

**TOWN OF PHILLIPSBURG
Council Meeting Minutes
December 5, 2017
Senior Center**

The Phillipsburg Town Council conducted its regular meeting on Tuesday, December 5, 2017 at 7:00 PM at the Phillipsburg Senior Center, 310 Firth Street, Phillipsburg, NJ.

OPEN PUBLIC MEETING ACT STMNT read by Council President Tersigni

INVOCATION by Council President Tersigni

PLEDGE OF ALLEGIANCE by the Assembly

ROLL CALL

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

APPROVAL OF MINUTES None at this time

**APPROVAL OF BILLS
SUMMARY**

CURRENT FUND 114,943.71

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.

STATE & FEDERAL GRANTS	8,387.72
CAPITAL FUND	79,682.11
SEWAGE UTILITY FUND	865.36
SEWAGE CAPITAL FUND	7,679.00
PLANNING BOARD TRUST FUND	8,225.50
SECTION 8	3,681.58
AGENCY FUND	284.77
Total Regular Bill List as of December 5, 2017	223,749.75
Prior Council Meeting Check # 71194 Date: 11/21/17 (Worth & Company)	1,922.83
PRE-PAID BILL LIST AS OF DECEMBER 5, 2017	
AGENCY FUND	140,610.57
Pre-paid Bill List for December 5, 2017	140,610.57
Grand Total of All Funds	366,283.15

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

VOTE: YEAS: Tersigni, Davis, Lutz, Piazza

NAYS: None

ABSENT: Fey

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MAYOR'S REPORT

None

OLD BUSINESS

Council President Tersigni thanked Councilman Piazza and the absent Councilman Fey, for serving with him on Council as they are finishing their terms of service this year. He continued that he had served as Liason for the American Legion for 6 years being recommended by William Spencer. He asked Council elect Frank McVey to replace him immediately in this position; which he accepted.

EXECUTIVE MEETING

R:2017-253

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING Shared Service Agreements with Alpha, Mayor Dunwell in attendance, building move, property acquisition, no action will be taken. Attorney Wenner read the statement to convene to executive.

Councilman Davis made motion to enter into executive session. Councilman Lutz seconded the motion. The Motion carried 4-0 with Councilman Fey absent.

PUBLIC DISCUSSION ON AGENDA ITEMS

Bill Timmann – 230 South Main St.

R:2017-250 Opus, are they trying to get out of completing the job?

Attorney Wenner responded, they are not trying to get out of the job. He noted that Opus proposed working with Bridge Developers right in the beginning. Bridge would rather take on the Project themselves. They are a National firm out

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of Chicago. The Texas Teacher's Union pension funds them. Opus feels the Project is extremely viable and Bridge purchased from Opus.

BT – Opus got a sweetheart deal. So Opus did demolition/remediation?

RW – Go to Bridge Developers Corp website. They do warehouses, my opinion a good fit – will complete.

BT – Opus out 100%?

RW – Yes

BT – Referring to bills list – objection of check to General Supply for locking systems. He noted they are not locksmiths, cannot practice in NJ. Added PA locksmiths cannot operate in NJ either.

Councilman Mark Lutz stated PA locksmith is no more.

BT – still operate

ML – No, I know the owner. It is closed, no longer operates.

Joan Pierce – 119 Lewis

Referred to R:2017-31 Stop sign at Fulton and Lewis, but it is pending the Engineer's Report – asked his recommendation?

Engineer S. Schrek spoke to his report – sighting the uniform code/parameters he must abide by, sight distance, traffic volume he does not recommend a stop sign at this location. Some improvements can be done – not sign.

JP – When was your survey done, saw people speeding through just today.

SS – I am referring to physical parameters. Speed is a different issue; which must be taken up with the Police.

JP – Questioned R:2017-28, stop sign added to intersection of Webster St and Sayre Ave, there are only 5 houses on Webster.

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SS – this was a sight distance issue, to allow visibility. Stop sign recommended.

JP – sight issue turning right from Fulton onto Lewis. Ladies fence is there, you must come out into intersection to see.

SS – a Stop bar – white line painted on road – to stop and look both ways before proceeding can be added.

JP – all I know is I am putting my daughter onto the bus and people are flying up the street. There needs to be enforcement of the speed limit.

SS – Police department was copied on my report.

JP – Police factor – speeding

Council President Tersigni asks if others wish to join Public Discussion

Joe Meyner – 392 South Main Street

O:2017-29 The ordinance says part there of 2 million and 3c. estimated cost is 2 million. Sect 8 if estimated low resolved by levying tax.

