

TOWN OF PHILLIPSBURG
Council Meeting Minutes
November 08, 2017
Senior Center

The Phillipsburg Town Council conducted its regular meeting on Tuesday, November 08, 2017 at 7:00 pm at the Phillipsburg Senior Center, 310 Firth Street

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

INVOCATION by Council President Tersigni asked for a Moment of silence for the Texas bombing victims

PLEDGE by the Assembly

ROLL CALL

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

TOWN OFFICIALS PRESENT: Clerk Kleiner,
Attorney Moscagiuri,

APPROVAL OF MINUTES Council Meeting 09-19-2017
Executive Meeting 10-10-2017

Motion:

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

VOTE: YEAS: Tersigni, Lutz, Piazza
NAYS: None

ABSENT: Fey

ABSTAIN: Davis

APPROVAL OF BILLS:
SUMMARY

CURRENT FUND	\$ 166,871.14
STATE & FEDERAL GRANTS	13,474.33
CAPITAL FUND	75,059.12
SEWAGE UTILITY FUND	56,941.82
SEWAGE CAPITAL FUND	5,052.00
PLANNING BOARD TRUST FUND	1,200.00
GENERAL TRUST FUND	14,063.98
Prior Council Meeting PO#70908	\$14,325.58
Prior Council Meeting PO#70908	784.28
Prior Council Meeting PO#70889	5,250.00 (Still Hold)
Total regular bills list November 08, 2017	\$296,662.39
PRE- PAID BILL LIST AS OF NOVEMBER 08, 2017	
CURRENT FUND	\$5,100.00
STATE & FEDERAL GRANTS	50,900.00
AGENCY FUND	153,992.69
Pre -Paid Bills List of November 21, 2017	\$209,992.69
GRAND TOTAL OF ALL FUNDS	\$506,655.08

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

Councilman Lutz questions the payment for Library PO 25438 for \$362.50
Councilman Lutz also wanted the Kelsey Church bill to be held until further review.

Councilman Piazza made a motion to amend the bills list. The motion was seconded by Councilman Lutz. The motion carried a 4-0- 1 vote.

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

NAYS: None

ABSENT: Fey

MAYORS REPORT –None – no discussion on the best practices

OLD BUSINESS

Council President Tersigni spoke about the heat issues at the Senior Center and he is tired of coming here with no heat, it's been going back and forth for months. It needs to be fixed now. No bid it is an emergency situation, it's for the senior citizens. It should be done tomorrow.

Councilman Lutz made a motion to allow the senior center heat to be fixed. The motion was seconded by Councilman Davis.

Councilman Davis stated a limit needs to be put on the emergency funds.
\$25,000.

Attorney Moscagiuri reiterated, that the authorization to do emergency repairs up to \$25,000.

VOTE: YEAS: Davis, Lutz, Piazza,

NAYS: None

ABSENT: Fey

ABSTAIN: Tersigni

PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 392 South Main Street, question on O2017-26 – sign ordinance – Municipal Office Building is it temporary or permanent?
 Council President Tersigni stated it is temporary.

R 2017-25 what is the Municipal Alliance
 Council President Tersigni stated keeps informed education
 2017-23 the second page of the transfers is missing. Councilman Lutz offered his page of transfers to Mr. Meyner

ORDINANCES

O: 2017 – 23 (Second and Final Reading)

ORDINANCE AUTHORIZING THE PURCHASE BY THE TOWN OF PHILLIPSBURG OF REAL PROPERTY FROM FANNIE MAE KNOWN AS 74 FILLMORE STREET introduced for a second reading by Councilman Lutz and there being no errors corrections or objections, Councilman Lutz moved that the ordinance be adopted according to law. The motion was seconded by Councilman Davis.

ROLL CALL

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

O: 2017-24 (First Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 422, *PARKS*, SECTION 12, *COASTING REGULATIONS*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO INCLUDE WALTERS PARK was introduced for a first reading by Councilman Davis who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lutz.

