

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
WEDNESDAY, September 17, 2019
7:00 P.M. — REGULAR SESSION AMENDED AGENDA

1. **CALL TO ORDER**

2. **OPEN PUBLIC MEETING ACT STATEMENT**

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF September 17, 2019 WAS INCLUDED IN A NOTICE SENT TO NEWSPAPERS OF RECORD AND POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS THE REQUIRED NOTICES UNDER THE STATUTE. IN ADDITION, A COPY OF THIS NOTICE HAS BEEN AVAILABLE TO THE PUBLIC AND IS ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK

3. **INVOCATION AND FLAG SALUTE**

Council Vice President McVey

4. **ROLL CALL**

Council President Fulper, Council Vice President McVey, Councilwoman DeGerolamo, Councilman Lutz

4A. **MINUTES** - Approval of the Council Minutes 05-07-2019 Approved 09-17-19

5. **DISCUSSION** – Bridge Development – Stan Schrek

Jeff Malanik – Final Plans, challenging site, things are moving. Some realignment of the original site plan is needed. A month ago gave Council update, now 975 building in Lopatcong, doing floor, walls, roofing is on. Hope to announce something on that building project is in phase 1a and 1b, this building is complete, shell stage by end of the year. Intersection at Rt 22 received approval from State DOT, phase 1 – (3) lighter bldgs. at the bottom, all walls are up, base core first layer of paving, then roof. Complete by April, shell stage 2020, dynamic geo technical, all geo tech work done on those bldgs., interior foundations, walls prefab, coming in by year end. April or May completed shell.

Customers won't make decision 6-9 months out, the best way is to build it...getting a lot of interest and back here with information with customers who want to lease these buildings.

Mike P. – asking Council for approval of the GDP already approved, just cleaning up the GDP to match approvals, SS some revisions phase, a site plan approval, 3,5,6 buildings, give amended site plan, slight relocation of the connector road modified. Coming in to clean up under Phase 1, Phase 2 change in number of buildings and the military building coming out, this building became larger, slight decrease in the square footage.

Asked for any questions, noted the Planning Board would see site plan next. Spent how long talking about the alternative soil, site balanced, it's gone very well, credit to a relationship that we have, my team, nice to talk to all of you with visuals before us.

Jeff M. – The market is heading in this direction, split the building, another change SS active recreation component, Green Space, behind back to Town for Trail Work, with approval phase 2 site plan to planning board.

ML – Asked where is the Power House?

Jeff M. – Responded, going down off Green Street, still using the existing, adding the Planning Board approved the sub-station.

Council VP McVey – asked about the power, along highway dark by the buildings, all the lighting down because of the construction? It's dangerous.

Devon – the intersection is under construction and the power off until it is set.

Councilwoman DeGerolamo – Fantastic job, no trash anywhere, clean job site.

Council VP McVey – Noted excited as stakeholder in the Community, thanks for SS translated into laymen's terms, production of square footage and moving forward want 100% occupancy, anything we can do to help, happy to.

Mayor Ellis – Noted telling Jeff, the SS is moving at the speed of sound, the entire organization, never saw anything happen so quickly.

JM – Meeting last week largest project in the USA, cooperate and earn trust and that is how things happen

Attorney Wenner – Asked about changes to the agreements?

Mike – Requested a couple Resolutions, Agreements, reason financing – the lenders, so it can be clean collateral with the buildings, nothing changes in the agreements, just Municipality to Finance Board, September 18th to the 23rd.

RW – 4.10 provision?

Mike – Provide Recreational Contribution, eliminate active component of Recreation. Developers Agreement – contribution of 300K – R2019-170. Directs Mayor to sign document from Sept. 18, 2019 CFO and I had conversation, no comment - submission date not possible, so that is why October 23, 2019.

- Motion to approve amended General Development Plan Approved 09-17-19

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo		x	x			
Councilman Lutz	X		x			
Council Vice President McVey			x			
Council President Fulper						X(not by phone)

6. **PAYMENT OF BILLS**

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo	x		x			
Councilman Lutz		x	x			
Council Vice President McVey			x			
Council President Fulper						x

7. **PUBLIC COMMENT ON AGENDA ITEMS**

Joe Meyner – 392 South Main Street

O2019-24 Rent Control – ignored the comments, if you pass it won't work. R2019-169 – Library Roof – no attachment, 158k previously available, 20k was needed, 400k already spent, public record statement. R2019-160,171,172 – I read, Town paying by selling bonds. Pburg to collect assessment pilot, liability issues, Mayor directed to sign. Sept 2, 2019 – Sept. to Nov. dates. Mayor can go ahead and have Library Roof done, implies, never deliver the proof, we authorized it first year, Mayor can sign.

