

**TOWN OF PHILLIPSBURG  
Council Meeting Minutes  
September 19, 2017**

The Phillipsburg Town Council conducted its regular meeting on Tuesday September 19, 2017 at 7:00 PM at the Phillipsburg Senior Center located at 310 Firth Street.

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: Council President Tersigni  
Council Members Davis, Fey, Lutz, Piazza

ABSENT: None

TOWN OFFICIALS PRESENT Attorney Wenner, Mayor Ellis,  
Deputy Clerk Loudenberry

APPROVAL OF MINUTES Meeting minutes submitted for approval:

Council Meeting 09-05-2017

Motion

**THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS. ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.**

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

VOTE: YEAS: Tersigni, Davis, Fey, Lutz, Piazza

NAYS: None

APPROVAL OF BILLS:  
SUMMARY

CURRENT FUND		\$129,744.14
STATE & FEDERAL GRANTS		11,560.00
CAPITAL FUND		238,244.93
SEWAGE UTILITY FUND		184,664.86
SEWAGE CAPITAL FUND		123.75
PLANNING BOARD TRUST FUND		108.15
SECTION 8		3,527.32
<b>Total regular bills list as of September 19, 2017</b>	<b>\$</b>	<b>1,285,990.78</b>
Section 8 Rent Payments	\$	142,703.20
PRE-PAID BILL LIST AS OF SEPTEMBER 19, 2017		
AGENCY FUND		143,288.81
Total Pre-Paid Bill List for September 19, 2017		
<b>GRAND TOTAL OF ALL FUNDS</b>	<b>\$</b>	<b>853,965.16</b>

Discussion – None

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

VOTE: YEAS: Tersigni, Davis, Fey, Lutz, Piazza

NAYS: None

Council President Tersigni began to make a statement

Councilman Davis made a motion for point of order to the chair.

Council President Tersigni asked Councilman Davis to leave the meeting (he remained seated) and continued with the statement. He noted that a meeting between himself, Mayor Ellis and Councilman Fey was to take place on Friday, September 15, 2017 at the Public Library. Councilman Fey attended the meeting, even with an 11PM – 7AM work schedule. He continued he was willing to compromise regarding the salaries, but the Mayor did not show up to discuss. Mayor texted at 12:03 PM on Friday and asked to meet with CP Tersigni. He responded, you missed the meeting. Mayor texted again and CP Tersigni answered the Agenda was set. He received a text at 5:55 AM on Saturday again he responded, did not make the meeting. He added stop texting/harassing me, did not make meeting.

#### PRESENTATION

Brian Tipton, Attorney representing – LMR Disposal – Request for Amendment to Redevelopment Plan on 660 South Main Street

My firm represents LMR disposal and Rob Colontrelle owner of AMP Holdings, LLC at 660 S. Main Street. We wish to request revision of prior, July 18, 2017 request for an amendment to the Redevelopment Plan. Businesses on property; which predated the Redevelopment Plan include Karl's auto glass, an auto repair body/shop and a diesel truck repair shop. My client has used the property for the past few years, with the approval of the prior Mayor, as a location for storage of waste disposal containers, truck storage and a truck repair facility, such uses are not specifically permitted in the Current Redevelopment Plan.

LMR would like to make Phillipsburg its home. We are proposing to add storage of disposal trucks, empty containers only, never waste. Maintenance on **THE AGENDA FOR SAID MEETING TO THE EXTENT NOW KNOWN IS AS FOLLOWS. ITEMS LISTED ON THIS AGENDA AND ANY OTHER BUSINESS THE COUNCIL MAY DEEM NECESSARY IS SUBJECT TO CHANGE. FORMAL ACTION MAY TAKE PLACE.**

trucks and make Karl's Auto Glass office his office with improvements. We are asking Council for their referral to the Planning Board and to get their professional advice.

Councilman Bernie Fey noted that property in Alpha belonging to Mr. Colontrelle was immaculate and he congratulated him for the condition of his property.

Mr. Colontrelle responded thank you, and added he has had numerous visits from OSHA with positive results.

BF – asked if he planned to bring the same attention to his property to Phillipsburg?

BC – stated he planned not only to maintain the property, but add jobs and business to the Town.

BF – in support of the request.

Councilman Mark Lutz – stated has met Bob, looked at property. Agrees it is spotless has no problem adding suggested to amendment. Trust work/ action.

Council President Todd Tersigni – property maintained meticulously. Dealt with Mr. Colontrelle in the past and found him to be prompt, responsible, fair and he is in agreement with request.

Councilman Randy Piazza – noted you must take Site Plan to the Planning Board – wanted to address traffic/clarification of routing of trucks, other than that no problems with request.

RC – anticipated truck traffic is about 30-40 trucks in and out per day. Beginning at 5AM they are enroute and return between 1-4 PM.