TT – explains still tabled, not bringing up tonight

JM – regarding speeding in Town, perhaps Police Force could be dispatched more freely. Putting Police presence out there more often would solve the problem.

Tim Wynkoop – 289 South Main Street (owner of Noto-Wynkoop Funeral Home) Explains this is his first Council meeting. Wanted to bring the attention to use of the Transit Lot adjacent to his property. Noto Funeral Home originally had lease agreement with the railroad and in 1991 it transferred to me. Around 5 or 6 years ago NJ Transit wanted to take lease from \$120/yr to \$1300/yr. At the time he spoke to Mayor Wyant and got out of the lease. His understanding was the the 30' driveway from front to back had to be maintained. He added with the striping of the lot it goes over that. He also noted when he had lease agreement that you are not allowed to make money on it – whether you take money generated from the lot and give to Charity still not within the confines of the lease. Donate to charity, but what about the parking fines.

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Council President Tersigni – I call it an easement, you say driveway; either way a violation. I've been left in the dark. Perhaps this is something New Council can address 01-01-2018 for a way to repeal.

Councilman elect Fulper – asked could the Ordinance be repealed until there is a re-write?

T.Wynkoop – Should money be coming in – we don't have lease and we don't know.

Councilman Mark Lutz – If you recall, I am the only one, who said no to the kiosk at the Transit Lot.

Fulper – motion to repeal.

Council President Tersigni – This needs to remain tabled. I've known and trusted you, Mr. Wynkoop. Also, your business has been there since 1991.

TW – added he had a Funeral Service on Saturday, Dec. 2, 2017 from 12:30 – 4:30pm during the Train Ride/Polar Express. He noted that fortunately it worked out there were only 9 cars parked in the lot and it did not interfere with his smaller Service. We have been there many years, but NJ Transit raised the bar too high. Joe's Steak Shop was able to continue Cruise Nite by using the lot.

Councilman Randy Piazza – thanked Mr. Wynkoop for coming in and added that Council needed to hear this information.

TT – lifetime resident, your business, we need to do something tonight to limit the parking.

ML – Table the Ordinance, we need more information.

Fulper – still collect money?

ML – Nobody is parking in the lot. Maybe 15 cars in the last 2 weekends. During the Pumpkin Train it was jammed.

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Attorney Wenner asked Deputy Clerk Loudenberry to email him a copy of the lease agreement of the Transit Lot.

TT – should they collect funds?

Attorney Wenner – need to see lease agreement.

ML – Polar Express – kiosk machines – we are not New Hope. - \$10.00 pay and have a good time. Thomas the Train a time situation. Friday 5:45 PM a line forming – kiosk not working – contact Mayor and he says just put them on the Train and don't worry about it. Police began ticketing them. Felt dishonest. No balance. Sunday at 2PM – same thing. Ticket 15.00 or pay to park 10.00. We should not use kiosk – slows us down.

TW – parents with kids, just want to get on the shuttle and they miss the kiosk. I understand the Police officers were given the directive to ticket, but I felt bad for these parents. Mayor and Police need to be on the same page.

Council President Tersigni – Review lease before next meeting, we must address the issue so it does not drag on.

TW – Lease Agreement, I'm concerned for the Town and parking for my business.

TT – Thank you Mr. Wynkoop

Blaine Fehley – Bowhay St

O:2017-28 Regarding stop sign, who asked for it?

Attorney Wenner responded he did not know. Someone from Administration.

Ms. Stone -153 Lewis Street

Please re-evaluate O:2017-31, stop sign at Fulton & Lewis Sts. Vision there is really bad. The lady's fence that is there is legal, I know she went through the proper channels, but obstructs view. Needs to be stop sign.

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TT – must give full disclosure, I myself have been a tad hasty going through there. Want to be totally transparent.

Ms. Stone – the Millers should come in, they've had their porch taken out.

Connie Fuoco – 147 Lewis St. – Police Officers fly through there as well. No sirens, no lights. I cringe, not just residents speeding through the neighborhood.

ML – I agree with you all. That being said, the Engineer did his report by code – nothing more he can do. I asked for a stop sign at Stockton/Mercer for the same reason, lots of little kids and was told Stop sign not warranted. I have to go with Stan, he did his work.

Melissa Paulus – Glen Avenue

Residents are requesting a stop sign. If the main issue is speed, I understand the Engineer did his part. Speed is a separate issue – so what is the process to get this considered.

ML – ask the Police.