ROLL CALL

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

O: 2017-25 (First Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO PROVIDE FOR THE PLACEMENT OF SIGNAGE ON THE TRANSIT LOT was introduced for a first reading by Councilman Lutz who moved that the ordinance be properly advertised. The motion was seconded by Councilman Davis.

ROLL CALL

Councilmen	First	Second	Yea	Nay	Abstain	Absent
Piazza			x			

Lutz	x		x			
Fey						x
Davis		x	x			
Tersigni			x			

O: 2017-26 (First Reading)

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO PROVIDE FOR THE PLACEMENT OF SIGNAGE AT THE FREEMAN SCHOOL was introduced for a first reading by Councilman Davis who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lutz.

ROLL CALL

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

O: 2017-27 (First Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, URINATING AND DEFECATING IN PUBLIC PLACES; PUBLIC NUDITY. was introduced for a first reading by Councilman Davis who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lutz.

Discussion: Councilman Lutz questions if this has something to do with something that has happened? If the bathrooms were opened with this is an issue? Councilman Piazza questioned can't believe this that came up with this ordinance. Councilman Davis we need to take nursing mothers into consideration so that they are no prosecuted.

Councilman Davis made a motion to amend the ordinance. The motion was seconded by Councilman Lutz. The motion carried a 4-0-1 vote.

ROLL CALL

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

O: 2017-28 (First Reading)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING SECTION 67-23, SCHEDULE VII, STOP INTERSECTIONS, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO ADD STOP INTERSECTIONS AT WEBSTER STREET AND SAYRE AVENUE WITHIN 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: Council President Tersigni stated this was way overdue.

ROLL CALL

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

12. **RESOLUTIONS**

R: 2017-223

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

ROLL CALL

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

R: 2017-224

A RESOLUTION APPROVING THE PAYMENT OF FOURTH QUARTER 2017 COUNTY TAX AND OPEN SPACE TAX, DUE NOVEMBER 15, 2017 was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

ROLL CALL

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

R: 2017-225

RESOLUTION TO PROVIDE FOR THE APPOINTMENT OF MARYBETH RINGO AS MUNICIPAL ALLIANCE COORDINATOR FOR THE TOWN OF PHILLIPSBURG was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

ROLL CALL

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

R: 2017-226

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

ROLL CALL

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

R: 2017-227

A RESOLUTION PROVIDING FOR PERSON TO PERSON AND PLACE TO PLACE TRANSFERS OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 2119-33-017-006 was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Piazza.

Discussion: Council President Tersigni thanked John Paolina for his patience.

ROLL CALL

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

R: 2017-228

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 (2017 Body Armor Replacement Fund) (CHAPTER 159, P.L. 1948) was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Piazza.

ROLL CALL

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

R: 2017 – 229

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

ROLL CALL

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

R: 2017-230

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

ROLL CALL

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

R- 2017-231

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AWARDING A CONTRACT TO JEV CONSTRUCTION, LLC was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Council President Tersigni stated that the Sewer plant screener has been broke since mid-July and we are losing \$30,000 a month since mid-July that is about \$120,000 loos of funds to the Town. I was in the dark with no communication from the CEO of the Town. This is over 100,000 over loss of funds it is one of our biggest revenue sources. Won't be fined till November or end of December it is pure negligence. Councilman Piazza asked is this the butterfly valves? They cost a lot.

ROLL CALL

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

R: 2017-232

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING THE AGREEMENT WITH SPATIAL DATA LOGIC, INC. AND AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Lutz questioned what it was for. Clerk Kleiner stated inspections office.

ROLL CALL

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

R: 2017-233

A RESOLUTION TO PROVIDE FOR INTERFUND TRANSFERS was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

ROLL CALL

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

R: 2017-234

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

ROLL CALL

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

R: 2017-235

A RESOLUTION DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

ROLL CALL

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

R: 2017 - 236

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 on Alcohol and Drug Abuse) was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Piazza.

