

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING MINUTES
TUESDAY, JULY 20, 2021
PHILLIPSBURG SENIOR CENTER
7:00 P.M

1. **CALL TO ORDER** 7:10 PM

2. **OPEN PUBLIC MEETING ACT STATEMENT:**

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF July 20, 2021 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**
by VP Fulper

4. **ROLL CALL** PRESENT: CP McVey, VP Fulper, Councilmembers: DeGerolamo, Piazza, Wyant
Attorney Wenner, Deputy Clerk Loudenberry, Clerk Kleiner

5. **APPROVAL OF MINUTES -** None

6. **BILLS LIST -**

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza		X	X			
Councilwoman DeGerolamo			X			
Council Vice President Fulper	X		X			
Council President McVey			X			

Councilman Wyant abstained from Vendor #7014.

PRESENTATION

Rob DeBeer – Director of Development – Peron Construction
Project proposed – Howard Street – eventually Planning Board

Presently approved for Residential – 450 units – 2005 designated Redevelopment. Had been Industrial prior to granting 2005/2006 residential units. Fifteen years attempted to get developed as Residential, challenges unable to overcome, Junk yard, pistol range, warehouses, park. Needed development partner, searched for 15 years unsuccessful.

Now proposing an Industrial use. Coming before Town Council as Town developer for their recommendation. Brad Bowler - Bowler Engineering – preliminary concepts scaled down to 420k, could be 2-3 users. Continue to advance plan and do submission to Planning Board and seek approval. Built on specs, until under contract don't know end user. Zone requirements, 400 vehicles, 39 trailers – parking flanking either side. Possibility of 2-3 users. Conforms with amended Zoning of District, need grading study, traffic study. Land development application to Planning Board.

Discussion Council

VP Fulper – Thanked for coming tonight. Asked if the previous residential 450 units – how much square footage? Asked if comparable with current plan for use of land square footage wise.

DeBeer noted 449 townhomes – then full for sale and rental not enough percentage.

Cnclman Piazza – Noted Council, Mayor and TOP committed to Trails and Rails Systems adding the Trail goes through this area and asked if it would go unimpeded.

DeBeer stated trail is on this Plan – had discussion with Town and Heritage Trails Committee and committed to trail component.

Cnclwmn DeGerolamo – mentioned Spec Building concern. Could lease building prior and is it multi floor.

DeBeer – Core/shell of building, built to spec-when user determined – fit out is done. End user determines needs. Building to spec done right away, traffic impact study must be addressed.

DD – noted what if pattern unsuitable. Started as Industrial, residential supports those working. Concern if it is a good fit for a residential Downtown.

DeBeer – noted creates Spec Building – unless developer is the end user and nature of process is known. 6-9 months before completion, requires traffic study – 2800 trips – 450 homes, less than a .25 of that. People think would be nothing but trucks. Planning to accommodate either/or 420k is lower end of scale distribution center. 200k for 2 manufacturing businesses, could mean 300 jobs.

Cnclman Piazza – noted refresh his memory, but didn't just change redevelopment for Bridge – actual warehouse smaller – changing, it works.

Cnclman Wyant – asked if plans to build at Howard Street, extension out to Center Street?

DeBeer noted been talked about, potentially on the table. Off-site amended redevelopment – total traffic-fewer trips, but all dependent on end-user. This could bring 300 manufacturing jobs; which is people who want to frequent downtown restaurants/businesses.

Cnclman Wyant – noted warehouses bring truck traffic, very different from auto traffic. Warehouse as opposed to manufacturing; which is dwindling.

DeBeer – Noted renewed interest in manufacturing – but not with certainty. Heavy truck traffic happens, we would address. Stated 7 trucks idling in front of McWane Ductile, found their way to Rt. 22.

DD stated it's been 16 years, will this take another 16?

DeBeer stated when approved built in 16 months.

DD – labor and supplies will be an issue. Feels that North Main would be better fit with Master Plan and cannot be supportive of location.

CP McVey asked is there any further Council discussion?

Cnclman Piazza asked how far back from the River? Adding water would never get there.

DeBeer stated there is no access to the river, but above flood plain, the site topography a challenge.