RP – gives recommendation to go before Planning Board.

Councilman Joshua Davis read aloud statement from Mike Ellerin, property owner of 16 Mckeen Street, stating objections regarding LMR Disposal's request for amendment to the Redevelopment Plan at 660 South Main Street. (Statement attached).

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ML – had concern regarding the mud the trucks drag out onto South Main and asked if Mr. Colontrelle could macadam further back.

Mr. Colontrelle responded he would work with neighboring business Judy's Auto Sales/Repair – separate entrance, in order to bypass and he will pave.

Mr. Tipton responded to the points presented in the statement.

1. Legally not required to give notice prior to going before the Planning Board
2. No conflict of percentage, not conflict with Perucci Project
3. No conflict with Perruci and LMR
4. Town – eminent domain – through road
5. No contract deposits or monies for misunderstanding – no basis for withdrawal

JD – Open to floor – no comments

Attorney Wenner recommended they go to Planning Board's next meeting.

Council President Tersigni called for a motion to go into executive meeting at 7:25 PM.

Motion

Councilman Davis moved to go in to Executive. The motion was seconded by Councilman Piazza.

R:2017-208

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING Contractual matters. Action may be taken.

Motion

Councilman Fey moved to reconvene the meeting at 7:43 PM. The motion was seconded by Councilman Davis.

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MAYOR'S REPORT – No Report

OLD BUSINESS - None

PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner – 392 South Main Street – O:2017-20 Kneedler Ave. – drove around and could not find. No Parking on one side – correct? Is it that thin?

TT – the recommendation came from the Police Chief and the Engineer considered it a safety issue.

Stan Schreck, Engineer, request from the Housing Authority – bus drivers feel too narrow with parking on both sides. Safety reasons – very appropriate.

JM – 2017-182 - ? Lehigh Junction, LLC

TT – Mr. Cotty – due diligence – received UEZ funds in past – repaid all loans. Some businesses went into bankruptcy and were unable to repay. Wants loan for the old Boarding House for a General Store. Pulled permits, 60-70k investing using his own money – 35k is grant and 100k is loan. I've scrutinized – promote this project. Ask to untable – I support sustained business – positive in my opinion.

JM – Clarify, 35K is grant; which means it does not need to be paid back.

TT- Correct

RP – 100k loan – given in increments, like a billing cycle.

Mayor – like a line of credit.

RP – Grant from UEZ, right?

Mayor – correct

JM – addresses Councilmen – did you check bills list? As the Public sees only the Summary sheet. Questions R:2017-203 Municipal liens and 2017-207 Interlocal Agreement with HGAC.

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Attorney Wenner responds – Nationally Recognized Cooperative for the purpose of purchasing Fire Apparatus at a cost efficient rate.

RP – noted that Council reviews all the bills – Councilmen agreed.

John Burger – 740 Columbus Avenue

On February 18, 2017, Town's DPW caused a sewer back-up into my property. They snaked the line and pushed sewage into my basement. I filled out a claim and provided all the needed documents to the Clerk. The resolution was tabled, please explain.

TT – Did your insurance turn you down?

JB – yes, I don't have sewer back-up protection

BF – We are reviewing, looking for confirmation of bills. TLB Construction? – Looking for additional information to review.

TT – There is an OPRA request open regarding this matter. Once the OPRA has been satisfied we will address. People have a right to know, you are not turned down, only tabled. Must review.

ML – Did you receive letter of denial from your insurance company?

JB – Yes, they told me I don't have coverage for sewer back-up.

ML – A lot of people do not have that coverage.

JB- Since incident I have put in back-up valve. We are at low point in neighborhood, back-up valve was necessary 3 times since the February incident. Maybe DPW could flush the Main once a month?

Mayor – We are currently in the Process of updating/creating a maintenance manual for the entire Sewer system. There will be regular monthly inspections and cleaning as needed; which was not done in the past.

TT – Since there is an OPRA regarding this matter, it will remain tabled until next meeting. One more meeting and we will take action. Mr. Burger you have been a gentleman, thank you.

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Melissa Paulus – 26A Glen Avenue

I submitted the OPRA – you stated potential litigation as cause not to untable. John Mitchell property owner sued for his losses, yet you are so willing to give return for 740 Columbus Ave – yet similar situations. Somebody should take a look at both – can't do one and not the other. Salary Ordinances proposed – comments were made before. We know how folks feel – pigs get fat, hogs get slaughtered.

TT – any other comments?

Mayor – UEZ funds drawn down, significantly – the new kiosk would replenish funds.

ML – Regarding the parking kiosk, couldn't we place at Market Street rather than the Transit Lot? During the wine train excursion and all the other weekends, excluding Thomas the Tank and Polar Express, could best be used at Market Street.

