

## WORK SESSION MINUTES

January 09, 2018

The Work Session of the Town Council of the Town of Phillipsburg was held on Tuesday, January 09, 2018 at 7:00 PM at the Senior Center, 310 Firth Street, Phillipsburg, NJ 08865

Councilwoman DeGerolamo read the required Open Public Meeting Act Statement.

### ROLL CALL

Council Members: Davis, DeGerolamo, Lutz, McVey

Council President: Fulper

PLEDGE by the Assembly

### TOWN OFFICIALS PRESENT

Attorney Wenner, Clerk Kleiner

### PUBLIC COMMENTS

Council President Fulper speaks before the public – Council President Fulper thanked everyone for coming tonight, and that we are going to conduct things civility – last week we went to a class by the League of Municipalities. This week we want to remain civil, I am asking that you please treat everyone with respect, we started on a positive note and we want to remain on a positive note. No negativity, no name calling. Thank you.

Meliss Paulus, 26 A Glen Ave., in reference to the Sewer on Irwin Street, there was a seven (7) year depression in the road, in light of what he stated it is very unfair to me that he had no time to contact their own contractor.

Meliss Paulus continued to speak about the Mayor's bills and elected officials are held to a higher standard, if this gets paid we are setting a precedence of any action. I submitted an OPRA, which I haven't received yet. A public official or an employee it is not fair to the tax payers. If this gets paid I will obtain my own legal counsel. It happened before as a resident I don't approve it. I question the legal fees the hourly charges were related. The Mayor's own action caused this and it should be on our backs.

Joe Meyner, 392 South Main Street, we have to take exceptions

Councilman Davis – Point of order

Joe Meyner, if a citizen sues a member of the board, guilty or not there should be a protocol for undue costs. Court rules official was guilty, issue charges the public official should be liable. If it doesn't reach that then the public official should maintain the protections. If no trial or win they shouldn't have to pay. The prosecuting attorney threw out the case; no conviction the case is finished. Council President Fulper stated I don't know the facts.

Bill Timmann, 230 South Main Street, I think that you need to look at the PILOT program – Howard Street property, the streets, kids, school.

Council President Fulper stated he needs to see where the Land Use Board is on it.

Attorney Wenner stated 2014 the PILOT program was approved.

Councilman Davis stated that in 2016 there was a motion to amend

Dan Boyce, 244 Irwin Street, Howard Street I agree no need for Perrucci to build here – why have another disaster.

If someone accuses you of a crime, win, lose or draw –you hire an attorney and pay the attorney.

The episode of the sewer, June 20<sup>th</sup> sink hole, on June 23, 60 hours later I was leaving for work at 8:30 PM that night I got a letter in my mail box stating I had till 7:00 am to find a contractor. I work night shift, I got home and they already started working at 6:50 am.

Council President Fulper questioned Dan Boyce; you checked your mail box at 8:30 PM on your way to work.

Dan Boyce stated yes I got the notice at 8:30 pm on my way to work, I called numerous times over the years – I don't know who I spoke too. It went back to the Harry Wyant term as well.

Council President Fulper hopefully we can rectify that tonight. I have the letters; we visited the Municipal building last week. Sandy Callery was on vacation when this problem came up. The Mayor deemed it an emergency, gave the home owners twelve (12) hours to find a plumber. I posed a question to Ms. Callery, if you were here would it be this how it would have gotten done? She replied no. I can't speak for anyone else I am in favor of returning funds back. A learning experience, I don't fault Mayor Ellis.

Council Vice President DeGerolamo questioned Barrymore

Attorney Wenner – this was one lateral running into multiple units; two paid.  
Councilman Lutz was it grandfathered in that's why it wasn't fixed before now?

Attorney Wenner stated yes until a problem arises, then needs to be current

Dan Boyce 1,3,6, did divide five homes, but there are six addresses, 244, 243, 240,236, 234, and eight units.

Council Vice President DeGerolamo – asked hypothetically what happens if you're on vacation you can come home to five thousand dollar bill from the Town?

Attorney Wenner questioned what happens?

Council Vice President DeGerolamo stated – what if you can't afford it, and a tree fell on your neighbor's property.

Attorney Wenner stated emergency repair is a no bid process – Council has the authority to adopt a resolution not to go out to bid in a fixed urgent situation. We have currently, gone out to bid and have old sewer and/or storm water by Montana Construction – price and material set price, to avoid problems.

Council President Fulper six months from now fix the sewer lines.

Dan Boyce stated six homes

Councilman McVey stated unconfirmed after the facts, practice protocol of a 31 year employee she said no, not sure of emergency, emergency calls, who's approval – who is that person, my opinion it is a liability issue

Councilman Davis deviated with protocol – did she?

Councilman McVey questioned the Town pays the bill, if it is an emergency situation? If lateral was not an emergency, no sewer in or out the home owner can do it. It is hard to get money from a homeowner with a very expensive plumber at emergency rates.

Councilman Davis – questioned some confusion - if he had seen the letter asking for an emergency meeting? We have seen multiple documents and I can't recall.

Attorney Wenner types of emergency, states of emergency; the engineer states the emergency and gives a certification of such.

Council President Fulper stated Ms. Callery wants the lien imposed

Bill Timmann stated he had a lateral break last year cost him over \$6,000.00 between the plumber and concrete work.