CP McVey thanked the presenters for bearing the litany of lies. Adding the Team are professionals, we appreciate your integrity. Noted likes the plan – thinks it is smart. Wants to address Howard Street extension, those that live at McKeen/Mercer since 1930/40's has experienced truck traffic. Continued our problem, introduce idea the Town take over, have our engineers take over Howard Street extension. Extension 2017/18 there were properties available could foreclose, no left turn – take out to Rts. 22/78. Engineer from Van Cleef- if goes forward work together as partners to address traffic. Adding we know you are stakeholders with us in the Town of Phillipsburg.

He continued, this plan has 402 parking places – those people would appreciate downtown businesses. Noted we cannot become who we want if we remain who we are. Noted South West corner across from Sewer plant – 550 ft. off the water. Redevelopment Sub-committee – nothing about park for sale. Added Councilwoman is right – we need more residential – that would be the 200- 1 & 2 Bedroom apartments in the Project proposed at the Union Square waterfront – approximately 425 people.

RP – asked if rail system could be used there?

Engineer from Bowler responded, no the grading does not allow – cannot have rails for transportation.

Attorney Wenner stated Peron Redeveloper of Howard Street– designation redeveloper’s agreement for the 400 plus residential units to submit to Planning Board – now different. Came before Council,

1. Must authorize project
2. Rights/obligations redevelopers Agreement if adopted by Council.

Peron then goes to Planning Board with site plan – authority direct Mayor – amended redeveloper’s agreement. BA here – a financial agreement and Pilot not being sought at this time. The existing Pilot would be discharged as part of the process. Prepared Resolution for tonight.

7. ANNOUNCEMENTS

Shammy Shine Grand Opening – 16th Shammy Shine - sponsored by the Chamber, very nice.

8. OLD BUSINESS

None

9. MAYOR’S AND ADMINISTRATIVE OFFICERS

BA Benjivenga asked if he could address Public and read Mayor’s report, as Mayor had prior engagement.

10. PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner – 392 South Main Street

Spoke to O2021-16 noting last Council meeting told principal 2.7 million was in Budget. Section 1 – down payment preciously adopted Budget – principal requiring Bond. Ordinance 16-19% increase. Spoke to O2021-18 – Prohibiting Cannabis within Section 625-98A “All classes – excepting delivery- shall be prohibited. If you buy by mail – legal. Suggested sell it retail or not sell at all or remove paragraph.

Reggie Regrut – 390 Heckman Street

Noted TOP is poorest town in Warren County. Warehouses where they should be, off Rt. 22. Doesn’t believe much manufacturing around, don’t need another warehouse, especially not in Historic Downtown. Have opportunity right now, asked Mike Perrucci to give land back to TOP.

B. Timmann 230 South Main Street

Peron Development – tract of land – noted Perrucci should give backe to RR Historians. Added passenger traffic not truck traffic should be Downtown.

D Morrisette 5 Fairview Heights

Thanked reps from Peron for presentation. Noted Peron originally developer of Riverfront Property, noting that what they develop “is” on the Riverfront – looks like docks; which would face Easton. Mr. DeBeers stated could be warehouse or manufacturing, Cnclwmn, who is knowledgeable, stated not much manufacturing right now. Hope Pilot not part of project, should contribute to taxes.

Kathy Baker – 1119 Logon Street

State life has changed in her neighborhood, not for the better. Tractor trailers flying down Logon Hill, concerned for children at Green Street Primary School. Stated a truck ran lady off the road. Asking for Ordinance – weight limit – adding don’t send trucks up Center Street, children in the area of ECLC. All truck traffic should be using Rt 22 entrance. Asked Council to do something now adding Pohatcong does enforce and ticket.

CP McVey stated could not agree more. Noted he resides on Lincoln Rd. just off Rt 22, adding 78/PA 33-regardless of Howard Street we are all experiencing a change in quality of life.

Joan Pierce – Sitgreaves Street

Stated enough trucks on Sitgreaves and South Main currently. Don’t need any more coming from Howard Street, they don’t go the appropriate way. If North Main – less residential, please rethink.

VP Fulper stated he sympathized with Ms. Baker. Continued he contacted Mayor/Police Chief whenever tractor trailers on Logon/Green St. Adding never saw a GPS issue last 2 years. Noted with Peron, a lot of preliminary work yet to be done. Stated he is in support of development, there is nothing currently there, but homeless, drug use. M. Perrucci bought property, belongs to him to provide plan to Planning Board. Need enforcement/tickets regarding truck traffic.

CP McVey – agreed enforcement needed, asking Administration to be aware. Adding Council’s understand’s their role. Introduced O2021-16 for 2nd Rdg asked for Public comments.