DG – Yes, last year

Bill Timmann – 230 South Main Street

Postpone, 60-90 days on the Rent Control. Asked for people who have been in this situation to come before Council prior to passing Ordinance. Read statement requesting delay of this action.

Chris Repperly – Pittstown

Supposed to improve, house that has black bags, tie them together. Second, areas of redevelopment that haven't been gentrified, so they can make improvements to bring in retail space, Philadelphia, Easton, done a great job, won't serve the purpose.

Ed Bullock – 344 Warren St.

President of Library Board, roof - you appropriated the money, I was here before Council in June, major disaster and only half of roof is completed. We don't have a roof.

ME – We have the money in place, we are removing trees and Town Engineer is writing Specs. Engage the contract schedule with contractor.

FM – Noted he did speak to that company, in hopes they would have a contact, steps in process, no resistance. Adding, you and I discussed the winter coming. We are worried, we will move forward.

EB – Noted, Library Director, Debbie Messling, is concerned – it is a big problem, there are 4000 books at risk. Adding, glad to see on the same page.

Emil Brisson – 94 Bullman Street

Rent Control – 463 – 3E rental misspelled, -11 A4 board may refuse substantial compliance, qualitatively free – quantitatively is the correct word, 90% free of code Violations R2019-168, second whereas, CO issues, moralization the correct word is memorialization. R2019-170 numbers on the building, there are resolutions, 2019 171 – 2.5 bond, 172 talks about the infrastructure improvement, bonds would allow Town to collect. Mr. Meyner's reference, is this a change?

RW – Responded, the latter.

David Morrisette – 5 Fairview Heights

Encourage Council to award contract to Lesco Services, pass R:2019-164 tonight.

RF – Public Comments – closed

8. **ADMINISTRATIVE REPORTS**

- **Sub – Committee Sewer**
- **Sub – Committee Redevelopment**
- **Sub – Committee Landlord Tenant**
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- **Mayors Report**

Mayor Ellis – proud to announce, science based technology at Sewer Plant has significantly reduced odor. Did discover some raw sewage coming out of manholes, but not from plant, Canal Way. Picked up odor through manhole cover and tracked down the source. DPW cleaning storm and sanitary, some people out. Storm Drain, Sitgreaves St collection system backing up from McWane to Mercer St., under Hydrade and Norfolk Southern, Delaware River Park.

Friday – DCA, NPP Grant orientation. Will receive half million in the next five years, open to change the areas in the map and grant manager, got message, thanks.

Census 2020, showed up tonight, groups together to go knock on doors, large project.

FM – I was at a field hockey game, reference letter, CVS how is it moving along. The bids are out, not sure when due back, sunk two monitor tanks. Shammy shine under way.

- **Ray Pat – Football Report**

Home for two weeks – Pburg home Dec. 22 and live TV 5:20 and 7:05.

9. **ORDINANCES — SECOND READING**

O: 2019-22 – (First Reading 09-04-2019)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE PURSUANT TO N.J.S.A. 40A:12-13 AND 40A:12-21

Discussion

DG – Rent Control, licensing, if allowing in NJ, requires licenseship program, training their renters, stronger code enforcement, I support home ownership as opposed to more rentals. NJSA case documented, two conditions to be met, for rent control to make sense, vacancy problem and portability. I would be on board if vacancy problem and rent issues, not happening. Legal impact that may cost everyone else. Lot of cost putting program in place, can't handle this with the administrative staff we have, cannot throw in their laps.

One of the other things, CPI and State Cap, control CPI, but not doing that now. State cap at 2% and its not in effect now not controlling, one option is relative tax increases not making allowances, still stand behind not supporting it.

FM – Noted as he said before a hard decision – heard this evening about a Swedish economist?, has never set foot in Town of Phillipsburg.

