

TOWN OF PHILLIPSBURG
Council Meeting Minutes
November 21, 2017
Senior Center

The Phillipsburg Town Council conducted its regular meeting on Tuesday, October 03, 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

PLEDGE by the Assembly

ROLL CALL

PRESENT: Council President: Tersigni

Council Members: Lutz, Piazza, Davis, Fey

TOWN OFFICIALS PRESENT: Mayor Ellis, Clerk Kleiner,
Attorney Wenner,

APPROVAL OF MINUTES Council Meeting 10-03-2017
Executive Meeting 10-03-2017

Motion:

Councilman Lutz moved for approval of minutes. The motion was seconded by Councilman Fey. Councilman Davis asked to amend the minutes to include the letter from Dustin Pierce.

VOTE: YEAS: Tersigni, Davis, Lutz, Piazza

NAYS: None

ABSTAIN: Fey

APPROVAL OF BILLS:
SUMMARY

CURRENT FUND	\$ 93,411.07
STATE & FEDERAL GRANTS	133.22
CAPITAL FUND	63,351.75
SEWAGE UTILITY FUND	187,379.17
SEWAGE CAPITAL FUND	242,260.34
PLANNING BOARD TRUST FUND	12,170.00
GENERAL TRUST FUND	3,266.81
Total regular bills list November 21, 2017	\$602,500.00
SECTION 8 RENT PAYMENTS	\$137,870.46
PRE- PAID BILL LIST AS OF NOVEMBER 21, 2017	
CURRENT FUND	\$350.00
STATE & FEDERAL GRANTS	48,300.00
AGENCY FUND	144,932.64
Pre -Paid Bills List of November 21, 2017	\$193,582.64
GRAND TOTAL OF ALL FUNDS	\$939,203.32

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

Councilman Lutz questions the payment of the Worth bills and to remove them from the bills list.

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

NAYS: None

MAYORS REPORT – Councilman Davis read the statement from CFO Merlo regarding the best practices. *Attachment A
We will be receiving all our State Aid.
Councilman Fey stated that Bob Merlo, CFO, every year accomplishes this fully.

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OLD BUSINESS - Council President Tersigni, spoke about the parking lot across from Joes Steak Shop. That the lease agreement with NJ Transit needs to be reviewed because there is a 30 foot easement, the RR (Railroad) needs to be able to get in to service that, due diligence was not done correctly. It was paved beyond the specs of the building; we need to look at that the KIOSK is incorrect also. Bill Timmann questioned where the easement was Council President Tersigni stated was permission gotten from NJ Transit, it is like renting and you say no pets, and you find out that there are a bunch of weasels there, it needs to be looked at it is totally wrong. We need to discuss this in more detail without doing whatever we please. The easement is a violation of rules, and we are not in compliance. We need to do our due diligence this Council or future Council and straighten it out.

Councilman Lutz asked to take a moment to Thank Sartini for doing the heat at the Senior Center.

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PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 392 South Main Street, the Bond, will that be tabled tonight?

Council President Tersigni stated we are not hearing that tonight.

Joe Meyner, it is defeated?

Council President Tersigni stated it is tabled. Joe Meyner – we can't speak on it tonight? But, I am prepared

Councilman Fey – we need things clarified

Joe Meyner, O 2017-30 revoke – parking permits, only lots charge now, Riverside Way lot, only nine (9) spots?

Councilman Lutz stated that those spots are for the auto-body shop. Joe Meyner said can still park in the lots then.

Bill Timmann 230 South Main Street, I have a question you voted on the minutes and executive session can they be published?

Attorney Wenner once they are reviewed yes.

Bill Timmann executive minutes published on the website

Attorney Wenner stated they can once litigation items are cleared

Don Dickey, Randall Street, questioned O 2017-24 Coasting regulations

Councilman Davis it is to allow skateboarding at Walters Park.

Don Dickey – Thank you

Blaine Fehley, 237 Bowhay, the three parking spots in the downtown lot, you're going to make them pay, the hot dog stand, liquor shop and the body shop, the Owner and employee, your driving business out of Town.

Council President Tersigni stated Blaine Fehley and I had our differences but I do agree it is a business deterrent, we need to be business friendly; we can't expect employees to pay.