MP – Don't just kill the issue. This is a problem all over Town, Marshall, Glen and Lewis. Incoming Council should take a look at this issue. Speed and lack of speed limit enforcement.

ML – I understand where you are coming from. We got Engineer's report. If it's speed call Chief, either a car there. Next issue.

Police Chief Robert Stettner – anyone can call/email, but if the Public does not inform us we cannot respond. We would do a Radar detail. If we have times we can do speed enforcement.

MP – Why info not relayed to Police Department?

RS- Ms. Paulus you sent me a complaint and did I respond to you in a timely fashion?

MP – Yes, yes.

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RS- Let's not focus on the Past, I can't do anything about the past. Focus on the Future, call the Police Department. I encourage you to talk with your Community Officer – I think it is Matt Amey assigned to that detail.

JP – If I called you everytime someone sped down the street.....

RS – no we would set up equipment to gather the data – note when high volumes and formulate a schedule accordingly.

JP – Mayor – Lewis/Fulton came to the attention of ATC

Connie Fuoco – Police Officers too? Call and complain?

RS – call as soon as happens, we need to be advised

Dan Boyce – 244 Irwin St

I am requesting Speed Bumps on Irwin St, they fly through there too. Every Neighborhood, the other day I was almost hit by a school bus with kids in the bus! Simple? Put up stop sign – solve the problem.

TT – 2010 Councilman Davis and I proposed speed bumps on the 600 block of Warren St, but we were told by Engineer not warranted there.

DB – Engineer's report, speed bumps?

Stan Shrek, Engineer – yes, speed bumps were considered.

Pete Piscillo – 212 Hudson St

There seems to be a disconnect between the residents and the Police. In the Past, Chief Faulborn would attend the TC meetings, perhaps if you attended the meetings you would already be aware of these issues.

RS – That is your opinion. My job is to dictate Policy – our Patrolmen take complaints – our Supervisors enforce.

RS – Majority of Council said Police report a waste of time. Perhaps there is a disconnect – we need a happy medium. I encourage the residents to communicate their problems to the Police Dept.

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Blaine Fehley – Chief Stettner, how many tickets have your officers written for speeding?

Bill Timmann – Dispatch probably doesn't pass everything on.

ORDINANCES

O: 2017-29 (Bond Ordinance First Reading) **TABLED 11-21-17/ Continued Tabled 12-05-2017**

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

ROLL CALL

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

O: 2017-25 (Second and Final Reading) **TABLED 11-21-17/ Remained tabled 12/05/2017 until Attorney has reviewed Lease Agreement**

ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING THE

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CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO PROVIDE FOR THE PLACEMENT OF SIGNAGE ON THE TRANSIT LOT

ROLL CALL

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

O: 2017-28 (Second and Final Reading) **TABLED 11-21-17 Pending Engineer Study**

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

Motion to untable Ordinance was made by Councilman Lutz and seconded by Councilman Piazza. Passed by a 4-0 vote.

ROLL CALL

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

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O: 2017-31 (First reading was pending on Engineers report mtg. of 11-21-17)

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 FULTON STREET AND LEWIS STREET
 WITHIN THE TOWN OF PHILLIPSBURG

ROLL CALL

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

Insufficient votes does not carry.

O: 2017 – 32 (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
 SIGNS AT INTERSECTIONS ALONG FULTON STREET AND
 ELLEN STREET WITHIN THE TOWN OF PHILLIPSBURG

ROLL CALL

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

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12. RESOLUTIONS

R: 2017-248

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING REFUND OF TAX OVER PAYMENT

ROLL CALL

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

R- 2017-249

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE OPERATIONS AND MAINTENANCE AGREEMENT BY AND BETWEEN APPLIED WATER MANAGEMENT INC. AND THE TOWN OF PHILLIPSBURG FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE TOWN’S WASTEWATER TREATMENT PLANT AND THREE (3) PUMP STATIONS

ROLL CALL

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

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R: 2017-250

**RESOLUTION OF THE TOWN OF PHILLIPSBURG
 AUTHORIZING THE TRANSFER OF CERTAIN AGREEMENTS
 WITH OPUS INVESTMENTS LIMITED LIABILITY
 COMPANY THE DESIGNATED REDEVELOPER OF THE
 INGERSOLL RAND REDEVELOPMENT AREA AND
 PHILLIPSBURG COMMERCE PARK URBAN RENEWAL
 ENTITY, LLC**

Discussion – J. Davis asked Attorney Wenner if he felt Bridge was fully committed to this project? He responded that he did. He continued that Councilman Davis had reservations related to not being given specific financial information. He assured him there was an affidavit stating their role in the Project. Joe Meyner then asked if it was legally backed up and Attorney Wenner said yes. T. Tersigni added after vote, only business friendly action would be a yes.

