

President Piazza indicated Council has not yet received budget.

Mr. Bush questioned status of police contract.

Attorney replied negotiations are on-going.

Mr. Bush questioned status of reports on League of Municipalities Convention.

President Piazza stated he is in receipt of reports submitted by the Council.

Mr. Bush questioned what about the other employees who had attended convention.

President Piazza noted reports were only requested from Council.

Mr. Bush questioned progress on defaulted loans.

Attorney replied yes and indicated an updated report would be provided shortly.

Mr. Bush requested copy.

Attorney indicated he would provide.

Blaine Fehley, 237 Bowhay Alley, questioned comments made by Councilman Lynn regarding Access Committee.

Councilman Lynn stated he had requested permission to appoint Rich and Pam Backes to committee and that meeting would be held within next 10 days.

Mr. Fehley questioned whether channel would be lost if not used.

Councilman Lynn replied he does not know answer at this time.

Mr. Fehley questioned process for filing complaint regarding overgrown lawns.

Mayor indicated complaint would be filed with Inspections Department with an Inspector visiting property to make recommendations and to issue summons if property owner does not comply.

Mr. Fehley questioned how a Municipal Lien is placed for work performed by Town employees.

Mayor indicated Council adopts resolution placing lien against property.

Mr. Fehley questioned who is responsible for bill.

Mayor indicated Public Works Superintendent certifies cost; bill prepared by secretary and forwarded to property owner. If bill is not paid within period of time, Mayor continued Council is requested to authorize lien against property.

Mr. Fehley addressed 11 John Street and noted it took employees 2 hours and 10 minutes to perform work but bill reflected 2 employees; 4

hours; vehicles for total cost of \$600. He noted that his neighbor has provided a statement verifying time spent on property.

OPEN TIME

No Open Time

MOTION

Councilman Tersigni moved for approval of Active Duty Application for Allan J. Turner (Lincoln Engine Co. No. 2). The motion was seconded by Councilman Stettner, which carried by a 5-0 vote.

ADJOURNMENT

Councilman Stettner moved for adjournment at 8:20 P.M.

SUBMITTED BY:

MICHELE D. BROUBALOW
Clerk/Administrator

APPROVED

RANDY S. PIAZZA, SR.
Council President