Councilman Lutz stated that wasn't true

ORDINANCES

O: 2017-29 (Bond Ordinance First Reading) **TABLED**

BOND ORDINANCE REPEALING AND REPLACING BOND ORDINANCE NUMBER 2017-03 FINALLY ADOPTED APRIL 18, 2017 AND PROVIDING FOR THE CONSTRUCTION OF FACILITIES AND THE RENOVATION TO THE EXISTING BUILDING TO PROVIDE FOR MUNICIPAL OFFICES AND FACILITIES, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

Councilman Fey made a motion to table. The motion was seconded by Councilman Piazza.

ROLL CALL

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

O: 2017 – 30 **DID NOT PASS**

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 67, *VEHICLES AND TRAFFIC*, SECTION 28, *PARKING LOTS*, OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO ESTABLISH PERMIT PARKING FOR THE RIVERSIDE WAY LOT was introduced for a first reading by Councilman Fey who moved that the ordinance be properly advertised. The motion was seconded by Councilman Davis.

Discussion: Councilman Lutz – wants to table – withdraw, Council President Tersigni state not business friendly, Councilman Davis stated proposed and it is a pathway forward. Council President Tersigni stated he is going to vote it down.

ROLL CALL

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

 O: 2017-24 (Second and Final Reading) **DID NOT PASS**

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 Fey.

Discussion: Open to Public – Bill Timmann – what are you going to do with the skate park, people use it now – why would you shut it down? Councilman Lutz – people think Riverside is a rat hole, soccer, bikes, boards, if you take it away down there then what do they have, there is a path it is open why change, can't even have a wagon in Walters park.

Council President Tersigni after thinking about hat the kids will get in trouble if they have something less to do; an idle mind is the devils works shop my Grandmother use to say.

Councilman Piazza where are they moving it too? Councilman Lutz stated the tennis courts.

Councilman Fey stated he spend a lot of time and met with contractors to get quotes to get the parks up to standards, and it was put into the budget to get done one park at a time, we have already allocated the money, it should have been done by now.

Bill Timmann kids go back there – on Market Street it is overgrown, cars are coming from other places, it is being utilized there now, so it should be left alone.

Council President Tersigni whose job is it to get his done? The CEO of the Town

Councilman Davis stated it is just allowing bikes in Walters Park; the Town did approve the Open Space referendum. Please remember what you're voting on.

Joe Meyner – the park is good – take their scooters to the sidewalk, open the bathroom in the back, vote it down.

Robert Fulper, vote down, Kelly Sheedy to bring it to Walters Park, this would open it up for is to be moved even though it isn't stipulated – that she move it. Chiefs not here but he will soon be. Please consider taking it down.

Councilman Piazza, withdraw

Pete Pisello moving the equipment costs, does anyone know the costs? By moving it you leave a dilapidated area – we have all these little pocket parks – (neighborhood) instead you want on giant park. If we rehab the current park and make it more attractive. If you take

the skate park out what will happen as when - PAL came out the weeds grew, it was a nice park and the money can be better spent to make it attractive.

Dan Boyce is it a money issue? Walters Park, Delaware Park has concession stands, have the recreation director work those stands to improve the condition of the parks, it is embarrassing, there are gully's and holes in the field. I was a PAL coach; maybe we can use some of our resources available.

Council President Tersigni stated Councilman Fey did a lot of work and nothing got done.

Councilman Fey money was approved, local contractors and never gotten or given the go ahead, one would have been done or at least scheduled by now.

ROLL CALL

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

O: 2017-25 (Second and Final Reading) **TABLED**

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

Councilman Piazza made a motion to table. Councilman Fey seconded the motion.

Discussion: Councilman Piazza questioned about the parking for the Vets? Bill Timmann questioned easement; Stan Schrek should have the signs. Council President Tersigni stated there is an easement? Councilman Lutz stated in the middle.

Jeff Lutz questioned why nothing gets done here? You make decisions and address it with him. Someone has to put their foot. . Council President Tersigni – Councilman Davis speaks to him. Attorney Wenner started to speak..
 Jeff Lutz, excuse me Attorney, the fields are unbelievable someone needs to speak up
 Councilman Davis stated it is time to discuss O2017-25

ROLL CALL

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

O: 2017-26 (Second and Final 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 Piazza who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lutz.

Council President Tersigni stated there are signs there now.

