

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
Monday, August 20, 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 August 20, 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 – Moment of Silence for Harold Baylor

4. **ROLL CALL**

Council President Fulper, Council Vice President McVey, Councilman Davis, Councilwoman DeGerolamo, Councilman Lutz, Mayor Ellis, Attorney Wenner and Clerk Kleiner all in attendance

5. **EXECUTIVE SESSION**

R: 2019 – 142 A

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF . . .Litigation – Law Firm FPSC – action may be taken – approx. 15 mins

ROLL CALL

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

ROLL CALL RECONVENE

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

6. **DISCUSSION** Mary Jo Harris7. **PAYMENT OF BILLS****ROLL CALL**

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

Grant Writing Bill remains tabled

8. **PUBLIC COMMENT ON AGENDA ITEMS**9. **ADMINISTRATIVE REPORTS**

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

10. **ORDINANCES — SECOND READING**

O: 2019-19 (First Reading -7-30-2019 – Second reading 08-20-2019)

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE ARMORY, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,333,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF

ROLL CALL

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

O: 2019 – 21 First Reading 08-05-2019 Second Reading 08-20-2019**ORDINANCE OF THE TOWN OF PHILLIPSBURG ESTABLISHING CHAPTER 70
“THIRD-PARTY PAYROLL DISBURSEMENT”****ROLL CALL**

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

11. ORDINANCES – FIRST READING -**O: 2019- 20 (FIRST REDING 8-05-19 – POSTONED UNTIL 08-20-19) REVISED**

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
Councilman Davis	x		x			
Councilwoman DeGerolamo				x		
Councilman Lutz		x	x			
Council Vice President McVey			x			
Council President Fulper			x			

12. 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- 146

Morris County Co-op purchase for tree removal at the library

R2019-147

A RESOLUTION PROVIDING FOR A REFUND OF PERMIT FEES- OVERPAYMENT

R: 2019-149

A RESOLUTION IMPOSING LIEN FOR MUNICIPAL SERVICES

R: 2019- 152 Professional Services agreement – FEMA Generator Contract.

R: 2019-153

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

ROLL CALL CONSENT AGENDA

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

R: 2019-143

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW
JERSEY, APPROVING THE MOVE OF SHANNON QUICK FROM ACCOUNTING CLERK TO
ACCOUNTING ASSISTANT

ROLL CALL

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

R: 2019-144

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)

ROLL CALL

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

R: 2019-145

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH GREENWOOD ABATEMENT CONSULTANTS FOR NON-ASBESTOS CONTAINING MATERIAL REMOVAL & DISPOSAL OF CEILING TILES

ROLL CALL

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

R: 2019 - 148

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH RT ENVIRONMENTAL SERVICES, INC FOR INDOOR AIR QUALITY MONITORING STUDY FOR MOLD

ROLL CALL

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

R: 2019- 150

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) Municipal Alliance

ROLL CALL

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

R: 2019 – 151

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) NPP Grant

ROLL CALL

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

13. PUBLIC HEARING – PROPOSED GREEN ACRES MAJOR DIVERSION

OPEN PUBLIC HEARING

COMMENTS

CLOSE PUBLIC HEARING

14. OLD BUSINESS – also including any tabled items from previous meeting**15. NEW BUSINESS****16. PUBLIC PETITIONS (Time public can speak)****17. COUNCIL OPEN TIME**

Councilman Davis resigns from Council

18. **MOTIONS**

Approval of raffle license RA 1293 for Grace Evangelical Lutheran Church for a tricky tray raffle on October 12, 2019 from 9am-3 pm.

ROLL CALL

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

19. **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 . . .

20. **ADJOURNMENT**

Councilman Davis made a motion to adjourn. The motion was seconded by Councilman Lutz. The meeting carried a 5-0 vote. 10:45 PM

August 20, 2019
Joseph Meyner
392 S. Main St. Apt#2
Phillipsburg, N.J. 08865
(908) 859-4531
josephmeyner@verizon.net

Town council
Rent control

Definition of dwelling 463-1 c. As the ordinance stands a landlord with many single or double houses to rent is exempt from rent control;

463-1 c Change the exclusion to buildings which contain fewer than three units whose owner owns no other rental housing units in Phillipsburg. Ad: a unit has at least a bathroom and a kitchen sink.

Also, 463-11A1(hardship) must be eliminated. This loophole allows a landlord to overborrow, invest the borrowed money elsewhere, and get a rent increase by plan. As bad as a Ponzi scheme.

Also, 463-21 must be eliminated. Expiration of this ordinance should be the business of the future council, not yours. At the very least a landlord should be required to tell the prospective tenant that the rent control is only established to be in effect for three years(463-20A).

If councilman Davis proposes them as amendments I will be done. If councilman Davis asks the council for more time and tables the motion I will begin spending 10 hours a week attempting improvements which I will submit to councilman Davis.

Possibilities

I have a plan for retail on south main street with the base index for five years of 80¢ per square foot which can be raised to \$2.20 per square foot after five years with a loophole protection (for the landlord) against changing business owners.

I have debatable economic arguments favoring indexes over percentage increases. I also have strong arguments that favor a rental czar over a control committee.

I favor fair practice leases which can be included under a czar arrangement for the czar must operate under the guidelines. Civil court overrides the czar.

A specific example of indexing

463-1 a base rent-The initial base rent divided by the consumer price index at the beginning of the term.

463-2 the rent shall be the base rent times the consumer price index subject to the requirements of 463-3.

463-1 aa- initial base rent The most recent 12 consecutive months rent collected from one tenant in the last five years divided by 12 . Lacking such a tenant or new construction go to (the appropriate section). The appropriate section(alter 463-3) Until the next assessment the initial base rent = square foot of unit divided by sum of square foot of all units times the assessed value of building times the magic number.

(Definition of the magic number is open to debate. I believe it should be .04)

To which is added the following corrections to the monthly rent;

Xtra half bath \$40, extra bath \$80, heat bill paid by tenant -\$.06/square foot, discretion of inspector 0-\$.1/square foot.

At the time of the next assessment the corrections to the monthly rent will be eliminated. However, in the event the assessment has not increased, then that corrections will continue to apply.

Sincerely, Joseph Meyner