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo		x	x			
Councilman Lutz	x		x			
Council Vice President McVey			x			
Council President Fulper			x			

10. **ORDINANCES – FIRST READING** -

O: 2019 – 24 (FIRST READING 09-17-2019)

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, TO REGULATE, CONTROL AND STABILIZE RENTS IN THE TOWN AND AMENDING THE MUNICIPAL CODE TO ADOPT CHAPTER 463 ENTITLED “RENT CONTROL”

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo				x		
Councilman Lutz		x	x			
Council Vice President McVey			x			

Council President Fulper	x		x			
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11. **RESOLUTIONS - CONSENT AGENDA** * *Matters listed on the Consent Agenda Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item to be removed for consideration

R: 2019-164

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AWARDDING A CONTRACT FOR ASBESTOS REMOVAL TO LESCO SERVICES

R: 2019-166

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R: 2019-167

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

R: 2019-168

A RESOLUTION PROVIDING FOR A REFUND PLANNING & ZONING BOARD OF ADJUSTMENTS/ESCROWS

R: 2019-169

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AWARDDING A CONTRACT THROUGH THE EDUCATIONAL SERVICES OF CENTRAL NEW JERSEY COOPERATIVE TO WEATHERPROOFING TECHNOLOGIES, INC IN THE AMOUNT OF \$178,516.60 FOR THE PHILLIPSBURG LIBRARY ROOF

R: 2019-170

RESOLUTION OF THE TOWN OF PHILLIPSBURG AUTHORIZING THE BIFURCATION OF CERTAIN AGREEMENTS IN CONNECTION WITH THE PHASING OF A REDEVELOPMENT PROJECT TO BE UNDERTAKEN WITHIN THE INGERSOLL RAND REDEVELOPMENT AREA AND APPROVING AGREEMENTS IN CONNECTION THEREWITH

R: 2019-171

RESOLUTION OF THE TOWN OF PHILLIPSBURG DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF RAB BONDS

R: 2019-172

RESOLUTION OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD SEEKING AUTHORIZATION FOR NOT TO EXCEED \$2,500,000 NON-RECOURSE REDEVELOPMENT AREA BONDS (I-78 LOGISTICS PARK PROJECT) PURSUANT TO N.J.S.A. 40A:12A-67(G) AND N.J.S.A. 40A:12A-29(A)(3)

R:2019- 173

A RESOLUTION AWARDDING CONTRACT TO INDUSTRIAL COMMUNICATIONS, INC. NEW RADIO TOWER, ANTENNAS AND EQUIPMENT REQUIRED FOR THE RELOCATION OF POLICE, FIRE AND PUBLIC WORKS RADIO BASE STATIONS TO 441 HECKMAN STREET

R: 2019-174

A RESOLUTION PROVIDING FOR A REFUND PLANNING & ZONING BOARD OF ADJUSTMENTS/ESCROWS

R: 2019-175

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AWARDDING A CONTRACT FOR PAYROLL SERVICES TO PRIME POINT

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo	x		x			
Councilman Lutz		x	x			
Council Vice President McVey			x			
Council President Fulper			x			

12. **OLD BUSINESS – also including any tabled items from previous meeting**

13. **NEW BUSINESS**

DG – Planning Board approved Medical Marijuana use variance for 55 South Main Street. Mayor and herself have not voted. Adding she is not in favor of the location due to traffic concerns, police needed for tight security. Noted it is a happy iconic building. Mo waivers grnated for parking 16 employees, expecting 1,000 customers /week. Traffic will be crazy.

RF – Council issue, Recreation Advisory, John Moore, Mayor, CFO, Clerk and Rick Thompson regarding insurance for Youth Organizations. Uninsured since 2014, insurance company willing to cover until October 1, 2019. Must choose to either join Town of Phillipsburg – with agreement under Town, draw policy, or no longer part of Town and option to get own insurance benefits. Town could provide use of fields, turn over to recreation advisory committee, we will have – not a Council issue, but issue with insurance, permission to provide in writing to review to advisory committee.

ML – Noted if he is correct, they will lose money since they would give up non-profit status.

DG – Stated, it is going to be a train wreck, it expired in 2015 and has not been reinstated.

RF – Noted, John Moore – insurance rep was direct in stating it is up to the Youth Organizations where they go from here – they need 1 million in coverage.

14. **PUBLIC PETITIONS** (Time public can speak)

Connie Fuocco – 147 Lewis Street

Noting the unfortunate condition of Town due to people dumping, adding neighbor has couch in driveway, wondering if homeowner can be fined.

ME – Stated dumping is a continuous problem in Town of Phillipsburg. He added he is under the belief that Junk dealers are dumping. The code inspectors are requesting DPW to pick up. The same piles have been sitting gfor months. Able to catch some people in the act. DPW must pick up due to health reasons, plus the regular trash pick up. Adding in Pear Alley there is a mix of everything, he keeps adding to them.