ROLL CALL

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

O: 2017-27 (Second and Final 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 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: 2017-28 (Second and Final Reading) **TABLED**

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

Councilman Lutz made a motion to table. 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			

RESOLUTIONS

R: 2017-242

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN, STATE OF NEW JERSEY CANCELLING GRANTS COMPLETED AND INACTIVE PROJECTS 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: 2017-243

A RESOLUTION PROVIDING FOR A REFUND OF ABANDONED PROPERTIES REGISTRATION FEES 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: 2017-244

RESOLUTION CANCELING AN AGGREGATE \$27,608.46 AMOUNT OF GENERAL CAPITAL IMPROVEMENTS APPROPRIATED PURSUANT TO ORDINANCE NUMBERS 2002-04, 2003-04, 2005-18, 2012-07, 2013-10, 2014-11, AND 2016-13 HERETOFORE ADOPTED BY THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, AND RETURNING SUCH CANCELED APPROPRIATIONS TO THE GENERAL CAPITAL IMPROVEMENT FUND 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			

NEW BUSINESS

Council President Tersigni stated, I have talked with Mrs. Pierce on the phone and she showed me a personal message – I won't be dishonest her. The message stated that the Mayor approved the sign at Fulton and Lewis Street. Why can't we do this I was born there she has complained about it. I talked to the Counselors; it is a public safety issue. The engineer has known about it, not blame me or people who support this. I don't want her to yell at me.

Attorney Wenner I can't advise you.

Joan Pierce – Councilman Tersigni swore to me.

Pete Pisello it will open the Town up to a huge lawsuit if they don't follow the engineer.

Council President Tersigni, STOP STOP – banging the gavel

Councilman Lutz can I ask the Attorney to get a hold of Stan to review it.

Attorney Wenner how place – Joan Pierce interrupts – Attorney Wenner - Lewis straight run, three way stop.

Attorney Wenner first reading authorization to adopt the ordinance – 3 way stop, the second reading will be held off until the engineer reviews the intersection. O2017-31 Ordinance designated three way stop on the Fulton side street. Councilman Piazza made a motion; the motion was seconded by Councilman Lutz. The motion carried a 5-0 vote.

Councilman Lutz made a motion regarding the settlement agreement. The motion was seconded by Councilman Davis. The Motion carried a 5-0 vote.

PUBLIC PETITIONS

Joan Pierce, 119 Lewis Street, I am appalled; I get a private message, who has the right to approve it? Another attorney was here – everyone is pushing the buck.

Attorney Wenner stated Council does by Ordinance.

Joan Pierce it would have been done.

Council President Tersigni we did the first process

Joan Pierce – someone better get the Mayor under control

Robert Fulper, 17 Marshall Street, what I have has to do with the Mayor, and a mattress post – I received a message about a Mattress, the Mayor can't tell a private citizen to contact me. This man's social media abuse – he has made a lot of allegations if I get one phone call, I am going to speak to him myself.

Please put this copy in the minutes. * Attachment B added to minutes

Dustin Pierce, 119 Lewis Street, should be a mandate that the Mayor is here, he should know what's being passed or not – maybe he had an emergency. The police Chief and Engineer do a report once a month, regarding the crime rate, DUI'S and the stop sign situation. We need to get a mandate.

Council President Tersigni stated he is just a guest we can't change the form of Government.

Dustin Pierce the CEO business has to go, this is not a business, and the Mayor is the Administrative head.

The Mayors secretary – I heard was the assistant Deputy Mayor, 18% over a long period of time that title needs, reflected in the Salary Ordinance.

Dustin Pierce asked about the paving of Hudson Street

Councilman Lutz stated that work was done and no paving can be done for a year things need to have a chance to settle.'

Dustin Pierce asked why can't there be a police officer at every meeting.

Council President Tersigni stated that I made a request to Chief Stettner and he did provide an officer.

Dustin Pierce, are we going to address a code of conduct, social media, we are the largest municipality, and we don't have that, why not? No one is holding you to a standard code of conduct. A policy needs to be created.

Council President Tersigni we addressed a policy in a work session regarding social media, but it was not presented properly, Dustin your time is up.

OPENTIME- Councilman Fey congratulates the incoming Council members, McVey, DeGerolamo, and Fulper wishing they good luck.

Council President Tersigni wished everyone a Happy Thanksgiving; enjoy the holiday and GO STATELINERS

Councilman Piazza reminded everyone of the tree lighting ceremony Monday night with Santa, and have a Happy Thanksgiving, we have lots of things for the residents, and I hope the incoming Council shows better cohesion and communication between Council and Mayor. Councilman Davis - GO P'BURG, BEAT EASTON.

MOTIONS - NONE

ADJOURNMENT

Councilman Lutz moved to adjourn the meeting. The motion was seconded by Councilman Fey. The motion carried a 5-0 Vote