11. ORDINANCES – SECOND READING -

Moved O2021-16 & 17 to July 20, 2021 TC Meeting as there was not a Quorum on 07.07.2021

ORDINANCE NUMBER 2021-16 (1st Rdg. 06.15.2021, 2nd Rdg. 07.20.2021)

BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$2,886,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,742,175 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza		X	X			
Councilwoman DeGerolamo			X			
Council Vice President Fulper	X		X			
Council President McVey			X			

Discussion – Public – None
 Discussion – Council-None

ORDINANCE NUMBER 2021-17 (1st Rdg. 06.15.2021, 2nd Rdg. 07.07.2021)

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AT THE SEWAGE TREATMENT PLANT OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza			X			
Councilwoman DeGerolamo		X	X			
Council Vice President Fulper	X		X			
Council President McVey			X			

Discussion – Public – None

Discussion – Public-None

ORDINANCE NUMBER 2021-18

AN ORDINANCE PROHIBITING THE OPERATION OF CANNABIS BUSINESSES WITHIN THE TOWN OF PHILLIPSBURG

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza		X	X			
Councilwoman DeGerolamo			X			
Council Vice President Fulper	X		X			
Council President McVey			X			

Discussion-Public

Lisa Drummond 171 Summit Ave.

Asked if this Ordinance would effect the Apothecary’s ability to operate?

Attorney Wenner answered no.

Discussion – Council

DD – Noted seeing letter from Planning Board in Council’s packet, questioned wording, consistent with Master Plan then it should be allowed.

Attorney Wenner stated Ordinance is consistent with the Town’s Master Plan.

VP Fulper – noted for record, “no problem with the Apothecarium”? Continued by opting out now, can opt in at anytime, reserves the rights. Council to discuss what makes most sense for Town of Phillipsburg.

Attorney Wenner if no action – 5 yr. moratorium-no 5 yr. window-preserve rights – talk with constituents – certain uses-certain zones.

CP McVey asked further question.

Joe Meyner spoke out of turn and was escorted out of meeting by officer.

CP McVey stated a complex issue and thanked Counselor Wenner. Also Angela Knowles of Van Cleef Engineering for her work. CP McVey continued, he would be scheduling a Work Session the 2nd week of September to discuss Rent Control, the Corliss Demo and Cannabis issue. Asked all to do research going in to the WS.

12. ORDINANCES — FIRST READING

None

13. 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: 2021-178

A RESOLUTION APPROVING 2021-2022 LIQUOR LICENSES
WITHIN TOWN OF PHILLIPSBURG WITH A SPECIAL RULING 12:39

R2021-180

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87 the like sum of \$61,140.00 under the caption SFY21 Body-Worn Camera Grant Program

R2021-181

Apprvd. 08.17.2021

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$150.00 TO RYAN LANE

R2021-182

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$250.00 TO NOELLE HRUNKA

R2021-184

RESOLUTION AMENDING R2021-166 OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF LIQUOR LICENSE FOR PLENARY RETAIL CONSUMPTION

R2021-185

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO MONTANA CONSTRUCTION CORP., INC. IN THE AMOUNT OF \$31,154.36 AND AUTHORIZING PAYMENT FOR THE CONTRACT FOR THE 2020 ROAD IMPROVEMENT PROJECT PHASE 2 SANITARY AND STORMWATER INSPECTION

**Consent Agenda
ROLL CALL**

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant	X		X			
Councilman Piazza			X			
Councilwoman DeGerolamo		X	X			
Council Vice President Fulper			X			
Council President McVey			X			

R2021-183

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RK OCCUPATIONAL & ENVIRONMENTAL ANALYSIS, INC FOR RIGHT TO KNOW SERVICES

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza			X			

Councilwoman DeGerolamo		X	X			
Council Vice President Fulper	X		X			
Council President McVey			X			

Discussion

DD – asked about R2021-183, the buildings and the service provided.

BA – responded mixture of Buildings, must have all Town’s buildings reviewed regarding the Right To Know Survey.

DD – stated, so not just Board of Ed buildings?

Clerk Kleiner responded by saying all chemicals/cleaning products stored are updated as we buy them.

CP McVey asked for any further discussion and thanked the BA regarding the RTK Survey.

