

TOWN OF PHILLIPSBURG  
Council Meeting Minutes  
June 20, 2017  
P'burg Elementary

The Phillipsburg Town Council conducted its regular meeting on Tuesday, June 20, 2017 at 7:00 pm at the Phillipsburg Elementary School, 525 Warren Street.

The required Open Public Meeting Act Statement was read by Councilman Lutz.

INVOCATION by Council President Tersigni

PLEDGE by the Assembly

ROLL CALL

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

TOWN OFFICIALS PRESENT: Mayor Ellis, Clerk Kleiner,  
Attorney Wenner, Attorney Troxell  
Engineer Schrek

APPROVAL OF MINUTES None

APPROVAL OF BILLS:  
SUMMARY

CURRENT FUND	\$ 128,461.07
STATE & FEDERAL GRANTS	32,539.61
CAPITAL FUND	104,372.52

SEWAGE UTILITY FUND	27,915.83
SEWAGE CAPITAL FUND	40,627.75
PLANNING BOARD TRUST FUND	3,249.90
OPUS INVESTMENTS	6,670.00
SECTION 8	129.26
AGENCY FUND	190.40
<b>Total regular bills list June 20, 2017</b>	<b>\$344,156.34</b>
Section 8 Rent Payments	\$ 144,466.20
PRE- PAID BILL LIST AS OF June 20, 2017	
CURRENT FUND	\$2,000.00
<b>Pre -Paid Bills List of June 20, 2017</b>	<b>\$2000.00</b>
<b>GRAND TOTAL OF ALL FUNDS</b>	<b>\$490,622.54</b>

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

Discussion: Councilman Lutz questioned what is the bill for Dowd?  
 Mayor Response, had cut grass Kobble Beach  
 Councilman Lutz questioned total price of the splash pad?  
 Mayor stated I will need to speak to Mr. Merlo, the CFO to get that number  
 Councilman Lutz questioned the helmets, reconditioning  
 Mayor stated it is for all the youth groups.  
 Councilman Lutz thanked the Mayor for answering his questions.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

**MAYOR**

Mayor Ellis Forgave his Mayor's report this meeting

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**MUNICIPAL ALLIANCE – DJ KOPHAZY - Moved to July 05, 2017****OLD BUSINESS**

Councilman Davis asked if we could alter the order of business.

Attorney Wenner stated discuss O 2017-15.

Councilman Davis made a motion to discuss the Ordinance 2017-15. The motion was seconded by Councilman Lutz.

Council President Tersigni asks for a roll call vote.

**ROLL CALL**

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

Discussion:

Councilman Davis asked Council President Tersigni for the Floor.

After discussion this I believe we should strike and re-write there are ten revisions and the constitutional issues, we should post pone as written and rewrite it.

Councilman Davis made a motion to review and re-write the Ordinance. The motion was seconded by Councilman Lutz.

Council President Tersigni asked for a roll call vote:

**ROLL CALL**

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

Council President Tersigni questioned no more Old Business? We will move along.

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Attorney Wenner stated before we go any further he addressed the Council and the public. Meetings are run to conduct business the public has two chances to discuss business. The public needs to address the chair, this is no public debate, not a question answer session. It is not your right to pose questions, no cat calling being responsible adults with concerns and questions. You want to discuss something else you can go up and see the Mayor at his office five (5) days a week and he can answer your questions. We will be controlling the meeting with a firmer hand moving forward.  
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#### PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 392 South Main Street, questioned 2017 – 08 rental property 464.-D is excellent read it. Asking for a change in 464 –D there is a conflict. Section 3 464-5c is correct conviction(s) conviction of the court. 464-A reiteration of 464-D it is confusing.

Mr. Amey, 161 Lewis Street, Ordinance of Political signs was tabled will there be another one before the election.

Attorney Wenner stated we need to reconstruct it.

Bill Timmann 230 South Main Street, the parking and the street sweeper, if the parking ordinance then we can't use the lot. 2017-08 max number of occupants, who is going to control and monitor it?