Councilman Lutz questioned Attorney Wenner if this was done as an emergency with Engineer

Council President Fulper stated that Ms. Callery stated that Stan didn't show.

Councilman Davis stated what last June, that Stan should come Tuesday to the meeting. Council President Fulper agreed.

Council President Fulper stated moving forward discussion on the Attorney Bill – I ask that you refrain from comments, we already had the public comments, please don't shout out.

Councilman Lutz questioned who brought the complaint, Blaine Fehley to Mayor Ellis?

Attorney Wenner charges were dismissed from what I understand. Councilman Lutz I believe that the Mayor and Council should have this insurance. Attorney Wenner stated that an elected official who is found not guilty or dismissed it is provided. Council President Fulper there is a question of time – is there a time the Mayor, by statute? Attorney Wenner there is a time of a potential claim which is 10 days. Council President Fulper questioned Clerk Kleiner were you told about the complaint within 10 days? Clerk Kleiner's response was no. Councilman McVey stated Mayor has debt Council, services, retainers, transferred to Hunterdon County, Deputy Counsel could have done it? Attorney Wenner the case was transferred because of a conflict, me or Deputy Attorney. Councilman McVey would be a conflict of interest? What's not a conflict? Councilman Davis stated that the Deputy Attorney completed the lease with the school district. Attorney Wenner stated that Chris and I have a good relationship, not ~~XXXX~~ the Town of Phillipsburg. Councilman McVey stated sounds like an oxymoron to me. Council President Fulper stated conflict between prosecutor and Deputy Town Attorney? Attorney Wenner, advancing the goals of Town. Councilman Davis if we don't pay that bill we can be threatened with lawsuits. I question the amount if not pay in entirety – are we sittings ducks for frivolous lawsuits. Council President Fulper I don't care what anyone's says if he never notified in the 10 day period, it was my view that the Mayor instigated the incident. I am threatened daily. I feel if we pay this it will encourage whatever attitude. My personal opinion is that he instigated it. Councilman Davis we need qualifying lines of what's acceptable or not. New standard of behavior it is a slippery slope. Council President Fulper this scenario can't lose temper case and point. The mayor blasted me day after meeting and I ignored it. My view is you would have notified us in 24 hours. You are a very intelligent man. I don't have his answers will have to vote on it Tuesday. Councilman Lutz, pay me now or pay me later lawsuit, maybe he learned his lesson, I don't want to pay more money out; I understand your point, if the insurance covers it? I think it is up to the Attorney to iron it out to see if we can negotiate a lower price. Council President Fulper I respect that point.

Councilman Lutz I understand why put in Easton events and parking, I was against the transit lot, it should have gone to Elizabeth Street, I had a long talk about the kiosk. The employees who can sit and take the funds, it wasn't working from 10 to 4 the people didn't mind getting a \$17 ticket for the family to ride. I am not for it. So many problems at the Polar Express. It's not a year Mayor can put me in charge of transportation and call the police when it's not working.

Councilwoman DeGerolamo Riverside Way was not working? Councilman Lutz stated 50 cars there at one time. Attorney Wenner stated ordinance pay the parking lot. Councilman McVey Kiosk is a disaster, in my previous employer New Brunswick parking Authority, a quaint river town the human's factor is nice and old fashioned, and humans don't break down. In the future I am not against the Kiosk system, 40 businesses – gain income, it can be a business building but bring the human factor in.

Councilman Davis has no comment

Councilwoman DeGerolamo, we have a license agreement, can we remove the kiosk

Council President Fulper stated as Councilwoman DeGerolamo lease here. Councilman Lutz stated it's just bolted down. Council President Fulper we have a transit agreement for five (5) years, it is an active lease, and paragraph 4 section 2 stated no space, parking for car shows. We lined the egress portion, we are using the lot without the consent it is forbidden, and no fees are to be charged. It is a disaster – blaming and punishing local businesses. I spoke with T. Wynkoop and Jimmy's hot dogs. They are not happy with face book posts we need to try to work and repeal the program. We can put Don Dickey and hire people pay a local resident, no at transit lot, we can hire someone who needs a job, and have the same outcome without \$20,000 or \$30,000 in bills. Councilman Lutz, Riverside lot in the summer it is jammed with tubers, across the river people, Thomas and Polar Express. Attorney Wenner stated we can rescind and restart, willing to talk to Mayor and start over, not opposed to making money for the Town we just need to re-write it.

Council President Fulper discusses the times for executive meetings; we are going to move them to the end of the meeting not to upset the public.

Councilman Davis stated that they are in the beginning if we had a guest.

Councilwoman DeGerolamo stated meetings are run, we are going to follow rule 4 and give the public an approximate time also.

Councilman Fulper discusses, we are going to have several if possible budget meetings.

Council President Fulper discusses future Council Meeting places. We are welcome here are long as we keep it clean. We are talking to the Housing Authority also, off Heckman Street. We should have been in the Freeman School but that is now the tax office. I will reach out to G. Troxell and we are ok to meet at the Senior Center for the 16<sup>th</sup>.

Councilman Lutz moved to adjourn. The motion was seconded by Councilwoman DeGerolamo.

Meeting adjourned