ROLL CALL

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

R: 2017 - 237

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) (Bulletproof Vest Partnership) was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

ROLL CALL

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

R: 2017-238

A RESOLUTION APPROVING THE PAYMENT OF ADDED ASSESSMENTS 2016 AND 2017 COUNTY TAX, DUE FEBRUARY 15, 2018 was introduced by Councilman Davis who moved for its adoption. The motion was seconded by Councilman Piazza.

ROLL CALL

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

R: 2017- 239

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING A “CHANGE FUND” FOR USE BY THE RECREATION DEPARTMENT FOR FESTIVALS AND EVENTS was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Piazza questioned how much? Clerk Kleiner responded \$500.00

ROLL CALL

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

R: 2017 -240

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING RESOLUTION NO. 2017-146 was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Piazza questioned who the Change order was for? Council President answered Chase bank.

ROLL CALL

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

NEW BUSINESS - NONE

PUBLIC PETITIONS

Joe Meyner, 392 South Main Street, on the agenda for October 17th there was an Ordinance 2017-25, authorizing 1.9 –two million dollar limit – what happened to that bond ordinance?

Council President Tersigni stated that the previous administration lowered the debt service and that he wasn't going to vote for this. It has been tabled.

Bill Timmann, 230 South Main Street, I am going to bring this up again. The cable service and the cost of the services. There is no progress – no way to get service electric to do better service or get another service. Councilman Davis responded as have access to it but no equipment now, and we can't get any other service to come into town at this time. But, I will reach out again.

Mary Jo Harris – of Family Guidance Center. Looking to continue the work that DJ started, service training and some adjustments needed to be made. Council President Tersigni said to submit it to the Clerk and I set the agenda, the Councilman can look at it.

Joan Pierce, 119 Lewis Street. I am here for an answer for the Fulton/Lewis street stop sign. A child is going to get hurt. Council President Tersigni stated he would have the ordinance drawn up. Mrs. Pierce said it has been 6 – 7 months ago and everyone is pushing it off. Council President Tersigni stated no a lot of corporation. Mrs. Pierce time to get along and worry about the kids. Council President Tersigni should have the Ordinance
Mrs. Pierce it's our kid's lives, Stan Shrek that's who I will wait for.

John Guthmiller, for a month straight I called the Mayor's office with no call back, to discuss handicap parking at the Pork roll festival. I got a letter from the attorney, I got a call from the Chief of Police, but the Mayor won't answer he totally disrespected us.

Council President Tersigni I would have called you back. Mr. Guthmiller – DPW cut the grass and didn't pick up a pizza box they stepped right over it.

Dan Boyce, 244 Irwin St., service electric shows up at the footballs games. Councilman Davis stated it's written in the agreement, that they don't supply the equipment. Councilman Fey 2% of the bill we are getting short changed for it. Dan Boyce I am baffled about losing \$100,000 from the sewer treatment plant.

Council President Tersigni stated the disposal business; this is where they get septic, \$100,000. Move the skate park to the other park what's that cost. Dan Boyce said they are going to legalize POT the new Governor, I don't understand moving something already bought and paid.

Blaine Fehley, Bowhay, I have a question – the meeting is televised, lets' get to the bottom if it. 48,000 they provide broad cast. Councilman Davis as Council President knows we secured the software, but since we are moving Council Chambers, we didn't invest in the equipment – when we have a primary home we can invest in the equipment. Blaine Fehley – people keep paying. Councilman Davis the agreement is a percentage of the money goes to service electric. Blaine Fehley no on TV, the school channel-nothing on it. No advertisement \$48,000 a year up to ten years. Councilman Piazza to Councilman Davis the borough of Emmas the meetings I saw on Del Val has it – we have argued about this the past eight years. Councilman Davis said it is something to think about.