Attorney Wenner – to determine where placed, not Transit but Market Street Lot is up to Council. Need to amend and do 2<sup>nd</sup> Rdg at next meeting.

BF – If we go to Market Street will there be more revenue?

ML – Saturday and Sunday, Transit Lot is empty. Only full during Polar Express/Thomas, why not place at Market Street lot first and Transit Lot later?

Mayor – The cost analysis done determined the Transit Lot would generate thousands in a weekend. Market Street Lot has only 50 spaces – currently has meters. Don't disagree that regular business in off-season would be good. Work to parking lot - \$1300 to stripe Transit Lot – kiosk 8K plus pad.

ML – Wasting money. Yes, when Polar Express, but Market Street lot right now on weekends could add up. Put Transit Lot second.

Mayor – during our dry run – staff collected parking fees – Market Street lot fills first - hundreds compared to thousands at Riverside/Transit Lots.

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ML – what about money right now. Polar Express is only 5 weekends, what about other weekends and the General Store planned. You are 100% right about Riverside/Transit, but only full for Polar Express. What about all other weekends, Wine Train/Dinosaur/Mine/Pumpkin Patch. I support going to Market St, thank you.

RP – If we find paying off Riverside kiosk can we buy another?

Mayor – We purchase one to sustain other, don't want to drain funds. Riverside revenue is the most, with Transit second and Market third.

JD – Councilmen your comments are well received – volume as well as gross effect. Mayor is correct, with two kiosks in full force – differentiation we will come to end result quicker. We will purchase third kiosk and all lots will be covered as quick as possible.

TT – Will the kiosk be working during Joe's Steak Shop – car show events?

Mayor – no

ML – Report of monies regarding Riverside Way?

Tt – Thank you for that

## ORDINANCES

O:2017-20 (2<sup>nd</sup> Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 67, *VEHICLES AND TRAFFIC*, ARTICLE X, *SCHEDULES*, SECTION 67-17, *SCHEDULE 1, NO PARKING*, IN ORDER TO PROHIBIT PARKING ON THE WESTERN CURBLINE OF KNEEDLER AVE

## ROLL CALL

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			

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Lutz			X			
Fey	X		X			
Davis		X	X			
Tersigni			X			

Discussion - None

O:2017-22 (First Reading)

GENERAL CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A MULTI-SPACE PARKING KIOSK, BY, IN AND FOR THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; AND APPROPRIATING \$20,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza	X		X			
Lutz				X		
Fey			X			
Davis		X	X			
Tersigni			X			

Discussion

- RP – Source of funds?
- Mayor – UEZ, reimburse for costs.
- Wenner – Appropriate funds

**RESOLUTIONS**

R:2017-176 (Tabled 09-05-2017)

PAYMENT FOR TOWN SEWER BACK-UP – 740 COLUMBUS AVENUE

**ROLL CALL** (to untable)

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza				X		

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Lutz		X				
Fey				X		
Davis	X					
Tersigni				X		

Discussion

TT – need to keep my word, this will be discussed at next meeting, Oct. 3

R: 2017-182 (Tabled 9-05-2017)

**ROLL CALL** (to untable 9-19-2017)

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza	X		X			
Lutz			X			
Fey		X	X			
Davis			X			
Tersigni			X			

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE FINANCING OF LEHIGH JUNCTION, LLC’S PROPOSED PROJECT**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza	X		X			
Lutz				X		
Fey		X	X			
Davis				X		
Tersigni			X			

Discussion

ML – not seeing a lien on property on Elizabeth St., it is a no for me until then.

JD – there are some encumbrances information not same as lien.

R: 2017 – 200

**A RESOLUTION APPROVING 2017-2018 LIQUOR LICENSE WITHIN TOWN OF PHILLIPSBURG**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
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Piazza			X			
Lutz	X		X			
Fey			X			
Davis		X	X			
Tersigni			X			

R: 2017 – 201

**A RESOLUTION AUTHORIZING THE CLOSING OF STREETS**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz		X	X			
Fey	X		X			
Davis			X			
Tersigni			X			

R: 2017-202

**A RESOLUTION SUPPORTING DISCHARGE OF FIREWORKS AT HAROLD BELLIS FIELD AT MALONEY STADIUM**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz	X		X			
Fey		X	X			
Davis			X			
Tersigni			X			

R: 2017-203

**A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz	X		X			

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Fey		X	X			
Davis			X			
Tersigni			X			

**Discussion**

Kevin Duddy- Inspections Department Head – Would like to address 40 Fox St, one of the properties on the list of liens. Mr. Deepak, owner is subject of this Resolution and he is contesting the lien. He had someone doing his grass and debris removal

BF – if we sent people, DPW to clean up your property, we were asked to take action. Someone complained, it was inspected – you are on a time clock.