CF – Noted, you see a TV every 50 yards, adding we need to catch them and fine them. On Filmore Street, they live in the Hilltop Building.

RF – brave residents watching abandon homes, garbage in front of abandoned homes. DPW – work order, they pick it up, the claw arm, no bed bugs. Call DPW – contact Mayor’s office.

Ray Pat – 459 Kneedler Ave

Noted stop sign needed at Fisher for (3) way stop. Stated speeding on Roseberry.

Told to contact Police Dept.

Chris Repperly – on the new Ordinance, prior one, all housing

B. Fehley – 237 Bowhay Ave

13 questions – status

Ed Bullock – Ord against signs. Random Littler, streets are a mess, I pick up, not to be picking it up some kind of enforcement, you get what you tolerate. Big fine so when we catch someone we fine, Project Town of Phillipsburg dumpers fined.. XX when caught, you get what you tolerate.

ME – First you are right. Little up need to live in the answer and fine them and stop it. I agree with you. The signs, Mayor Wyant would agree telephone poles, if their address is on there they can be fined 24 hours after the sale.

FM – Cultural, we can respond to that the better the quality of life.

Joe Meyner – 392 South Main St

Rebutt Councilman, Wenner's quoting from R2019-170, bond things are structured second page, roadways, storm water curbing infrastructure within the redevelopment area

Emil Brisson – 94 Bullman St.

Bond, part of the money set aside for infrastructure in 2015 financial agreement, all these docs.

Keith Gargone – 288 Hudson St.

Recreation (2) weeks to figure out. Discuss this, receiving our stipend, a reimbursement, that did come up, CFO, insurance, Towns do practice they advised against it. The reimbursement, get around to giving money to the 501 3C. Is the Town aware of the money we need to put out. You will be paying for referees, and equipment, we do a lot of fundraising, no other way.

RF – Noted, it is as plain as day. If you're going to take our money, we put out about 48k a year. What you are looking at, the advisory committee, commission, Mayor budget for, in budget, the way of the world.

KG – What to do with organization, the families that cannot pay. You are going to forfeit the recreation. Mayor and super of recreation make policy, not a Council issue, October 2 meeting next week.

RF – I will meet and maybe Elaine Wyker, 2-3 Councilmembers, couldn't vote. They can't vote on Zoning class 4, specific to Land Use Board.

15. **COUNCIL OPEN TIME**

DG – Stated one announcement, unvailing of Butchie's grave stone at Phillipsburg Cemetery.

FML – Fire Chief, Deputy Chief Pyatt, change batteries in Smoke Alarms now.

DP – 4.10 Bridge 300k designated to Community, looking forward to results. Ecstatic of what is going to happen, to see up and running soon.

Mary Jo Harris – NORWESCAP Noted here tonight to relate to Sept 28 of Community Action, adding hours are perfect for her from 8am – 1 pm. On day of action, stopped down – amazing opportunity, cultural change, football report, field hockey field. Love lady liners, all in defeat, 21 saves out of 23 shots, lots of fun. Added some fellow councilman took it easy on her, feel better RF, insisted on it. Lots of fun, but he can have it.

RF – Noted, you're going to make me cry, wished he could have been there, fabulous job, nothing more to say, all doing the right thing, best we can. Hope to be back in two weeks. Explain RF proceed, invite his family and friends prior to business on October 1, 2019, personal choice.

16. **MOTIONS**

A motion authorizing John Zaiter to represent Mayor Ellis at a deposition in the matter of Cappello v TOP et.al at a rate of \$150/hr. not to exceed \$2,000.00

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo		x	x			
Councilman Lutz			x			
Council Vice President McVey			x			
Council President Fulper	x		x			

A motion authorizing Scott Wilhelm to represent previous Council Member J. Davis at a deposition in the matter of Sheedy vs. TOP et.al not to exceed \$2,000.00

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo		x	x			
Councilman Lutz			x			
Council Vice President McVey			x			
Council President Fulper	x		x			

A motion to nominate for Democratic Council Member seat to be filled. Candidates: Lee Clark, JP Stettner & Pat Dragotta

ROLL CALL

Council Members	First	Second	Yea	Nay	Abstain	Absent
Councilwoman DeGerolamo			x			
Councilman Lutz		x	x			
Council Vice President McVey			x			
Council President Fulper	x		x			

17. **EXECUTIVE SESSION**

R: 2019 -

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF . . .

18. **ADJOURNMENT**

Moved to adjourn 9:38.

Waiting Approval 12.17.2019