ROLL CALL

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

R: 2017-251

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF
 WARREN, STATE OF NEW JERSEY, APPROVING A
 CHANGE ORDER FOR THE EMERGENCY STORM SEWER PIPE
 REPAIR**

Discussion – ML asked if they looked into the Sewer? Engineer Schrek explained that during the excavation at Chase Bank, within easement, pipe collapsed – much longer reach – added more footage.

ROLL CALL

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

R-2017-252

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RT ENVIRONMENTAL SERVICES, INC FOR ASBESTOS AIR TESTING IN AN OFFICE AT THE FORMER FREEMAN ELEMENTARY SCHOOL

Discussion – CP Tersigni thought reports were done prior to moving in? Councilman Davis felt this referred to ceiling tile having been disturbed, wanting to make sure there is no asbestos.

ROLL CALL

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

NEW BUSINESS

Motion to amend minutes to include the Monthly Police Report and the Fire Department Monthly Report.

PUBLIC PETITIONS

(Public Comments)

Ann Davis – 222 Lewis Street

This has been a long time coming. A complaint was made on September 12, 2016, the first day of school. My mother, Ann Marie Fleming, who has been a

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Crossing Guard for 37 years, was having an issue with parents parking and the buses. She spotted a Police car go by and called for help. The Police Officer went by slammed on his brakes so hard the car swerved, got out of the car and told my mother she better not yell like that ever again – and if she was too old to do the corner it was time to leave. The next day, the same officer stopped-stared; did not apologize or explain maybe having a bad day. My mother gave report of event to Police Records Clerk and the Mayor. Mayor said he would look into. An Lt. called and said there was no internal affairs and he came to my mother's house, she made sure her daughters were there. Another officer talked with her and recorded. Met for final on 12/24/16 letter stating officer found of no wrong doing. The witnesses of the event were never spoken to and a bus driver witnessed while sitting in her bus, she was never spoken to either. Now it is December 5, 2017 and still no Resolution. Although there was a campaign sign stolen on a Saturday and resolved by Tuesday. The Mayor did speak to Mom's attorney, but this seems to have been swept under the rug. Not the entire Police Dept acts this way, some make it a point to go to Mom's corner and ask her if she needs help. She has been a dedicated employee for 37 years. Dedicated service helping kids; which she took very seriously. Carried a portable scanner – to be sure emergency vehicles could get through. A job that saved her when my Dad passed. On her corner in all kinds of weather. At same corner the entire time. We'll be out together and a child will walk up and give her a hug and say this is my crossing guard. It saddens me to know that Friday she crossed her last child. She'll miss the jokes and laughs and cups of coffee offered, I hope the Police Dept can sleep at night.

TT – She will be missed at that corner, take time and enjoy your family.

OPEN TIME

Council President Tersigni spoke about the Town employees having been moved to 120 Filmore Street, the old Freeman School.

1. No fire extinguishers on the first floor
2. The ones on the second floor have expired
3. Is not ADA compliant in Green Zone
4. Heating – is too hot, windows open money going out the window
5. Mayor Ellis on Facebook Page – Bond Ordinance to borrow 2 million was tabled by me. Get facts straight – motion to table 5-0 vote. Tells me – that

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I neglect to put on facebook to discredit – bunch of BS. False statements always against me, Council President.

The third Tuesday of December will be last meeting as Council President. The last couple of meetings, even though the Mayor sends a report, he does not attend meeting. I missed 1 meeting in 8 years. 5-0 vote, I did not table. Then he brings up \$11,000/month at the Community College & Mayor considered 7 different locations, could have been out a year ago. Councilman Davis and I agreed that WCCC would be best. Back in May 2017 – Mayor said Freeman School had asbestos, not ADA compliant. Our recommendation to go elsewhere. Closed for 2 years.

Wish all Merry Christmas and a Prosperous New Year.

Councilman Piazza – no comments. An honor to serve for 8 years.

Josh Davis – no comments

MOTIONS

Application for active duty – Richard M. Selser – Warren Chemical Co. No. 1

Application for active duty – Rafael Manana – Lincoln Engine Co. No. 2

Councilman Lutz moved to accept and the motion was seconded by Councilman Davis. Motion passed 4-0 with Councilman Fey absent.

ADJOURNMENT

Councilman Lutz moved to adjourn and motion was seconded by Councilman Piazza.

Adjourned at 9:08 PM

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