Attorney Wenner – you must satisfy the lien. Make arrangements to make payments if need be. It is a process, you had a time period to respond before this.

TT – Mr. Deepak, you should have brought up your objection/information during discussion on Agenda items. Councilman Fey was correct, you have time to respond before DPW is called out. I cannot undo the vote. Thank you.

R: 2017-204

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN, STATE OF NEW JERSEY, REGARDING VACATION AND SICK PAY FOR LOUISE DEILY**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz		X	X			
Fey	X		X			
Davis			X			
Tersigni			X			

R: 2017-205

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RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH INDUSTRIAL COMMUNICATIONS CO. FOR A CERTIFIED SOIL TEST RELATED TO RADIO TOWER AT 441 HECKMAN STREET

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz			X			
Fey		X	X			
Davis	X		X			
Tersigni			X			

Discussion

RP – Heckman House?

Mayor – yes

R:2017-206

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AWARDED A CONTRACT TO SAMSON CONCRETE FOR CROSSWALK REPLACEMENT AT VARIOUS LOCATIONS WITHIN THE TOWN OF PHILLIPSBURG IN THE AMOUNT OF \$91,754.80

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz		X	X			
Fey			X			
Davis	X		X			
Tersigni			X			

Discussion

Councilman Davis addresses Engineer Schrek regarding the disparity between the two bids. Engineer Schrek responded the larger bid was a courtesy bid. His first estimate came in at 90k, he is comfortable with the low bid of \$91,754.80.

R:2017-207

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**A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, ENTERING INTO AN INTERLOCAL AGREEMENT WITH A NATIONALLY RECOGNIZED COOPERATIVE ENTITY PURSUANT TO N.J.S.A. 52:34-6.2(B)(3) FOR THE PURPOSE OF PURCHASING FIRE APPARATUS**

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz	X		X			
Fey		X	X			
Davis			X			
Tersigni			X			

R: 2017-183 through R: 2017-199 Tabled 09.05.2017

**ROLL CALL** (TO UNTABLE 9.19.17)

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza				X		
Lutz		X	X			
Fey			X			
Davis	X		X			
Tersigni			X			

The annual salary for the following municipal positions are hereby established for the year 2017, retroactive to January 1, 2017

R:2017 - 183                      Animal Control Officer -                      \$24,600

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz	X		X			
Fey			X			
Davis		X	X			
Tersigni			X			

R:2017 – 184                      Asst. Public Works Supervisor -                      \$70,000

**ROLL CALL**

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Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz			X			
Fey		X	X			
Davis	X		X			
Tersigni			X			

R:2017 - 185

Batallion Chief -

\$2,100

**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			X			
Lutz	X		X			
Fey		X	X			
Davis			X			
Tersigni			X			

R:2017 - 187

Deputy Emergency Mgmt. Coord. -

\$3,000

**ROLL CALL**

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

R:2017-186

Confidential Aide to Mayor

\$53,000

**ROLL CALL**

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

TT – I have the right to remove this from the Agenda

JD – once presented, cant' be removed. Motion to override the chair.

TT – Councilman Davis I am asking you to be quiet.

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JD – you are out of order

Motion

Councilman Lutz moved to adjourn meeting. The motion was seconded by Council President Tersigni.

Meeting adjourned at 8:27 PM

R:2017 – 188                      Emerg. Mgmt. Coord. -                      \$6,500  
**ROLL CALL**

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

R:2017 – 189                      Fire Chief -                      \$8,000  
**ROLL CALL**

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

R:2017 – 192                      Public Works Supervisor -                      \$85,000  
**ROLL CALL**

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza						
Lutz						
Fey						

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Davis						
Tersigni						

R:2017 – 193                      Municipal Clerk -                      \$101,647  
ROLL CALL

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

R:2017 – 194                      Chief Financial Officer -                      \$119,047  
ROLL CALL

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

R:2017 – 195                      Tax Assessor -                      \$86,488  
ROLL CALL

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

R:2017 – 196                      Tax Collector -                      \$80,790  
ROLL CALL

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza						
Lutz						
Fey						
Davis						

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Tersigni						
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R:2017 – 197

School Traffic Guards (**Sick & Vac**) \$29/day

**ROLL CALL**

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

R:2017 - 198

School Traffic Guards (**No Sick & Vac**) \$34/day

**ROLL CALL**

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

12. **NEW BUSINESS**

13. **PUBLIC PETITIONS**  
(Public Comments)

14. **HABITABILITY – 143 Washington St. – Block 905, Lot 51**

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15. OPEN TIME

16. MOTIONS

To waive the fee for Special Events Permit for Sullivan's on the Main to host an Event at Shappell Park Saturday, September 30, 2017 a fundraiser to benefit Veterans

17. ADJOURNMENT

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