Jim Kleiner, 318 Ohio Avenue, I want to discuss about the Municipal Building Move, on October 03, 2017 you passed a lease agreement with the BOE stated Mayor Ellis that an environmental study was done on October 05th, but 34 days later no formal report but yet 1/3 of the municipal building has moved. I appreciate the go ahead to find a place. If there is a **hazard 5 art a para 1 – NJSA 34**, employees 34 days not shared that there are any recognizable hazards. Noe one more box should be moved I don't understand.

Councilman Piazza – conditions of the report were satisfactory. Councilman Davis execution of the lease was contingent on it. Councilman Piazza should be moving. Councilman Lutz equipment has been professionally cleaned.

Jim Kleiner questioned is their radon?

Councilman Lutz which building Freeman?

Council President Tersigni this moving has been a debacle for over a year now. The school is not ADA and has asbestos, reports it stinks from the employees, Town employees and citizens report should be submitted to Council President and the Council. They put the cart before the horse – seems to be this administrations way. Councilman Piazza agrees on that issue.

Jim Kleiner administration has a responsibility to the employees; Council has a responsibility to the public, the schedule the entire building to be moved in to Freeman. OSHA/PEOSHA will cost the tax payers more, it is immoral and unconscionable.

Meliss Paulus, 26 A Glen Avenue in light of these issues for the last six months the risk manager should attend the meetings.

Council President Tersigni risk manager, insurance potential and liabilities, the CEO the employees and officials actions taken and not taken. He made a valid hostile environment with potential litigation problem and I am not paying for it.

OPENTIME

Council President Tersigni – Thank you for all your comments and thoughts, blessings on my mom when she was in the hospital two times, she is not back to her feisty self yet but she is getting there.

Councilman Lutz, I would like to congratulate the new council members, I know we will work well together.

Council President Tersigni, I apologize – congratulations you ran a brilliant campaign I got distracted talking about my mother.

Councilman Piazza – congratulations to the new members, it is nice that a lot of people turned out to vote. Don't forget Monday November we have the tree lighting ceremony at Shappel park, it be nice to see the entire council and also nice to see some elves. Council President Tersigni stated maybe I will put that on. Councilman Fey stated nice to be televised

Council President Tersigni mentioned on 11-11 @11 Shappel park, Sunday for the Veterans tribute at the high school doors open at noon. Than you Veterans

MOTIONS

Approval for **Raffle License** No. RL: 1263 issued to The Garnet Boosterettes for a 50/50 raffle to be conducted on December 22, 2017

Approval for **Raffle License No. 1264** issued to SP & SJ Church for the purpose of conducting an On-Premise Raffle to be held at 430 South Main Street on January 02, 2018 – December 30, 2018

Bingo License No. 314 issued to SPSJ to be conducted on:

January 2,9,16,23,30
February 6,13,20,27
March 6,13,20,27
April 03,10,17,24
May 1,8,15,22,29
June 5,12,19,26
July 3,10,17,24,31

August 7,14,21,28
September 4,11,18,25
October 2,9,16,23,30
November 6,13,20,27
December 4,11,18

Bingo License No. 315 issued to SPSJ to be conducted on:

January 4,11,18,25
February 1,8,15,22,
March 1,8,15,22
April 5,12,16,26
May 3,10,17,24,31
June 7,14,21,28
July 5,12,19,26

August 2,9,16,23,30
September 6,13,20,27
October 4,11,18,25
November 1,8,15,29
December 6,13,20

Bingo License No. 316 issued to SPSJ to be conducted on:

January 6,13,20,27
February 3,10,17,24
March 3,10,17,24
April 7,14,21,28
May 5,12,19,26
June 2,9,16,23,30
July 7,14,21,28

August 4,11,18,25
September 1,8,15,22,29
October 6,13,20,27
November 3,10,17,24
December 1,8,15,22

A motion was made by Councilman Lutz to allow the Raffles/Bingos. The motion was seconded by Councilman Davis. The motion carried a 4 - 0 – 1 vote

ADJOURNMENT

Councilman Lutz moved to adjourn the meeting. The motion was seconded by Councilman Davis. The motion carried a 4-0-1 vote