Attorney Wenner stated Code enforcement – it is part of the uniform construction code. Mr. Timmann questioned who is going to enforce? 2017-13 and 2017-14 tabled numbers categories? Council President Tersigni it is a 1.75% increase.

Mr. Timmann – what jobs pay what

Rob Case, 383 THOMAS Street, 2017-07 existing or new? Attorney Wenner new or if problem. Mr. Case – oh the engineer

Mr. Case 2017-14 how do the salaries get determined. Council President Tersigni we go back and forth until an agreement is made.

Mr. Case 2017-129 the generators are needed?

Mr. Morrisette, 5 Fairview Heights, commended legal counsel 2017-15, simple google search would be problematic

Blaine Fehley, 237 Bowhay Have. \$25,500 for a walking path. Attorney Wenner stated in the bond. Mr. Fehley – where is the money going and what is going to be done. Councilman Piazza stated whatever is allocated is up to the committee to decide.

Tim Zagra, 531 Elder Ave., Public works TL3 Lightning loader? Attorney Wenner stated it is authorization we are not obligated to spend it.

Sandra Morrisette, 5 Fairview Heights, R 2017-110 has been tabled. The BOE requested first paragraph that was not discussed. You can't state the BOE has requested this.

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## ORDINANCES

O: 2017-06 (Second and Final Reading)  
TABLED June 13, 2017- Un-tabled 06-20-17

**A motion was made to un-table this ordinance by Councilman Lutz. The motion was seconded by Councilman Davis. The motion carried a 4 – 0 – 1 vote**

BOND ORDINANCE PROVIDING FOR VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$1,311,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,245,830 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF was introduced for a second reading by Councilman Lutz and there being no errors corrections or objections, Councilman Lutz moved that the ordinance be adopted according to law. The motion was seconded by Councilman Piazza.

## ROLL CALL

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

O: 2017-07 (First Reading) TABLED MAY 23, 2017, Un-tabled 06-20-17

Councilman Lutz made a motion to un-table this Ordinance. The motion was seconded by Councilman Davis. The motion carried a 4-0-1 vote.

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 485 “SEWAGE DISPOSAL SYSTEMS,” SECTION 4 “SEWER FACILITIES; CONNECTIONS,” OF THE CODE OF THE TOWN OF PHILLIPSBURG TO REQUIRE THE USE OF BACKFLOW VALVES FOR BASEMENT AND CELLAR SANITARY FIXTURES was introduced for a first reading by Councilman Piazza who moved that the ordinance be properly advertised. The motion was seconded by Councilman Lutz.

Discussion: NONE

**ROLL CALL**

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

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 O: 2017-10 (First Reading) TABLED – un-tabled 06-20-2017

Councilman Piazza made a motion to un-table this Ordinance. The motion was seconded by Councilman Davis. The motion carried a 4-0-1 vote.

Discussion: Councilman Lutz questioned the Cedar ally lot should be pulled. Councilman Davis stated amends the ordinance as written to remove Cedar Alley. Councilman Lutz made a motion to amend the Ordinance to remove Cedar Alley. The motion was seconded by Councilman Piazza. The motion carried a 4 – 0 – 1 Vote.

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 was introduced for a first reading by Councilman Lutz who moved that the ordinance be properly advertised. The motion was seconded by Councilman Piazza.

### ROLL CALL

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

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O: 2017-12 TABLED June 13, 2017 remained Tabled 06-20-2017

### MORE DISCUSSION

#### Historic Preservation Ordinance

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O: 2017-08 (Second and Final Reading)

Councilman Davis made a motion to table this ordinance. Councilman Piazza seconded the motion. The motion carried a 4 – 0 – 1 vote until July 5, 2017

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 464 “RENTAL PROPERTY,” IN ORDER TO REVISE SECTIONS 464-2 “DEFINITIONS,” 464-4 “RENTAL PROPERTY REGISTRATION,” 464-5 “LICENSE REQUIREMENTS; SUSPENSION OR REVOCATION OF LICENSE,” AND 464-7 “PREREQUISITES TO OCCUPANCY; MAXIMUM NUMBER OF OCCUPANTS”

O: 2017-13 (Second and Final Reading)

AN ORDINANCE ESTABLISHING 2016-2020 SALARIES FOR AFSCME AND NON-CONTRACTUAL EMPLOYEES was introduced for a second reading by Councilman Lutz and there being no errors corrections or objections, Councilman Lutz moved that the ordinance be adopted according to law. The motion was seconded by Councilman Piazza.