R2021-179 **(Motion to Table indefinitely)**

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE INITIATION OF A HABITABILITY HEARING FOR 293 SOUTH MAIN STREET

R2021-179
ROLL CALL

Passed 3-2

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant				X		
Councilman Piazza			X			
Councilwoman DeGerolamo				X		
Council Vice President Fulper	X		X			
Council President McVey		X	X			

14. NEW BUSINESS

15. PUBLIC PETITIONS

Keith Kennedy – 898 Hill Street
Asked about April – Green Acres Meeting.

CP McVey stated unaware of a Green Acres meeting as no Council members were in attendance.

Attorney Wenner stated Mr. Meyner has referred to Eminent Domain, not sure what referring to. Preliminary investigation if it fits Union Square – no condemnation ongoing.

Reggie Regrut – 390 Heckman Street
Stated Mike Perrucci should donate property to TOP.

D. Morisette – 5 Fairview Hghts.

Peron presented New concept Plan, different from original. Mentioned Eminent Domain in regard to Howard Street extension, right of way. Noted previous administration – Council removed possibility of employing Eminent Domain. Added developers won't come in without Eminent Domain. Stalled before Council, conflict of interest. Three people are not forthcoming in having work done by Florio, Perrucci, Steinhardt and Cappela.

CP McVey thanked for comments.

B. Timmann 230 South Main Street

Orbel Property – noted TOP doesn't need more housing/rentals. Phillipsburg has highest number of rentals in Warren County. Highest crime rate in Warren County, lowers property values. Riverside never materialized, Stockton was turned down.

Pat Petrolli - 44 Hill Street

Asked 90 truck bays?

Mr. DeBeer responded 80 bays.

PP noted Romax has 80 truck bays, continued just picture back/forth on South Main Street.

Public Petitions Closed.

16. DISCUSSION

17. COUNCIL OPEN TIME

Cnclman Wyant – Good

Cnclwmn DeGerolamo – Good

Cnclman Piazza – Good

VP Fulper – Litigant in frivolous lawsuit – Dems/Reps 08.19.2019 letter from Steven Ellis addresses – medical marijuana – GSCC at 125-165 Howard Street – letter states no objections to them coming to our Town. Claims there is only (1) foot of fill over Delaware River Park – take DEP look at it and not put Trail. Noted a conflict of interest when Mr. Morrisette sat on Planning Board and spoke about LMR. Asked about personal vendetta – John Moore, why send all to FLSC. Regarding Eminent Domain taken out because former Mayor did not like Kobbles. Paid out a lot of money in

coordinated lawsuits. Steve Ellis railroaded us, jobs to friends, falsely charged us and worked together with one lawyer. Worst administration, claiming not perfect, but won't lie to residents. Going to do what is best for residents of Town of Phillipsburg.

CP McVey noted he had been subject of investigation for supposed bid rigging regarding dry cleaning. He added, was told he would be arrested by Chief for raking ball field, prior administration didn't care for club. Continued, twice had DYFS called regarding the welfare of his daughter. Submitted to urine test all for \$51/week as Council member.

Noted Mr. Morrisette had Police called saying he had been assaulted by CP McVey because he patted shoulder and wished him luck. Fake Twitter account, professional career on the line. Continued bigger than all the petty personal, wants to see Phillipsburg succeed. Owns one car, one house and will serve the residents of the Town of Phillipsburg

18. MOTIONS

Pork Roll Palooza – Application revisited

Applications for active firefighters – Lukas E. Todd for Lincoln Engine Co. No. 2 and Angelina C. Pabon for Lincoln Engine Co. No. 2

Motion to Appoint Dustin Pierce to the Phillipsburg Housing Authority for a five year term.

ROLL CALL

Passed 4-0-1

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza		X	X			
Councilwoman DeGerolamo					X	
Council Vice President Fulper	X		X			
Council President McVey			X			

19. EXECUTIVE SESSION -

R: 2021- 187

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING In-Rem Foreclosures.

Motion to go into Executive – 9:25 PM

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant		X	X			
Councilman Piazza	X		X			
Councilwoman DeGerolamo			X			
Council Vice President Fulper			X			
Council President McVey			X			

Motion to Reconvene – 9:34 PM

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Wyant			X			
Councilman Piazza			X			
Councilwoman DeGerolamo			X			
Council Vice President Fulper	X		X			
Council President McVey		X	X			

20. ADJOURNMENT

Council President McVey moved to adjourn. Council VP Fulper seconded the motion.

5-0

Apprvd. 08.17.2021