**ROLL CALL**

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

O:2017-14 (Second and Final Reading)

AN ORDINANCE ESTABLISHING 2016-2020 SALARIES FOR LIBRARY EMPLOYEES was introduced for a second reading by Councilman Piazza and there being no errors corrections or objections, Councilman Piazza moved that the ordinance be adopted according to law. The motion was seconded by Councilman Lutz.

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

O: 2017 – 15 (First Reading) **TABLED 06-20-2017 beginning of meeting**

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 625, ZONING, ARTICLE VIII, SIGNS, SECTION 39, REGARDING POLITICAL SIGNS



## RESOLUTIONS

R: 2017 – 110 (**TABLED 05-23-2017 remained Tabled 06-05-17**) remains  
**tabled**

A RESOLUTION EXPRESSING INTEREST IN THE DONATION OF  
THE FREEMAN SCHOOL TO THE TOWN

A Motion to Table was introduced by Councilman Lutz who moved for its  
adoption. The motion was seconded by Councilman Fey.

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

NAYS: None

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R: 2017-121

A RESOLUTION AUTHORIZING THE CLOSING OF STREETS  
AND A MUNICIPAL PARKING LOT was introduced by Councilman  
Lutz who moved for its adoption. The motion was seconded by  
Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2017-122

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES  
was introduced by Councilman Davis who moved for its adoption. The  
motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2017-123

A RESOLUTION APPROVING THE ISSUANCE OF A SPECIAL PERMIT FOR A SOCIAL AFFAIR TO MARIANNA'S PIZZA CAFÉ II, LLC d/b/a/ MARIANNA'S was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Piazza, Tersigni

NAYS: None

ABSTAIN: Lutz

ABSENT: Fey

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R: 2017 - 124

A RESOLUTION APPROVING 2017-2018 LIQUOR LICENSES WITHIN TOWN OF PHILLIPSBURG was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2017-125

A RESOLUTION PROVIDING FOR RENEWAL OF ENTERTAINMENT LICENSE was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2017-126

A RESOLUTION AWARDDING PURCHASES UNDER NEW JERSEY STATE CONTRACTOR was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2017-127

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948) (Heckman St. Phase 2) was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Lutz.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

R: 2017-128

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)(FY 2017 Clean Communities) was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2017-129

A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)(Generators for Emergency Svcs.) was introduced by Councilman Lutz who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Piazza what is being used for. Council President Tersigni - Emergency Management.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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R: 2017-130

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH VAN CLEEF ENGINEERING ASSOCIATES FOR IMPROVEMENTS TO HECKMAN STREET PHASE 2 was introduced by Councilman Piazza who moved for its adoption. The motion was seconded by Councilman Davis.

Discussion: Councilman Lutz money coming out of a grant. Mayor stated yes.

VOTE: YEAS: Davis, Lutz, Piazza, Tersigni

NAYS: None

ABSENT: Fey

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NEW BUSINESS – None

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## PUBLIC PETITIONS

Dennis Cauchen, 325 South Main Street, all constituents are embarrassed, you need to follow the Roberts Rules of Order. Why council has not addressed every member should as for his resolution.

Bill Timmann 230 South Main Street, more section 8 people are moving into this area, people walking the streets of the Town it is becoming a ghetto – how can the State shove these people here.

Joan Pierce, 119 Lewis Street, thanks for getting back to me. Mike Stires and his wife trimmed all the trees, people are picking the flowers.

Dan Boyce, 244 Irwin Street, there is a sink hole in front of my house, Council Lutz questioned did you contact the water company. Mr. Boyce stated I believe it has to do with the Sewer. Council President Tersigni asked if Mr. Boyce contacted the Mayor

Blaine Fehley, 237 Bowhay Ave., The work session meeting I asked council to have the Chief here to give his report. Attorney Wenner stated not question and answer session. Mr. Fehley why can't we have him here for bi-weekly reports. Council President Tersigni I'll get in touch with Chief Stettner, we need to install transmitters – some costs and I believe it is necessary in the hot spots. Mr. Fehley stated down to the Dental Office. Council President Tersigni stated we gave the Mayor the authority. Mayor Ellis we are in agreement. Attorney Wenner stated property acquisition. Mr. Fehley which way lot going to go? Attorney Wenner once agreement is made we'll discuss the lot. Mr. Fehley I took Harry Wyant to court, June 5, 2012 as you to redo the ordinance, not up to date. Attorney Wenner stated it was drafter abut not put in front of the Council. Mr. Fehley you're questioning not addressing.

Bill Timmann, 230 South Main Street, Ord 2017-10 transit lot pay 25 cents or one dollar for an hour

Pastor Slack 441 South Main Street, I believe that this behavior shouldn't be tolerated, the attorney is correct, you need to speak with respect. A Sargent in arms should be in place. No reason we can't address – Council you are in control here.

Dustin Pierce 118 Lewis Street, Roberts Rules should have had training. Council President Tersigni we are passing.

Dustin Pierce put it in the Town Code Q/A type thing – Cancelled not Cancelled – should also be drafted. Council president Tersigni stated it is the Council Presidents decision. Dustin Pierce stated 48 hour notice. Meeting schedule, emergent no individual has the right.

Paul Smicky, Hill St., 4<sup>th</sup> of July for Town workers, they get 16 days off  
Councilman Lutz, not given a day they used a vacation day.

Dan Boyce, the five minute limit I find insulting. Council President Tersigni stated I let people speak.

Councilman Davis, Chair has the floor.

Council President Tersigni – Joe Meyner asked for an hour and we gave it to him.

Jen Stone, 153 Lewis Street, stop sign at Fulton and Lewis, Stan Schrek stated he needed a statement from the Police. Jen Stone I write a letter to the White house and received a letter back.

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**HABITABILITY HEARINGS**

**CARRIED until July 05, 2017**

Charles F. Kinney      Block 905- Lot 51 143 Washington St.

Christine M. Lippincott Block 905 - Lot 52 141 Washington St.

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**OPENTIME**

Councilman Lutz 2017-110 to we don't need another building, to give to Billy Staples. I was reading emails Ron and Jean Titus, for a year painting pool cut grass and the rail station. We should bring them in for a proclamation. Thank you.

Councilman Piazza we had a good turnout at the Freedom house.

Councilman Davis – Congratulation on the Mayor's office the bust of color caught my eye on the personal funds used and the investment made.

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**MOTIONS**

Approval for Raffle License No. RL: 1257 issued to the Garnet Boosterettes for a Tricky Tray October 28, 2017 from 6:00-9:00 PM

Approval for Raffle License No. RL: 1258 issued to The Garnet Boosterettes for a 50/50 on premise raffle to be conducted on:

09-~~08~~-2017; 09-~~15~~-2017; 09-~~28~~-2017;10-~~27~~-2017;11-~~10~~-2017;11-~~17~~-2017  
between the hours of 5:30-7:30 PM.

Councilman Lutz made a motion to approve the raffles/bingos. The motion was seconded by Councilman Davis. The motion carried a 4 – 0 – 1 vote

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#### ADJOURNMENT

Councilman Lutz moved to adjourn the meeting. The motion was seconded by Councilman Pizza.

VOTE:      YEAS:      Davis, Lutz, Piazza, Tersigni

             NAYS:      None

             ABSENT:      Fey